INDEX

Afzal, Mohammed, State v. (India), 430, 432
Agiza, Ahmad, 637
Ahmed case (UK), 22
Air India bombing (1985), 104, 114, 518, 520, 523, 530, 538
Akbar, Patrialis, 302
‘Al Capone strategy’, 103, 116, 520
al-Qaeda. See also Iraq and Afghanistan, wars in
  funding of, 205
  in ‘Horn of Africa’, 586
  listing and individual sanctions against. See listing
  9/11, financing of, 80 n. 46, 205
targeted killings of leaders of, 463–70
Algeria
  on global anti-terrorism measures, 623–4
  legislation of anti-terrorism in, 628
  UK agreement with, 624
Ali, Abdi Abdulaziz, 34
‘all-risk’ approach to counter-terrorism, 14, 118, 516, 536–8
All Tripura Tribal Force (ATTF), India, 427
Allied Democratic Forces (ADF), Uganda, 586
Almadani decision (Israel), 615
Almrei, Hassan, 528
ALRC (Australian Law Reform Commission), 140, 176, 557
American Civil Liberties Union (ACLU), 471
American National Research Council, 537
Afzal, Mohammed, State v. (India), 430, 432

7/7. See London bombings
9/11. See 9/11, under N
A and others v. Secretary of State for the Home Department (UK), 229–31, 485
A, B, C and others v. Secretary of State for the Home Department (UK), 234
A v. UK (ECHR), 143, 493
Abadie, Alberto, 342
Abdullah (King of Jordan), 646
Abdulmutallab, Umar Farouk, 259
Abu Ghraib, 458, 479
Abu Hamza, 237, 245
Abu Qatada, 245
Abu Rimba, 301
Ackerman, Bruce, 94
ACLU (American Civil Liberties Union), 471
acts preparatory to terrorism in UK, 507
Aden, Adirisak, 34
ADF (Allied Democratic Forces), Uganda, 586
administrative detention. See detention
administrative law, as less restrained alternative to criminal law, 111–12
Afghanistan. See Iraq and Afghanistan, wars in
Africa. See Middle East and North Africa; Sub-Saharan Africa
African Charter on Human and People’s Rights, 627
African National Congress, anti-terrorism laws used against, 99
INDEX

American Society for Microbiology (ASM), 84–5
Amnesty International, 625, 630, 644, 647, 649, 651
Amrozi, 290, 296, 299
Amundsen, John, 100 n. 25
Andrews, Kevin, 567
anthrax mailings (2001), 83, 84
anti-Islamicism perceptions, problem of, 15, 56, 281, 306
anti-terrorism law and policy, 1–16.
See also specific regions and countries
criminal law and, 91–121.
See also criminal law
defined, 1
defining terrorism, 3, 5–7.
See also defining terrorism
development of regimes of, 7–12
distinguishing counter-terrorism from terrorism, 6
effectiveness of, 12–14
financial controls, 183–207.
See also financial war on terrorism
fundamental normative laws and values, questions posed regarding, 10–12
global approach to, 2, 44–66.
See also global anti-terrorism law and policy
human rights and civil liberties issues, 122–50.
See also fair hearing, right to; human rights and civil liberties
immigration law and, 208–41.
See also immigration law
interplay between international and domestic regimes, 3–5
judiciary, role of, 11, 49
legislation of, 151–82.
See also legislation of anti-terrorism
9/11, effects of, 1, 44–66.
See also 9/11, under N
political, social and historical aspects of, 14–16, 58–61, 64–5, 351–3
See also 'prevent' responses to jihadi extremism
scope of study, 2–3
transplantation of, 2, 67–87.
See also transplantation
UN SC and, 2, 19–43.
See also UN Security Council
AP v. Secretary of State for the Home Department (UK), 488
Aquino, Corazon, 319, 320
Arab Charter on Human Rights, 627
Arab Convention for the Suppression of Terrorism, 7, 626, 629–33, 634, 642
Arab Human Development Reports, 652
Arab Spring challenge to West posed by, 654
definition of terrorism and, 7
development issues in region and, 652
human rights and civil liberties affected by, 628
revolution in Tunisia beginning, 647
permanent state of emergency and, 638
Arab states. See Middle East and North Africa, and specific countries
Arar, Maher, 100, 462, 523, 531, 641
Armitage, Richard, 403
Arroyo, Gloria Macapagal-, 318–19
al-Asad, Bashar, 622
Ashcroft, John, 167
Ashida Amendment to Japanese Constitution, 408
Ashraf Jaffary, Mohammed, 432
Asia, anti-terrorism law and policy in.
See specific countries
Asia/Pacific Group on Money Laundering, 383
ASM (American Society for Microbiology), 84–5
assigned residence in Israel, 608
association, freedom of.
See also organisational bans and restrictions
financial war on terrorism and, 191
### Index

<table>
<thead>
<tr>
<th>Page</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>322–3</td>
<td>Philippines HSA and, asylum seekers. See immigration law; refugees and asylum seekers</td>
</tr>
<tr>
<td>464</td>
<td>Atef, Mohammed,</td>
</tr>
<tr>
<td>84</td>
<td>Atlas, Ronald,</td>
</tr>
<tr>
<td>427</td>
<td>ATTF (All Tripura Tribal Force), India,</td>
</tr>
<tr>
<td>470</td>
<td>Al-Aulaqi, Anwar,</td>
</tr>
<tr>
<td>82 n. 50, 393–4, 396–8, 397 n. 24, 399</td>
<td>Aum Shinrikyo,</td>
</tr>
<tr>
<td>541–69</td>
<td>Australia,</td>
</tr>
<tr>
<td>551</td>
<td>Anti-Terrorism Act 2004,</td>
</tr>
<tr>
<td>164, 170–1, 173, 175–6, 550, 554, 557</td>
<td>Anti-Terrorism Act 2005,</td>
</tr>
<tr>
<td>139, 172, 179, 551–3, 568</td>
<td>ASIO Act (Australian Security Intelligence Organisation Act 1979),</td>
</tr>
<tr>
<td>131, 134, 142, 556–7, 560</td>
<td>Bill of Rights, lack of,</td>
</tr>
<tr>
<td>150</td>
<td>classification of information by courts in,</td>
</tr>
<tr>
<td>156, 542–6, 543 n. 9, 552</td>
<td>constitutional challenges to anti-terrorism laws in,</td>
</tr>
<tr>
<td>141–3, 142, 556–7, 560</td>
<td>control orders in,</td>
</tr>
<tr>
<td>156, 542–6, 543 n. 9, 552</td>
<td>control orders in,</td>
</tr>
<tr>
<td>131, 134</td>
<td>definition of terrorism in,</td>
</tr>
<tr>
<td>101</td>
<td>detention in,</td>
</tr>
<tr>
<td>131, 134</td>
<td>expansion of criminal liability in,</td>
</tr>
<tr>
<td>150</td>
<td>fair hearing, right to,</td>
</tr>
<tr>
<td>150</td>
<td>fair hearing, safeguarding of right to,</td>
</tr>
<tr>
<td>116</td>
<td>human rights and civil liberties in,</td>
</tr>
<tr>
<td>567</td>
<td>immigration law in,</td>
</tr>
<tr>
<td>2010, 547</td>
<td>Independent National Security Legislation Monitor Act 2010,</td>
</tr>
<tr>
<td>551–4</td>
<td>intelligence collection, powers of,</td>
</tr>
<tr>
<td>545–6</td>
<td>international law, influence of,</td>
</tr>
<tr>
<td>566</td>
<td>Iraq and Afghanistan, wars in,</td>
</tr>
<tr>
<td>12, 544</td>
<td>judiciary, role of,</td>
</tr>
<tr>
<td>542, 546–7</td>
<td>legislation of anti-terrorism in,</td>
</tr>
<tr>
<td>157</td>
<td>level of terrorist threat in,</td>
</tr>
<tr>
<td>545, 546</td>
<td>legislative system compared with Canadian, New Zealand, UK and US,</td>
</tr>
<tr>
<td>156–8</td>
<td>legislation of anti-terrorism</td>
</tr>
<tr>
<td>547</td>
<td>minimum core of information, requirement to provide,</td>
</tr>
<tr>
<td>544, 563, 566–8</td>
<td>Mousepox experiments,</td>
</tr>
<tr>
<td>176, 547, 550, 554, 558</td>
<td>National Security Legislation Amendment Act 2010,</td>
</tr>
<tr>
<td>546</td>
<td>New Zealand compared,</td>
</tr>
<tr>
<td>542, 546</td>
<td>PII in. See public interest immunity as populist rather than liberal democracy,</td>
</tr>
<tr>
<td>319</td>
<td>preventive detention in,</td>
</tr>
<tr>
<td>125</td>
<td>procedural fairness in,</td>
</tr>
<tr>
<td>50, 129–30</td>
<td>proportionality principle in,</td>
</tr>
<tr>
<td>505, 550</td>
<td>proscription of organisations in,</td>
</tr>
<tr>
<td>558–9</td>
<td>prosecutions in,</td>
</tr>
<tr>
<td>99</td>
<td>religious or political motives, requiring,</td>
</tr>
<tr>
<td>104, 105</td>
<td>trials of terrorists in,</td>
</tr>
<tr>
<td>1373 and, 545, 548</td>
<td>UN Resolution 1373 and,</td>
</tr>
<tr>
<td>566</td>
<td>US influence on,</td>
</tr>
</tbody>
</table>
INDEX

Australian Law Reform Commission (ALRC), 140, 176, 557
Azam Ba‘afut, 299
Azra, Azyumardi, 308

balancing test, proportionality principle, 128
Bali bombings (2002), 8, 56, 98, 290, 291
Banks, William C., 47, 449
Barak, Aharon, 614, 615, 616 n. 70
Barak-Erez, Daphne, 597
Barder, Sir Brian, 233
Bargouti, Marwan, 604
Barot, Dhiren, 256
Baxi, Upendra, 444
Beinisch, Dorit, 603
Beit Sourik
Beinisch, Dorit, 603
Beit Sourik case (Israel), 611
Belmarsh case (UK), 170, 510
Ben Ali, Zine el-Abidine, 647, 651, 654
Bernadotte, Count, 598
Besige, Kizza, 590
Bethlehem, occupation of Church of the Nativity in, 616
Bhaiyya, Raja, 436
bin Husin, Azahari, 290
bin Laden, Osama, 247, 359–60, 361, 374, 455, 555
Bingham, Lord, 146, 149, 491, 496–501, 502
biological weapons. See weapons of mass destruction
Birmingham bombings (1974), 162
Blackwater, 480
Blair, Tony, 158, 170, 174, 179, 181 n. 121, 211, 232, 244, 249, 504
Boomerag group, South Africa, 593 n. 118
Bournemouth v. Bush (US), 456
Braithwaite, John, 119
Brennan, Gerard, 544
Britain. See United Kingdom
Brown, Gordon, 179, 253, 505
Brown, Lord, 224, 487, 488, 489, 493
Browne, Nathan J., 636
burial of terrorists and terrorist suspects, 301
Burke, Denis, 546

Cairo Institute for Human Rights Studies, 637, 639
Cameron, David, 60 n. 69, 158
Campbell, Colin, 258
Canada, 514–40
administrative law, use of, 112
Air India bombing (1985), 104, 114, 518, 520, 523, 530, 538
‘Al Capone strategy’ in, 520
‘all-risk’ approach to counter-terrorism in, 14, 118, 516, 536–8
ATA (Anti-terrorism Act 2001, Bill C-36), 140, 159, 161, 166, 515, 516–24, 530, 534
Charter of Rights and Freedoms 1982, 125, 156, 160, 519
classification of information by courts in, 138–9, 140–1
compelled statements in, 522
co-ordination of intelligence agencies in, 538–9
criminal anti-terrorism law in, 99, 100, 101, 114, 516–24
CSIS (Canadian Security Intelligence Service), 520, 523, 526, 528, 534
definition of terrorism in, 516, 517, 525 n. 49
detention in
under immigration law, 524
preventive arrests, 521
torture, deportation leading to risk of, 527–9
Evidence Act 1985, 131, 137, 138–9, 140–1, 142
expansion of criminal liability in, 101
extraordinary rendition of Maher Arar and, 100, 103, 462, 523, 531
fair hearing, safeguarding of right to, 150
financial war on terrorism in, 187, 189, 192, 193 n. 28, 195, 196, 201, 518, 534
Index

660

China (cont.)
definition of terrorism in, 337, 345
development of anti-terrorist regime in, 8
emergency powers in, 61
Emergency Responses Law (2007), 338
extra-judicial handling of crises in, 338, 345
Hong Kong’s obligations under international instruments and, 358. See also Hong Kong
individualistic terrorism in, 335, 351–5
legislation of anti-terrorism in, 164, 336–9
listing, regulations in accordance with, 359–60
Martial Law (1999), 339
9/11, response to, 347
political, social and historical aspects of terrorism in, 351–3
regime change threats, 334, 348–53
rightful resistance theory and context of terrorism in, 338, 340–3, 348
rule of law reform in, 337
SCO (Shanghai Cooperation Organisation) and, 345–7
separatist movements, 334, 343–8, 351–3
Tiananmen Square, Beijing, 376
types of terrorist threat in, 334–5
UN Resolution 1373, response to, 336
Wenchuan earthquake, 334, 334 n. 1
China Democracy Party (CDP), 349
China Spring (periodical), 350
Church Committee (US), 467
Church of the Nativity in Bethlehem, occupation of, 616
Churchill, Winston, 121
CIA (Central Intelligence Agency), 459, 460–70, 624, 637, 641, 646, 653
citizenship
deprivation of, 237
as education program, 252
civil law
statutory provisions for security-sensitive information in civil proceedings, 137–49
substantive transplantation to, 73, 77
civil liberties. See human rights and civil liberties
civilian lives, taking of. See collateral damage to innocent civilians
Clarke, Peter, 247
classification of information by court, 138–41
Clinton, Bill, 452
closed hearings. See fair hearing, right to
Coco v. The Queen (Australia), 544
coercive interrogation. See torture
USS Cole, attack on (2000), 465
collateral damage to innocent civilians
German rejection of, 284 n. 51
necessity defence in Singapore, 284
targeted killings and, 110, 469,
610–11
terrorist view of, 299
common law public interest immunity. See public interest immunity
community-based policing practices,
243, 261–4
community-based or social approaches to preventing terrorism, 243, 250–61
comprehensive anti-terrorism strategy, place of criminal law in, 117–21
confessions before police in India, evidentiary status of, 424–6, 429
confiscation or forfeiture of property. See property, deprivation of
constitutionalism, diverse effects of anti-terrorism law on, 61–3
contractors used in combat situations, 480
contributing factors to terrorism, addressing, 119
control orders, 485–93
in Australia, 554–5, 559
criminal law and, 104, 108, 111
due process concerns, 489–93
<table>
<thead>
<tr>
<th>Index</th>
<th>661</th>
</tr>
</thead>
<tbody>
<tr>
<td>ECHR art. 5, right to liberty under, 485–9</td>
<td>ideal role in broader anti-terrorism strategy, 113–21</td>
</tr>
<tr>
<td>failure of criminal law, as evidence of, 511</td>
<td>in Indonesia, 98, 100, 113</td>
</tr>
<tr>
<td>fair hearing, right to, 142</td>
<td>intelligence collecting and, 119–20</td>
</tr>
<tr>
<td>rapidity of enactment of, 170</td>
<td>in Israel, 604–7</td>
</tr>
<tr>
<td>reactivity of anti-terrorism legislation and, 164</td>
<td>in Japan, 390, 393, 393 n. 4, 399, 406</td>
</tr>
<tr>
<td>TPIMs (Terrorism Prevention and Investigation Measures) replacing, 510</td>
<td>less restrained alternatives, risks of, 91–2, 106–13</td>
</tr>
<tr>
<td>transplantation and, 70</td>
<td>limits, awareness of, 120</td>
</tr>
<tr>
<td>Convention against Enforced Disappearances, 328</td>
<td>listing and, 95–6</td>
</tr>
<tr>
<td>Convention against Torture (CAT), 458, 459, 460, 626, 637</td>
<td>military detentions and trials as alternative to, 9</td>
</tr>
<tr>
<td>Convention relating to the Status of Refugees (1951), 209, 211, 217, 225, 235</td>
<td>precautionary principle in, 102</td>
</tr>
<tr>
<td>conviction rates in terrorist charges, 103, 104</td>
<td>procedural requirements and standards of proof in, 114</td>
</tr>
<tr>
<td>Counter-Terrorism Committee (CTC), 4</td>
<td>proper use of, 92–3</td>
</tr>
<tr>
<td>counter-terrorism measures. See anti-terrorism law and policy</td>
<td>reactive legislation, problem of, 93, 94</td>
</tr>
<tr>
<td>Countering Terrorism and Radicalisation Programme, 260</td>
<td>religious or political motives, anti-terrorism laws requiring, 99–101</td>
</tr>
<tr>
<td>criminal law, 91–121</td>
<td>sentencing of terrorists convicted under, 116–17, 287</td>
</tr>
<tr>
<td>in Australia, 99, 548, 549, 551, 557</td>
<td>in Singapore</td>
</tr>
<tr>
<td>in Canada, 99, 100, 101, 114, 516–24</td>
<td>detention without trial instead of, official reasons for, 273, 277–82, 282 n. 47</td>
</tr>
<tr>
<td>in China, 336, 337</td>
<td>legislation of new overlapping crimes, 285</td>
</tr>
<tr>
<td>comprehensive anti-terrorism strategy, place in, 117–21</td>
<td>in South Africa, 99, 574</td>
</tr>
<tr>
<td>core concept of, 120</td>
<td>substantive transplantation to, 77–81, 112</td>
</tr>
<tr>
<td>dangers of relying on, 91, 93–106</td>
<td>in Syrian Arab Republic, 639–40</td>
</tr>
<tr>
<td>definition of terrorism and, 91, 92, 98–101, 114</td>
<td>terrorism trials, 103–6, 115</td>
</tr>
<tr>
<td>detention without trial in Singapore instead of using, 273, 277–82, 282 n. 47</td>
<td>UN Resolution 1373 on criminalisation of terrorist acts. See UN Resolution 1373</td>
</tr>
<tr>
<td>domestic criminal law responses to 9/11, 96–8</td>
<td>cross-border transfers in financial war on terrorism, 198</td>
</tr>
<tr>
<td>expansion of notions of criminal liability, 101–3, 114</td>
<td>crown privilege. See public interest immunity</td>
</tr>
<tr>
<td>financing of terrorism, focus on, 94–5, 97</td>
<td>CTC (Counter-Terrorism Committee), 4</td>
</tr>
<tr>
<td>in Hong Kong, 370–2</td>
<td>Cuéllar, Mariano-Florentino, 202–3</td>
</tr>
<tr>
<td>human rights and civil liberties issues, 91, 92, 93, 99, 106, 114</td>
<td>Cui Yingjie, 354</td>
</tr>
<tr>
<td>Dalla-Pozza, Dominique, 179</td>
<td></td>
</tr>
</tbody>
</table>
Danish cartoons of Prophet Mohammed, publication of, 245
Dar-es-Salaam, Tanzania, bombing of US embassy in (1998), 584
David v. Macapagal-Arroyo (Philippines), 315, 318, 322
Davis, Fergal, 154
davis, Kevin e., 183
de Londras, Fiona, 154
decentralisation of counter-terrorism regime in India, 421
defining terrorism, 3, 5–7
in Australia, 484, 547–9, 563
in Canada, 516, 517, 525 n. 49
in China, 337, 345
in criminal law, 91, 92, 98–101, 114
in Eastern Africa, 576
financial war on terrorism and, 187
in Hong Kong, 367–8
importance of, 595
in India, 429
in Indonesia, 292
in Israel, 617
Laqueur on, 314 n. 33
in Middle East and North Africa. See under Middle East and North Africa
in New Zealand, 562–3
Philippines HSA and, 314–20
in South Africa, 484, 577, 580
in UK, 6, 484
UN Resolution 1566 on, 5, 98
deLisle, Jacques, 61
democracy in Indonesia, 297, 304–5
Densus 88, Indonesia, 307
departmentation after London bombings (2005), 244
criminal law and, 111–12
diplomatic assurances, securing, 234–6, 245
of refugees and asylum seekers, 220, 229–33
from South Africa, 592
torture, risk of, 112, 229–33, 244, 527 n. 58, 527–9, 637
deprivation of property. See property, deprivation of
Dershowitz, Alan, 543
derwish, Kamal, 465
detention. See also control orders; Guantánamo Bay in Australia, 553–4, 555–6
in Canada. See under Canada challenges to, 233–4
in China, 345
under immigration laws, 111–12
in India, 423, 428, 439, 443–4
in Indonesia, 296
in Israel, 109, 599, 617, 618
as less restrained alternative to criminal law, 108–10
in New Zealand, 567
in Singapore. See under Singapore in Tunisia, 650
in Uganda, 589–90
in UK, 12, 229–33, 485, 503–5, 511
Dhanabalan, S., 276
Dharma, Surya, 308
digital communications. See electronic communications
Diplock, Lord, 126
diplomatic assurances regarding deportation, 234–6, 245
disaggregation of modern state, 60, 63
disclosure of national security information in judicial proceedings. See fair hearing, right to
domestic and international terrorism regimes, interplay between, 3–5
Donohue, Laura K., 67
doussa, John von, 141
dower, John, 406
due process. See also fair hearing, right to
domestic orders in UK and, 489–93
for Guantánamo Bay detainees. 456
Philippines HSA and, 314, 318–19, 322
principle of, 125–6
in Singapore law, 282, 282 n. 47, 283
n. 50
Dulmatin, 299
dunne, Michele, 636
dworkin, Ronald, 106
Dyzenhaus, David, 11, 52, 214, 215, 215 n. 25, 216

_E v. Secretary of State for the Home Department_ (UK), 487
‘early warning’ or ‘neighbour procedure’ in Israel, 609
East Timor, emergency powers in, 62
East Turkistan Islamic Movement (ETIM), 347
Eastern Africa. See Sub-Saharan Africa, and specific countries
ECHR. See European Convention on Human Rights; European Court of Human Rights
ECJ (European Court of Justice), on listing, 22, 200, 581
education
China, Quranic schools in, 345, 351 in citizenship, 252
higher education communities, extremism in, 257–60, 352
_madrasas_ in Pakistan, 261
Egypt, 633–8
anti-government movement in. See Arab Spring
definition of terrorism in, 7, 633–4
development of anti-terrorist regime in, 7, 9
emergency, in state of, 633, 637, 638
extraordinary rendition to, 624
human rights and civil liberties in, 623, 625, 637–8
judiciary, role of, 12
Law no. 97 of 1992, 633–5
legislation of anti-terrorism in, 628
military, role of, 109
as model for anti-terrorism law and policy, 622, 624
Muslim Brotherhood, suppression of, 119
National Council for Human Rights, 638
organisational bans and restrictions in, 635
sentencing of terrorists in, 634–5
UN Resolution 1373, implementation of, 97 n. 18
electronic communications
criminal law and surveillance of, 93
Indian POTA and, 430, 430 n. 24
terrorist efforts to damage, 98
US surveillance of, 471–8
emergency powers
constitutionalism, diverse effects of anti-terrorism law on, 61–3
of executive, 151–6
global anti-terrorism law and, 51–2, 58, 60, 61–3
India, normalisation of extraordinary laws in, 422, 442–5
in Israel, 599, 600 n. 9, 600 n. 10, 618 n. 75, 618–19
in Japan, 417
in Middle East and North Africa, 628, 633, 637, 638, 639
US, normalisation of emergency conditions in, 479
emigration. See immigration law
England. See United Kingdom
Enrile, Juan Ponce, 310
equal protection, Philippines HSA violating, 320–2
_Ermita-Malata Hotel and Motel Operators Association, Inc v. City Mayor (Philippines),_ 313
_Estrada v. Sandiganbayan_ (Philippines), 314
Ethiopia
extradition of suspected terrorists from Kenya to, 589
torture, allegations of, 589
ethnicity. See racial/ethnic issues
ETIM (East Turkistan Islamic Movement), 347
European Convention on Human Rights (ECHR)
British anti-terrorism policy generally and, 481, 483, 484–5, 505, 509
derogation from, 160, 167, 230, 485
detention and, 504, 505
on fair hearing rights, 145
on immigration law, refugees, and asylum seekers, 145, 209, 220, 235, 244
European Convention on Human Rights (ECHR) (cont.)
on proportionality principle, 127–8, 129
refusal of admission under, 236
right to liberty under art. 5 and control orders, 485–9
European Court of Human Rights (ECHR)
diplomatic assurances regarding deportation and, 235
executive powers, as check on, 483
extradition challenges made in, 237
minimum core of information, requirement to provide, 143
proportionality principle applied by, 128
on special advocates, 144–5, 490
on stop and search police powers in UK, 494, 501–3, 511
torture, prohibition on return of refugees to, 230, 232
European Court of Justice (ECJ), on listing, 22, 200, 581
European Union
Counter Terrorism Strategy of 2005, 242
international legislation allowed by, 28 n. 68
international legislation and, 28 nn. 68, 64
proportionality principle in, 50, 127
Qualification Directive on exclusion clauses for refugees and asylum seekers, 223, 225
Europol, 103
Evans, Jonathan, 247
exclusion clauses for refugees and asylum seekers, 221–5
executive powers
in Eastern Africa, 581–2
legislative and judicial checks on, 151–6, 213, 226–8, 483
in Middle East and North Africa, 628 in UK, 483
in US, 450, 452
extradition, challenging, 237
extraordinary rendition, 460–3, 624, 641, 646, 647
extremism and radicalism, concepts of, 247, 250, 265
Fadden, Richard, 534 n. 91
Fahrenheit 9/11 (film), 159
failing and failed states, as terrorism risks, 14
fair hearing, right to, 122–50.
See also proportionality principle; public interest immunity
in Australia, 556–7
classification of information by court, 138–41
competing demands of national security and, 123–4
control orders in UK and, 489–93
minimum core of information, requirement to provide, 141–3
procedural fairness, principle of, 125–6
security certificates in Canada, 525–9
special advocates, 143–9
statutory provisions for security-sensitive information in civil proceedings, 137–49
faith communities, 'prevent' responses to jihadi extremism in, 254–5, 263
Falahi (Mohammed Yasin Patel), 432
Falun Gong, 349, 367
families of terrorist suspects, 302–3
Farrakhan, Louis, 236
FATF (Financial Action Task Force), 76, 79, 185, 196, 197, 198, 362, 363, 383
Feingold, Russ, 159
Fenwick, Helen, 160, 481, 652
Fenwick, Mark, 390
financial war on terrorism, 183–207
background and scope of provisions, 184–6
balancing protection of legitimate activities with, 183, 191, 206
in Canada, 187, 189, 192, 193 n. 28, 195, 196, 201, 518, 534
charitable organisations and, 194, 198, 205, 206
covered activities, 186–92
in criminal law, 94–5, 97
cross-border transfers, 198
definition of financing of terrorism, 186–8
depetration of property provisions. See property, deprivation of
effectiveness of, 184, 192–3
hawala-type money transfer systems, 56, 198, 206
human rights and civil liberties affected by, 190–1, 199–201
identity verification requirements in, 197
implementation and enforcement of provisions for, 184, 202–4, 207
in India, 440
intention and motivation, consideration of, 192–3
International Convention for the Suppression of the Financing of Terrorism (1999), 27, 92, 94, 114, 185, 186–8, 195, 196, 400, 518, 563
in Israel, 605, 618
in Japan, 400–1
in Jordan, 646
listing and, 185, 188, 200–1
monitoring provisions, 196–9
in New Zealand, 561, 565
organisational approach to, 188–91, 196
procedural norms for waging, 199–201
prohibitive provisions, 186–93
reporting requirements in, 196–7
substantive transplantation in, 73, 77–81
in Syria, 641
UN Resolution 1373 and, 81, 185, 190, 195
Ford, Gerald, 467, 468
Foreign Terrorist Organisations (FTOs), US designation of, 78
forfeiture or confiscation of property. See property, deprivation of
France
conviction rates in terrorist charges, 103
Rainbow Warrior bombing, New Zealand (1985), 561
Franks, Tommy R., 464
Fraser, Joan, 165
‘freedom fighter’ exceptions in Arab Convention for the Suppression of Terrorism, 631–2
domestic anti-terrorism law’s general lack of sympathy for, 97
in South Africa, 99
freedom of association. See also organisational bans and restrictions
financial war on terrorism and, 191
Philippines HSA and, 322–3
freedom of the press
democracy in Indonesia and, 297, 304–5
Philippines HSA and, 313
freedom of speech, restrictions on. See speech restrictions
freezing property and assets. See property, deprivation of
Front de Liberation du Quebec, 515
FTOs (Foreign Terrorist Organisations), US designation of, 78
Fukuda, Yasuo, 402, 418
Fuller, Lon, 33, 39 n. 125, 304–5
G v. Secretary of State for the Home Department (UK), 234
G8 (Group of 8), 75
Gandron, Mary, 544
Gaza Strip, 607–9
GCHQ case (UK), 126
General Assembly, UN
Counter-Terrorism strategy (2006), 4
UN SC legislation, objections to, 29
Geneva Conventions (1949), 311, 325, 330, 332, 457, 459, 461, 615
gеographic transplantation, 73–7
defined, 68, 69
from Britain, 6, 45, 48, 74, 98, 516
Gerakan Aceh Nerdeka (Free Aceh Movement), Indonesia, 300
**INDEX**

<table>
<thead>
<tr>
<th>Germany</th>
<th>criminal prosecution, military detention and trial as alternative to, 9, 92, 108, 110</th>
</tr>
</thead>
<tbody>
<tr>
<td>collateral damage to innocent civilians, rejection of, 284 n. 51</td>
<td>detention and trial at, 453–7</td>
</tr>
<tr>
<td>emergency powers in Weimar Germany, 51</td>
<td>due process rights and, 456</td>
</tr>
<tr>
<td>judiciary, role of, 49</td>
<td>effectiveness of, 13</td>
</tr>
<tr>
<td>Ghailani, Ahmed, 109</td>
<td>habeas corpus and, 12, 107, 108, 454, 456</td>
</tr>
<tr>
<td>Gillan case (UK and ECHR), 503, 511</td>
<td>judicial considerations of, 12</td>
</tr>
<tr>
<td>Gillard, Julia, 547</td>
<td>Middle East and North Africa and, 622, 623</td>
</tr>
<tr>
<td>Gleeson, Murray, 129</td>
<td>Obama's commitment to close, 451</td>
</tr>
<tr>
<td>global anti-terrorism law and policy, 2, 44–66</td>
<td>sociological context, importance of, 65</td>
</tr>
<tr>
<td>assumptions regarding, 46</td>
<td>Gulf War of 1990–1 and Japan, 410</td>
</tr>
<tr>
<td>asymmetricality of formal legality and, 54–8, 64</td>
<td>Guzzardi v. Italy (ECHR), 487, 496, 501</td>
</tr>
<tr>
<td>challenges to concept of, 53–65</td>
<td>habeas corpus</td>
</tr>
<tr>
<td>complexity of, 63–5</td>
<td>detention in UK and, 504</td>
</tr>
<tr>
<td>constitutionalism, diverse effects on, 61–3</td>
<td>Guantánamo detainees and, 12, 107, 108, 454</td>
</tr>
<tr>
<td>defined, 50</td>
<td>in US Antiterrorism and Effective Death Penalty Act (1996), 71</td>
</tr>
<tr>
<td>disaggregation of modern state and, 60, 63</td>
<td>Haddoon, William, and Haddon</td>
</tr>
<tr>
<td>emergence of, 47–50</td>
<td>Matrix, 118</td>
</tr>
<tr>
<td>emergency powers and, 51–2, 58, 60, 61–3</td>
<td>Hale, Baroness, 138, 143, 492</td>
</tr>
<tr>
<td>evaluation of, 52–3</td>
<td>Hamas, 607</td>
</tr>
<tr>
<td>importance of global approach, 1, 2</td>
<td>Hamdan, Selim, and Hamdan v. Rumsfeld (US), 455, 461</td>
</tr>
<tr>
<td>Middle East and North Africa and, 621–6</td>
<td>Hamdi, Yaser, 453, 454</td>
</tr>
<tr>
<td>multidisciplinary approach, importance of, 65</td>
<td>Haneef, Mohamed, 553, 567</td>
</tr>
<tr>
<td>political, social and historical issues, 58–61, 64–5</td>
<td>Hanif, Asif Mohammed, 246</td>
</tr>
<tr>
<td>rule of law and, 59, 60, 61–3</td>
<td>Happold, M., 24</td>
</tr>
<tr>
<td>theorisation about, 51–2, 58–61</td>
<td>Harding, Christopher, 628</td>
</tr>
<tr>
<td>United Nations and, 2, 44</td>
<td>al-Harethi, Qaed Salim Sinan, 465</td>
</tr>
<tr>
<td>Global Opportunities Fund, 260</td>
<td>Harkat, Mohammed, 528</td>
</tr>
<tr>
<td>Goff, Phil, 568</td>
<td>Harvey, Colin, 208</td>
</tr>
<tr>
<td>Goh Chok Tong, 276</td>
<td>al-Hasani, Muhamad, 640</td>
</tr>
<tr>
<td>Golose, Petrus, 304</td>
<td>Hassan, Bahey el-Din, 626</td>
</tr>
<tr>
<td>Gonzales, Alberto, 458, 476</td>
<td>hate crimes in Canada against religious property, 530</td>
</tr>
<tr>
<td>Grauls, Jan, 38, 40</td>
<td>Hatoyama, Yukio, 391, 418</td>
</tr>
<tr>
<td>Great Britain. See United Kingdom Gross, Oren, 11, 52</td>
<td>hawala-type money transfer systems, 56, 198, 206</td>
</tr>
<tr>
<td>Group of 8 (G8), 75</td>
<td>'hearts and minds' approach to preventing terrorism, 14, 243, 469</td>
</tr>
<tr>
<td>Guantánamo Bay</td>
<td>Hekmatyar, Gulbuddin, 465</td>
</tr>
<tr>
<td>AUMF and setting up of, 451–2</td>
<td>Hendropriyono, A. M., 304</td>
</tr>
<tr>
<td>Canada and, 515, 532–3, 534, 535</td>
<td></td>
</tr>
</tbody>
</table>
INDEX

Hertogh, Maria, 281 n. 46
Hezbollah, 607
Hicks, David, 237, 555
higher education communities, extremism in, 257–60, 352
Hillyard, Paddy, 445
historical, social and political aspects of anti-terrorism law, 14–16, 58–61, 64–5, 351–3
HKLRC (Hong Kong Law Reform Commission), 386–7
Hoffmann, Lord, 143, 227, 487, 492
Holder v. Humanitarian Law Project (US), 190, 191, 204
home-grown terrorists in UK, 245–50, 264
in US, 449
Hong Kong, 357–89
Basic Law, 358, 376–81, 385
under British rule, 358
Canadian and Singapore enabling legislation, lessons from, 389
CCC (Central Co-ordinating Committee), 387
China, international, obligations under, 358
criminal law in, 370–2
defining terrorism in, 367–8
development of anti-terrorist regime in, 8
external imposition of measures without internal need, perception of, 384–5
legislation on terrorism, difficulties enacting, 357–8
National Security Bill (art. 23 episode), 376–81
political and historical aspects of anti-terrorism policy in, 15
property, forfeiture of, 369–70
public consultation processes, problems with, 364, 386–7
security regime before 9/11, 358–60
transparency issues in, 385
UN Resolution 1373, response to, 360–1
UN SC sanction implementation, defects in policies and practices for, 387–9

UNATMO (United Nations (Anti-Terrorism Measures) Ordinance)
Amendment Bill, 381–3
delayed implementation of, 383–4
drafting process, 364–6
introduction of legislation, 362
mens rea standard in, 371
provisions of, 366–73
review, inadequacy of, 364
UNSAAR and, 374
UNSAAR, overlaps with, 388
UNSAAR (United Nations Sanctions (Afghanistan) (Amendment) Regulation), 373–6
UNSAAR (United Nations Sanctions (Afghanistan) Regulation), 359–60, 388
Hong Kong Law Reform Commission (HKLRC), 386–7
Hope, Lord, 144, 501
Hose, Michael, i, 1, 57, 271
‘Horn of Africa’, vulnerability to terrorism of, 585
Hovel, Devika, 35
Howard, John, 164, 170–1, 546, 547, 568
Hualing, Fu, 334
Hugessen, James K., 525
human rights and civil liberties. See also specific rights and freedoms, e.g. due process
Anglo–American traditions, divergence in, 58 n. 62
Arab Spring and, 628
in Australia, 156, 542–6, 543 n. 9, 552
comparison of Australian, Canadian, New Zealand, UK and US systems, 156
constitutionalism, diverse effects of anti-terrorism law on, 61–3
constraints as part of anti-terrorism law and policy, 1
criminal law and, 91, 92, 93, 99, 106, 114
human rights and civil liberties (cont.)
financial war on terrorism affecting, 190–1, 199–201
fundamental normative laws and values, questions posed regarding, 10–12

Human Rights Watch, 589–90, 624, 637, 646, 647
human shields, 609
Hurricane Katrina, 118, 538 Hussein, Liban, 521 Hutton, Lord, 226

ICC (International Criminal Court), 225, 326, 331, 627
ICCPR (International Covenant on Civil and Political Rights), 123, 128, 300, 435, 545, 548, 557, 626
ICESCR (International Covenant on Economic, Social, and Cultural Rights), 626
ICRC (International Committee of the Red Cross), 319, 615

identity-based and separatist movements in China, 334, 343–8, 351–3 in India, 422, 427–8, 431, 438, 445, 446

identity verification requirements in financial war on terrorism, 197
Ignatieff, Michael, 119 n. 94
IMF (International Monetary Fund), 80
immigration law, 208–41. See also deportation; detention; refugees and asylum seekers abuse of discretion in enforcement of financial measures involving immigrants, 202 in Australia, 567–8 benefits and risks of migration, 208 in Canada, 9, 111, 516, 524–34 challenges to use in anti-terrorism regimes, 9 citizenship, deprivation of, 237 criminal law, as less restrained alternative to, 111–12 due deference to executive regarding, 226–8 in Eastern Africa, 582 effectiveness of use of, 13 human rights concerns and, 210–11, 239–41 in Japan, 401
judiciary, role of, 213, 226–8, 238–9
legality principle and, 212–17, 238–9
in New Zealand, 567–8
9/11 and other terrorist events affecting, 209, 239
novelty discourse, rejection of, 212–13
‘other’, construction of immigrants as, 208, 220
refusal of admission, 236
in South Africa, 592
special advocates, use of, 143–9
in UK. See under United Kingdom
in US, 111, 470
incitement of terrorism
in Israel, 605, 606 n. 42
sedition offences in Australia, 557
in UK, 508–9
UN Resolution 1624 prohibiting, 6, 91, 99, 361 n. 17, 530
indeterminate detention. See detention
India, 420–46
Air India bombing (1985), 104, 114, 518, 520, 523, 530, 538
confessions before police, evidentiary status of, 424–6, 429
decentralisation of counter-terrorism regime in, 421, 441–2
Defence of India Act, 443
definition of terrorism in, 429
detention in, 423, 428, 439, 443–4
development of anti-terrorism regime in, 10, 420–1
duration of security laws in, 443–4
electronic communications, surveillance of, 430, 430 n. 24
financial war on terrorism in, 440
human rights and civil liberties in, 426–8, 434–6
Indian Evidence Act, 424
judiciary, role of, 12
legislation of anti-terrorism in, 163, 420–1
MCOCA (Maharashtra Control of Organised Crime Act), 421, 421
n. 2, 441–2
military, anti-terrorism role of, 8
MISA (Maintenance of Internal Security Act) 1971, 443
Mumbai terrorist attacks (2006 and 2008), 10, 163, 436, 445
New Delhi, Indian Parliament bombing in (2001), 428–9, 433
NHRC (National Indian Rights Commission), 426–7, 435
normalisation of extraordinary laws in, 422, 442–5
organisational bans and restrictions, 430–1, 437–8
PDA (Preventive Detention Act) 1950, 443–4
political and historical aspects of anti-terrorism policy in, 14, 15
POTA (Prevention of Terrorism Act) 2002, 163, 428–36, 438–9, 442–5, 446
Prevention of Money-Laundering Act 2002, 440
religious minorities in, 427–8, 431, 438, 445
separatist and identity-based movements in, 422, 427–8, 431, 438, 445, 446
TADA (Terrorist and Disruptive Activities (Prevention) Act) 1985 and 1987, 422–8, 432, 442–5, 446
UAPA (Unlawful Activities Prevention Act) 1967, as amended in 2004 and 2008 163, 430–1, 436–42, 445
UNSC legislation, objections to, 31
individual self-defence, inherent right of, 407–10
individualistic terrorism in China, 335, 351–5
Indonesia, 290–309
Anti-Terrorism Law (2002) detention of suspects under, 296 effects of, 309 judicial review under, 295–6
Indonesia

passage of, 290
proposed amendments to, 296–7
provisions of, 291–5
retroactive application of, 291, 295
Bali bombings (2002), 8, 56, 98, 290, 291
criminal anti-terrorism laws in, 98, 100, 113
democracy and media freedom in, 297, 304–5
Densus 88 in, 307
development of anti-terrorist regime in, 8
evidentiary materials in, 294, 297
extraordinary powers in, 294–5
global anti-terrorism laws and, 56–7
human rights and civil liberties in, 298, 300–3, 306
Human Rights Law of 1999, 300
Islamic issues in, 15, 56, 100, 297, 298–300
judiciary, role of, 12, 295–6
military, role of, 307–8
NAD (Nanggroe Aceh Darussalam) province, 299, 301, 303, 307
parole of convicted terrorists in, 302
political, social and historical aspects of anti-terrorism policy in, 14, 65, 297–8
poverty levels in, 298, 308
rehabilitation programmes, lack of, 303–4
terrorist incidents in, 290–1
TNI (Tentera National Indonesia or Indonesian National Army) Law, 307
Western culture and, 298, 306–7
inflation, legislative, 178–80
Inner Mongolia, separatist unrest in, 343
innocent lives, taking of. See collateral damage to innocent civilians
intelligence collecting in Australia, 551–4
criminal law and, 93, 119–20
evidentiary use of intelligence reports in Indonesia, 294, 297

International

Commission of Jurists, 53
Committee of the Red Cross (ICRC), 319, 615
Convention for the Suppression of the Financing of Terrorism (1999), 27, 92, 94, 114, 185, 186–8, 195, 196, 400, 518, 563
Court of Justice, on Israeli security barrier, 611–12
Covenant on Civil and Political Rights (ICCPR), 123, 128, 300, 435, 545, 548, 557, 626
Covenant on Economic, Social and Cultural Rights (ICESCR), 626
Criminal Court (ICC), 225, 326, 331, 627
Crisis Group, 645
international law
Australia and, 545–6
definition of terrorism under, 6
domestic and international terrorism regimes, interplay between, 3–5
European Union and, 28 n. 68, 64
geographic transplantation in, 73–7
Hong Kong’s obligations under, 358–60
Israel influenced by, 609–13, 619
Japanese Constitution, principle of international co-operation in, 413–15
Middle East and North Africa and, 626–8
International Monetary Fund (IMF), 80
international organisations, coercive role of, 75–7
investigative hearings in Canada, 522
Ip, John, 145
Ip, Regina, 362, 377
IRA and Irish terrorism in Britain, 92, 106, 116, 154, 243, 261, 262
Iraq and Afghanistan, wars in Abu Ghraib, 458, 479
Canada and, 531, 535
<table>
<thead>
<tr>
<th>Index</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gulf War of 1990–91, 410</td>
<td>671</td>
</tr>
<tr>
<td>Indonesian protests at, 298</td>
<td>410</td>
</tr>
<tr>
<td>Japan and, 410, 415 n. 70, 415–19</td>
<td>64</td>
</tr>
<tr>
<td>likelihood of terrorist attack increased by, 181 n. 121, 249</td>
<td>415–19 n. 70, 415–19</td>
</tr>
<tr>
<td>Middle East and North Africa, effect on, 622, 626</td>
<td></td>
</tr>
<tr>
<td>New Zealand and Australia in, 566</td>
<td></td>
</tr>
<tr>
<td>Spain’s withdrawal from Iraq after Madrid bombings, 181</td>
<td></td>
</tr>
<tr>
<td>targeting killing in, 463–70</td>
<td></td>
</tr>
<tr>
<td>torture/coercive interrogation, use of, 457, 458</td>
<td></td>
</tr>
<tr>
<td>UN Resolution 1333 (on situation in Afghanistan), 374</td>
<td></td>
</tr>
<tr>
<td>war, US decision to treat terrorism threat as, 449–53</td>
<td></td>
</tr>
<tr>
<td>Islam. See also ‘prevent’ response to jihadi extremism</td>
<td></td>
</tr>
<tr>
<td>abuse of discretion in enforcement of financial measures involving Muslims, 202</td>
<td></td>
</tr>
<tr>
<td>anti-terrorism polices, anti-Islamism associated with, 15, 56, 281</td>
<td></td>
</tr>
<tr>
<td>Australian efforts to engage Muslim community, 560</td>
<td></td>
</tr>
<tr>
<td>charitable organisations and financial war on terrorism, 194, 198, 205, 206</td>
<td></td>
</tr>
<tr>
<td>faith communities, social outreach programmes aimed at, 254–5, 263</td>
<td></td>
</tr>
<tr>
<td>India, religious minorities in, 427–8, 431, 438, 445</td>
<td></td>
</tr>
<tr>
<td>in Indonesia, 15, 56, 100, 297, 298–300</td>
<td></td>
</tr>
<tr>
<td>Japan, Islamic terrorism not perceived as problem within, 398</td>
<td></td>
</tr>
<tr>
<td>madrassas, 261</td>
<td></td>
</tr>
<tr>
<td>political or religious motives, anti-terrorism laws requiring, 99–101, 516</td>
<td></td>
</tr>
<tr>
<td>religious rehabilitation techniques, 56–7, 117</td>
<td></td>
</tr>
<tr>
<td>in Singapore, 57, 281</td>
<td></td>
</tr>
<tr>
<td>South Africa, issues with anti-terrorism legislation in, 575</td>
<td></td>
</tr>
<tr>
<td>stop and search police powers in UK, 495</td>
<td></td>
</tr>
<tr>
<td>in Sub-Saharan Africa, 585, 588, 589</td>
<td></td>
</tr>
<tr>
<td>Xinjiang region of China, increasing religious interest in, 165, 345</td>
<td></td>
</tr>
<tr>
<td>Islamic Media Unit, 260–1</td>
<td></td>
</tr>
<tr>
<td>Islamic World Group, 260</td>
<td></td>
</tr>
<tr>
<td>Israel, 597–620</td>
<td></td>
</tr>
<tr>
<td>all-risk approach, 2010 forest fires possibly encouraging, 118</td>
<td></td>
</tr>
<tr>
<td>assigned residence in, 608</td>
<td></td>
</tr>
<tr>
<td>‘bargaining chips’ affair, 614</td>
<td></td>
</tr>
<tr>
<td>‘Basic Laws’ in, 600, 601 n. 13, 604, 607</td>
<td></td>
</tr>
<tr>
<td>Bethlehem, occupation of Church of the Nativity in, 616</td>
<td></td>
</tr>
<tr>
<td>constitutionisation of legal system in, 600</td>
<td></td>
</tr>
<tr>
<td>criminal law in, 604–7</td>
<td></td>
</tr>
<tr>
<td>Defence (Emergency) Regulations, 1945, 598, 599, 602</td>
<td></td>
</tr>
<tr>
<td>definition of terrorism in, 617</td>
<td></td>
</tr>
<tr>
<td>detention in, 109, 599, 617, 618</td>
<td></td>
</tr>
<tr>
<td>development of anti-terrorist regime in, 7, 598–601</td>
<td></td>
</tr>
<tr>
<td>Draft Bill: Struggle Against Terrorism Law, 2010, 617–18</td>
<td></td>
</tr>
<tr>
<td>Emergency Powers (Detention) Law, 1979, 599, 600 n. 10, 602</td>
<td></td>
</tr>
<tr>
<td>emergency regulations in, 599, 600 n. 9, 600 n. 10, 618 n. 75, 618–19</td>
<td></td>
</tr>
<tr>
<td>financial war on terrorism in, 605, 618</td>
<td></td>
</tr>
<tr>
<td>GSS (General Security Service), 613</td>
<td></td>
</tr>
<tr>
<td>human rights and civil liberties in, 600</td>
<td></td>
</tr>
<tr>
<td>Incarceration of Unlawful Combatants Law, 600 n. 10, 603, 615</td>
<td></td>
</tr>
<tr>
<td>incitement of terrorism in, 605, 606 n. 42</td>
<td></td>
</tr>
<tr>
<td>international law, influence of, 609–13, 619</td>
<td></td>
</tr>
<tr>
<td>Jewish extremism in, 598</td>
<td></td>
</tr>
<tr>
<td>military, anti-terrorism role of, 8</td>
<td></td>
</tr>
<tr>
<td>Mombasa, Kenya, attack on Israeli hotel in (2002), 584</td>
<td></td>
</tr>
<tr>
<td>‘neighbour procedure’ or ‘early warning’ in, 609</td>
<td></td>
</tr>
<tr>
<td>neighbouring areas controlled by terrorist organisations, 607–9</td>
<td></td>
</tr>
<tr>
<td>Occupied Territories, 607–9</td>
<td></td>
</tr>
</tbody>
</table>
Israel (cont.)
organisational bans and restrictions in, 604, 618
Palestinian-Israeli conflict, 249, 598, 607–9, 625, 631
Prevention of Terrorism Ordinance, 1948, 599, 600 n. 10, 605
prevention versus punishment in, 601
Prohibition on Terror Financing Law, 2005, 605
security barrier in, 611–12
special interrogation methods in, 613
speech restrictions in, 605, 605 n. 39, 606 n. 42
Supreme Court, role of, 12, 49, 602, 610–16, 616 n. 70
targeted killings by, 110, 610–11, 613
territory, importance of concept in, 618–19
trials of terrorists in, 606
UN Resolution 1373, implementation of, 97 n. 18

Jaballah, Mahmoud, 528
Jabareen case (Israel), 606
Japan, 390–419
Ashida Amendment to Constitution, 408
ATSML (Anti-Terrorism Special Measures Law of 2001), 390–1, 402–19
Aum Shinrikyo in, 82 n. 50, 393–4, 396–8, 397 n. 24, 399
criminal law in, 390, 393, 393 n. 4, 399, 406
emergency legislation in, 417
financial war on terrorism and, 400–1
Foreign Exchange and Foreign Trade Law, 400
Gulf War of 1990–1 and, 410
hierarchy of norms in law of, 414
history of political and religious violence in, 393–4
human rights and civil liberties in, 397, 399
Immigration Control and Refugee Recognition Law, 401

Indian Ocean re-supply activities, 417–19
individual self-defence, inherent right of, 407–10
international co-operation, Constitutional principle of, 413–15
Iraq and Afghanistan, wars in, 410, 415 n. 70, 415–19
judiciary, role of, 409 n. 58
Law concerning Special Measures on Humanitarian and Reconstruction Assistance in Iraq (2003), 415–17
Law concerning the Prevention of Bodily Harm Caused by Sarin Gas (1999), 394
Law for the Punishment for the Use of Glass-Bottle Grenades (1972), 394
legislation in response to political violence in, 394–400
military's anti-terrorism role and art. 9 of the Constitution, 8, 390–1, 402–19
9/11
domestic operational and organisation reforms following, 398 n. 25
effects of, 390–1
failure to revise counter-terrorism laws after, 392–402
passage of ATSML and, 402
organisational bans and restrictions, 395–8
PKO Law (Law Concerning Co-operation with UN Peacekeeping Operations and Other Operations Law of 1992), 410–11
political, social and historical aspects of anti-terrorism policy in, 15, 399, 405
PSC (Public Security Commission), 396–7
PSIA (Public Security Investigation Agency), 395–7, 396 n. 18
religion in
Aum Shinrikyo’s status as religious organisation, 397 n. 24, 398, 399
history of political and religious violence in Japan, 393–4
Islamic terrorism not perceived as problem within Japan, 398
Religious Corporation Law, 397 n. 24
‘response measures,’ allowance of, 412
RSSML (Replenishment Support Special Measures Law), 391, 418–19
SAPL (Subversive Activities Prevention Law), 390, 395–8
SASJL (Law Concerning Measures to Maintain the Peace and Security of Japan in Situations Surrounding Japan Law of 1999), 410–11
US, support for, 392, 415, 415 n. 70
Wiretapping in Criminal Investigations Law, 397 n. 24
Japanese Civil Liberties Union, 396–7
Japanese National Bar Association, 396–7
Japanese Red Army Faction, 393
Jeebhai case (South Africa), 592 n. 114, 593, 594
Jemaah Islamiyah (JI), 271, 273, 277–82
jihad. See Islam; ‘Prevent’ responses to jihadi extremism
JJ case (UK), 486, 487, 488
Jordan, 641–7
definition of terrorism in, 642, 645 n. 99
extraordinary rendition to, 624, 646, 647
financial war on terrorism in, 646
human rights and civil liberties in, 646
Law on the Prevention of Terrorism 2006, 644
legislation of anti-terrorism in, 628
National Centre of Human Rights, 646
sentencing in, 644
speech restrictions in, 643
Temporary Law no. 54 of 2001, 642
torture, practice of, 647
UK agreement with, 624
JS case (UK), 224
judges in China, attacks on, 354, 355
judicial proceedings, disclosure of national security information in. See fair hearing, right to judiciary, role of, 11
in Australia, 12, 544
in Canada, 12, 49, 156
executive powers, checks on, 151–6, 213, 226–8, 483
fair hearing, right to, 138–41
global anti-terrorism law and, 49
immigration law and, 213, 226–8, 238–9
in India, 12
in Indonesia, 12, 295–6
Israel, Supreme Court in, 12, 49, 602, 610–16, 616 n. 70
in Japan, 409 n. 58
legislation of anti-terrorism and, 153–5, 156
in New Zealand, 156
in Singapore, 12
in Sub-Saharan Africa, 593–4
in UK, 12, 49, 153, 156
in US, 12, 49, 153, 156
JUSTICE, 135
Juwana, Hikmahanto, 56, 290
Kadi case (ECJ), 37–9, 64, 96, 200, 581
Kadir, Masjkur Abdul, 295
Kafka, Josef, 123, 521
Kahana, Benjamin, 606
Kampala, Uganda, World Cup Final bomb blasts in (2010), 585, 585 n. 74
Kartar Singh v. State of Punjab (India), 425, 434
Kashmir separatist movement, 438, 446
Kasim, Ifdhal, 301
Katrina (Hurricane), 118, 538
Kazakhstan, Republic of, and SCO, 345–7
Kelly, Ruth, 258
**Kenya**

- anti-terrorism action in absence of anti-terrorism legislation, 574, 594
- development of anti-terrorist regime in, 8
- election violence in 2007, 586
- extradition of suspected terrorists to Ethiopia and Somalia, 589
- geographical location, significance of, 585–6
- human rights and civil liberties in, 588–92, 595
- judiciary, role of, 593–4
- preventive provisions in, 581–2
- public perception of anti-terrorism measures in, 586–8
- Suppression of Terrorism Bill of 2003, failure to pass, 574
- terrorism incidents in, 584
- torture, allegations of, 589
- trials of terrorists in, 582–4
- Khadr, Omar, 515, 532–3, 534
- Khalid Sheik Mohammed (KSM), 108
- Khalistan, separatist movement for, 422
- Khan, Irene, 625
- Khan, Mohammed Sidique, 246, 249, 261
- Khawaja, Mohammad Momin, 519, 548
- Kigula, Susan, and Others v. Attorney-General (Uganda), 583
- Koh, Harold, 466
- Koizumi, Junichiro, 392, 392 n. 1, 402, 403, 415–18
- Komnas HAM (Indonesian Nation Commission on Human Rights), 300
- KPMG International, 81
- KSM (Khalid Sheik Mohammed), 108
- Kumar, Nadna Sudhir, Public Prosecutor v. (Singapore), 286
- Kuroda v. Jalandoni (Philippines), 329
- Kyrgyz Republic and SCO, 345–7
- Landau, Moshe, 613

---

**Lappas, Simon, and Lappas case (Australia), 133–5, 138**

**Laqueur, Walter, 314 n. 33**

**Lebanon**

- ‘bargaining chips’ affair, 614
- Hezbollah in, 607
- Syrian withdrawal of forces from, 639
- UK agreement with, 624
- Lee, Ambrose, 382
- Lee Kuan Yew, 273

**legality principle and immigration law, 212–17, 240**

**legislation, anti-terrorism, 151–82. See also specific Acts, under countries**

- advance preparation of, 162–3
- in Australia, 542, 546–7
- in China, 336–9
- committee scrutiny, 173–7, 181
- comparison of Australian, Canadian, New Zealand, UK and US systems, 156–8
- consequences of form and process, 177–80
- continuation of current practices, likelihood of, 180–2
- dual preventive and protective purposes of, 573–4
- duration and sunset clauses, 165–6, 175, 324, 417, 443–4, 552
- executive powers, checks on, 151–6, 213, 226–8, 483
- financial legislation. See financial war on terrorism form of bills, 158–66
- Hong Kong, difficulties enacting legislation in, 357–8
- human rights and civil liberties affected by, 178, 180
- inclusion of extraneous and unrelated provisions, 160–2
- independent review of, 182
- in India, 163, 420–1
- inflation, legislative, 178–80
- in Israel, 598–601
- in Japan, 394–400
Kenya's lack of, 574, 594
in Middle East and North Africa, 626–9
in New Zealand, 542, 561–6, 568–9
post-enactment review of, 182
process of enactment, 166–77
rapidity of enactment and implementation, 167–73, 177
reactive legislation, problem of, 93, 94, 164
in Singapore, 272, 283–8
size and complexity of bills, 158–60, 179
in Sub-Saharan Africa, 573–84, 594–6
by UNSC. See under UN Security Council

rule of law principles and, 38–9, 40–2
UN Resolution 1267 (on listing and individual sanctions), 4, 5, 19, 95, 185, 359–60, 374, 521
UN Resolution 1390 (on three-sanctions formula for listing), 33, 35, 361, 373–6
UN Resolution 1452 (on humanitarian exceptions to listing), 34, 190 n. 24
UN Resolution 1526 (on state communication with listed persons), 35
UN Resolution 1617 (clarifying listing criteria), 37
UN Resolution 1730 (establishing focal point for delisting requests), 35
UN Resolution 1822 (on state obligation to inform listed persons of their status), 35, 36, 37, 40
UN Resolution 1904 (establishing delisting requests Ombudsperson), 5, 21, 36–8, 40

Liu Xiaobo, 349, 350
Lloyd, Lord, 512
Lodhi, R v. (Australia), 560
London bombings (7/7/2005), 170, 209, 218, 223, 239, 244–6, 263, 542, 560
Lord's Resistance Army (LRA), Uganda, 586
LTTE (Liberation Tigers of Tamil Eelam), 224, 225, 431, 518
Luyono Lam v. Public Prosecutor (Singapore), 287
Lynch, Andrew, 151, 512

M, Secretary of State for the Home Department v. (UK), 148, 233–4
Maarif, Ahmad Syafii, 308
Macau, national security legislation in, 381
MacDonald, Edwina, 555
Macklin, Audrey, 533
INDEX

Madrid train bombings (2004), 180, 206, 209
Mahjoub, Mohamad, 527
Majelis Majahidin (MM), 301
Malaysia
detention without trial in, 109
Singapore, 1963–5 merger with, 281 n. 46
UN Resolution 1373,
implementation of, 97 n. 18
Mallah, Zeky,
100 n. 25
Manningham-Buller, Dame Eliza, 181 n. 121, 246
Marcos, Imee,
310
al-Marri, Ali Saleh Kahlah, 454, 455
Marschik, A., 24
Martin, Wayne,
129
Marty, Dick,
641
Mas Selamat,
272 n. 4, 282 n. 47
Mason, Anthony F., 544
el-Masri, Khalid,
462
material support to terrorists in US,
473
Mattei, Ugo,
55, 59
Maulana, Ahmad,
301
MB and AF (UK), 138, 142, 143, 487, 490–3
McDonald Commission, Canada, 523
McGarrity, Nicola,
49, 122, 490, 512
McHugh, Michael,
139, 544
MDMK, 436
Medvedev, Dmitry,
75
Megawati Sukarnoputri,
298
Mehsud, Baitallah,
465
mens rea standard in Hong Kong
UNATMO, 371
M15 (UK), 132, 181 n. 121, 246, 262
Middle East and North Africa, 621–54.
See also specific countries
anti-government movements in.
See Arab Spring
anti-Islamism, problem of, 15
Arab Convention for the Suppression of Terrorism and,
7, 626, 629–33, 634, 642
definition of terrorism in, 7, 628–9
Arab Convention for the Suppression of Terrorism and,
629–33, 634

Egypt and, 7, 633–4
in Jordan, 642, 645 n. 99
Syria and, 639
Tunisia and, 648, 649, 651
development of anti-terrorist regimes in, 7
emergency powers in, 628, 633, 637, 638, 639
executive powers in, 628
extraordinary rendition to, 624, 641, 646
‘freedom fighter’ exception in, 631–2
global anti-terrorism law and policy,
in context of, 621–6
Guantánamo Bay and, 622, 623
human rights and civil liberties in, 621, 625
Egypt, 623, 625, 637–8
hypocrisies of international discourse of, 653
international treaties and conventions, 626–8
Jordan, 646
new mechanisms, institution of, 652
Syria, 623
Tunisia, 647, 650
international law and, 626–8, 653
Iraq and Afghanistan wars, effects of, 622, 626
legislation of anti-terrorism in, 626–9
military, anti-terrorism role of, 8
Palestinian–Israeli conflict, 249, 598, 607–9, 625, 631
political and historical aspects of anti-terrorism policy in, 14
UK and, 621, 623, 624
unemployment rates in, 652
US and, 621, 624, 638, 641, 651, 652, 653
migration. See immigration law
MILF (Moro Islamic Liberation Front), 273 n. 5, 280
military. See also war on terrorism
Canadian use of, 531, 535
detention and trials by, 9, 108–10, 453–7
increased anti-terrorism roles and powers for, 8, 307–8
Japan, art. 9 of Constitution of, 8, 390–1, 402–19
pre-emptive strikes, Bush doctrine of, 412, 414, 538
MM (Majelis Majahidin), 301
MNLF, 279
Modi, Narendra, 436
Mohamed and Another, Minister of Safety and Security and Others v. (South Africa), 593, 594
Mohunram (South Africa), 580
Mombasa, Kenya, attack on Israeli hotel in (2002), 584
money laundering. See financial war on terrorism
monitoring provisions. See surveillance
Monterey Institute for International Studies, 83
Moore, Michael, 159
Moro Islamic Liberation Front (MILF), 273 n. 5, 280
Morocco
Casablanca bombings (2003) in, 625
extraordinary rendition to, 624
Mousepox experiments, 83–5
Moussaoui case (US), 98
Mubarak, Hosni, 7, 638, 654
Muhammadiyah, 308
Mukhlas, 290, 296, 299
multiculturalism, 60 n. 69, 253, 530
Mulyadi, Seto, 303, 305
Mumbai terrorist attacks (2006 and 2008), 10, 163, 436, 445
Museveni, Yoweri, 590
Muslim Brotherhood, Egyptian suppression of, 119
NAD (Nanggroe Aceh Darussalam) province, Indonesia, 299, 301, 303, 307
Naga rebellion (1967), 437
Nairobi, Kenya, bombing of US Embassy in (1998), 584
Nanggroe Aceh Darussalam (NAD) province, Indonesia, 299, 301, 303, 307
National Security Agency (NSA), US, 475
national security information, disclosure of, in judicial proceedings. See fair hearing, right to
National Security Letters (NSLs), US, 71, 471
natural justice, principle of, 125–6
Nazario, People v. (Philippines), 314
necessity defence in Singapore, 284
necessity test, proportionality principle, 128
‘neighbour procedure’ or ‘early warning’ in Israel, 609
‘neighbour’ terrorists in UK, 245–50, 264
in US, 449
neighbourhood policing practices, 243, 261–4
Neo Khoon Sing, Public Prosecutor v. (Singapore), 286
New Delhi, Indian Parliament bombing in (2001), 428–9, 433
New People's Army (NPA), Philippines, 319–20
New York Clearinghouse, 79
New Zealand, 561–6
Anti-Money Laundering and Countering Financing of Terrorism Act 2009, 565
Australia compared, 544, 563, 566–8
Bill of Rights Act 1990, 157, 544, 562, 568, 569
Counter-terrorism Bill 2002, 565, 566
definition of terrorism in, 562–3
detention in, 567
financial war on terrorism, 561
human rights protections in, 156
Immigration Act 1987, 567
immigration law in, 567–8
International Terrorism (Emergency Powers) Act 1987, 561
Iraq and Afghanistan, wars in, 566
judiciary, role of, 156
legislation of anti-terrorism in, 542, 561–6, 568–9.
See also legislation, anti-terrorism
New Zealand (cont.)
legislative system compared with
Australia, Canada, UK and US, 156–8
level of terrorist threat in, 157, 541–2
9/11 and, 542
Rainbow Warrior bombing (1985), 561
security risk certificates, 567
special advocates in, 489
Terrorism (Bombings and Financing) Bill 2001, 561
Terrorism Suppression Act 2002, 161, 180, 562–5, 566
Terrorism Suppression Amendment Act 2007, 564
UN Resolution 1373 and, 562
Ng, Margaret, 366, 368, 372, 382, 384
9/11
anti-terrorism law and policy, effects on development of, 1, 44–66
Australia and, 542, 546
Canadian response to, 514
Chinese response to, 347
domestic criminal law responses to, 96–8
erosion of legal rights in US after, 65
financial provisions against terrorism stimulated by, 184–6
funding of attacks, 72 n. 16, 205
immigration law affected by, 209, 218, 239
Indian POTA, enactment of, 428–9
Japan and. See under Japan legislative urgency based on, 167–73
New Zealand and, 542
terrorism financing laws failing to prevent, 94
US response to, 449–51
Yemen, stifling of internal dissent after 9/11 in, 625
9/11 Commission
alternative strategies recommended by, 14
on contributing factors to terrorism, 119
on effectiveness of anti-terrorism measures, 13
on terrorism financing laws, 95
Noor Huda Ismail, 301, 303
North Africa, Arab countries of. See Middle East and North Africa
Northern Ireland
aggressive imposition of security policies, effects of, 267
juryless trials in, 70, 71
political response to conflict in, 481
‘prevent’ approaches in, 243
NPA (New People’s Army), Philippines, 319–20
NSA (National Security Agency), US, 475
NSLs (National Security Letters), US, 71, 471
nuclear weapons. See weapons of mass destruction
Oakes, R v. (Australia), 50, 128
Obama, Barack, 9, 107, 108, 110, 307, 450, 452, 456, 459, 463, 466, 467, 469, 477, 478
O’Brien, Kevin, J., 340
O’Conneide, Colm, 178
O’Connor, Sandra Day, 454
October Crisis (1970), Canada, 515, 517
Okah, Henry, 593 n. 118
Oklahoma City bombings, 97
‘old’ to ‘new’ style terrorism, shift between, 394
Omar, Bakri Muhammed, 245
Omar, Mullah Muhammad, 463, 464
OO (Jordan) v. Secretary of State (UK), 235
open justice. See fair hearing, right to Operation Coldstore (Singapore), 273
Operation Pathway (UK), 259
Ople v. Torres (Philippines), 312, 325
organisational approach to financial war on terrorism, 188–91, 196
organisational bans and restrictions in Australia, 505, 550
in Egypt, 635
in India, 430–1, 437–8
in Israel, 604, 618
in Japan, 395–8
in Syria, 640
in UK, 505–7
INDEX

Oxtoby, Chris, 271
Ozawa, Ichiro, 417
Padilla, Jose, 453, 454
Pakistan
madrassas in, 260–1
'Prevent' responses to jihadi extremism in, 260–1
targeted killings in, 465, 469, 470
UN SC legislation, objections to, 31
Palay, Seelan, 275
Palestinian–Israeli conflict, 249, 598, 607–9, 625, 631.
See also Israel
Palestinian Liberation Organization (PLO), 604
parole of convicted terrorists in Indonesia, 302
'People Power' movement, 274
People's Union for Civil Liberties (PUCL) v. Union of India (India), 425, 434
Permana, Dani Dwi, 308
Philippines, 310–33
declaration of groups and associations as terrorist organisations, 323
enforced disappearances, criminalisation of, 328, 331
HSA (Human Security Act of 2007) defining terrorism under, 312
due process concerns, 314, 318–19, 322
enactment of, 310
equal protection, violation of, 320–2
freedom of speech and, 313, 323–4
freedom to associate and, 322–3
IHL versus, 325–32
presumption of constitutionality not applicable to, 312–14
privacy rights and, 314, 324–5
provisions of, 311–12
UN Special Rapporteur on Anti-terrorism Legislation and Human Rights on, 332
IHL Law of 2009, enactment of, 311
HSA versus, 325–32
provisions of, 326–8
legal system, inherent weaknesses in, 331
liberation theology and 'People Power' movement in, 274
political, social and historical aspects of anti-terrorism policy in, 14, 15
torture, definition of, 331
war crimes, prosecution of, 328–9
Phillipson, Gavin, 481
Physicians for Human Rights decision (Israel), 616
PII. See public interest immunity
Pillay, Navin, 638
PLO (Palestinian Liberation Organisation), 604
criminal law, 102
HSA versus, 325–32
provisions of, 326–8
political or religious motives, anti-terrorism laws requiring, 99–101, 516
political, social and historical aspects of anti-terrorism law, 14–16, 58–61, 64–5, 351–3
political suppression, as cause of terrorism, 119, 350, 351
Potsdam Declaration, 406
poverty and unemployment, as causes of terrorism, 119, 308, 355, 652
Powell, C. H., 19, 75, 77, 573
Powell, Colin, 624
Power, Simon, 566
Prasasti Perdamaian, 303
Prasetyo, Stanley Adi, 300
precautionary principle in criminal law, 102
pre-emptive strikes, Bush doctrine of, 412, 414, 538
press, freedom of
democracy in Indonesia and, 297, 304–5
Philippines HSA and, 313
pretextual use of criminal anti-terrorism law, 103
© in this web service Cambridge University Press
Cambridge University Press
www.cambridge.org
Prevent’ responses to jihadi extremism
in Israel, 601
in Sub-Saharan Africa, 576–7, 581–2
in UK, 242–67
causes of terrorism, efforts to understand, 242, 244–50
citizenship education, 252
critique of, 264–7
direction and emphasis, problems with, 265
dissonance between government policy and, 266–7
in faith communities, 254–5, 263
in foreign policy and outreach, 260–1
foreign terrorists, former focus on, 244
in higher education communities, 257–60
home-grown jihadis, sharpening focus on, 245–50, 264
in local communities, 251–6
national loyalty and patriotism, efforts to promote, 252–3
net-widening, problem of, 263, 265
policing practices, 243, 261–4
in prison communities, 256–7
radicalism and extremism, concepts of, 247, 250, 265
slowness and uncertainty of achievement in, 264
social or community-based approaches to, 243, 250–61
target communities, identifying, 251
UN Security Council’s emphasis on, 8
Western liberalism’s emphasis on, 8, 306–7
prison communities, ‘Prevent’ responses to jihadi extremism in, 256–7
privacy rights
under Philippines HSA, 314, 324–5
stop and search, UK police powers of, 494–503, 511
under USA PATRIOT Act, 472
procedural fairness, principle of, 125–6
Project Channel (UK), 263
property, deprivation of, 193–6
in Eastern Africa, 581–2, 583
in Hong Kong, 369–70
in South Africa, 576, 578–80
UN Resolution 1373 and, 195
Prophet case (South Africa), 579
proportionality principle, 122, 126–30
public interest immunity (PII), balance and compromise rules and procedures, 131–3
deficiencies of, 133–5
defined, 131
rules and procedures, 131–3, 491
statutory alternatives to, 137–49
PUCL (People’s Union for Civil Liberties) v. Union of India (India), 425, 434
Putin, Vladimir, 164
al-Qaeda. See al-Qaeda, under A
R v. H. and C. (UK), 149
Rabin, Itzhak, 605
racial/ethnic issues
in Canada, 530
China, separatist movements in, 334, 343–8, 351–3
in India, 427–8
in Singapore, 281
stop and search police powers in
UK, 495
radicalism and extremism, concepts of,
247, 250, 265
Rainbow Warrior bombing, New Zealand (1985), 561
Ramraj, Victor V., i, 1, 44, 74, 76, 77, 629
Rashid, Khalid, 592
Rasul v. Bush (US), 454
Rautenback, National Director of Public Prosecution v. (South Africa), 580
RB (Algeria) and another v. Secretary of State for the Home Department (UK), 235
RCTS (Regional Counter-Terrorist Structure), SCO, 346
reactive legislation, problem of, 93, 94, 164
Reagan, Ronald, 468
reasonable mistake defence in
Singapore, 284
records searches in US, 470–1
Red Cross, 319
Red Cross Visits decision (Israel), 615
refugees and asylum seekers
in Canada, 529
Convention relating to the Status of Refugees (1951), 209, 211, 217, 225, 235
in UK, 209
challenges to asylum decisions, narrowing of scope of, 214
challenges to certification and detention, 233–4
culture of suspicion regarding, 217–21, 239
deporation of, 220, 229–33
diplomatic assurances for, securing, 234–6, 245
due deference to executive regarding, 226–8
exclusion clauses, 221–5
human rights and civil liberties for, 218, 239–41
judiciary, role of, 238–9
national security concerns and, 210–11, 220
from persecution arising from anti-terrorism operations in other states, 225–6
prohibition on return to torture, 112, 229–33
protection from human rights abuses in home countries, seeking, 218
UN Security Council on, 211
regime change threats in China, 334, 348–53
Regional Counter-Terrorist Structure (RCTS), SCO, 346
rehabilitation programmes
Indonesia's lack of, 303–4
religious rehabilitation techniques, 56–7, 117
Rehman, Javaid, 242
Rehman, Secretary of State for the Home Department v. (UK), 226–8, 229, 233
Reid, John, 248
Reid, Richard, 246
religion. See also Islam
in Canada, 530
Catholic social activists in
Singapore, 274, 275
China, resistance and belief in, 345, 351
India, religious minorities in, 427–8, 431, 438, 445
in Japan. See under Japan
Philippines HSA, privacy of religious confessions and, 314
political or religious motives, anti-terrorism laws requiring, 99–101, 516
stop and search police powers in
UK, 495
reporting requirements in financial war on terrorism, 196–7
responsive regulation, 119
Restriction Orders in Singapore, 280
Ribic, Canada v. (Canada), 140
Rice, Condoleezza, 461
rightful resistance theory in China, 338
Rishmawi, Mervat, 627, 628
Roach, Kent, i, 1, 45, 48, 64, 74, 91, 126, 148, 166, 377, 434 n. 38, 514, 623, 628, 629, 650
Robert v. Parole Board (UK), 146, 147
Roman Catholic social activists in Singapore, 274, 275
Rome Statute of the International Criminal Court, 225, 326, 331
Roque, H. Harry L., Jr., 310
Rossiter, Clinton, 151
Rudd, Kevin, 547
rule of law, 39–41
China, rule of law reform in, 337
constitutionalism, diverse effects of anti-terrorism law on, 61–3
criminal law, procedural requirements and standards of proof in, 114
Fuller’s theory of, 33, 39–40
global anti-terrorism law and, 59, 60, 61–3
legality principle and immigration rules, 214–16, 218, 241
listing and, 38–9, 40–2
political and historical aspects of, 14
stop and search police powers in UK and, 499–500
in Sub-Saharan Africa, 574, 591, 595
UN Security Council and, 39–41
listing and, 38–9, 40–2
US policy and, 478
Rushdie, Salman, 245
Russia
collapse of Soviet Union, 352
geographic transplantation to Chechnya from, 74
legislation of anti-terrorism in, 164
SCO (Shanghai Co-operation Organisation) and, 345–7
Saadi v. Italy (ECHR), 232
Sabir, Rizwaan, 258
Sadat, Anwar, 633
Samudra, Imam, 290, 296, 299
Santow, Edward, 49, 122, 490
sarín gas releases by Aum Shinrikyo (1994–1995), 82 n. 50, 393–4
The Satanic Verses (Rushdie), 245
Saudi Arabia, on ‘freedom fighter’ exceptions, 631
Scalia, Antonin, 108
Scheinin, Martin, 43, 635, 636, 637, 651
Schepple, Kim Lane, 53, 75
SCO (Shanghai Co-operation Organisation), formerly Shanghai Five, 345–7
SCRs (Security Council Resolutions). See entries at UN Resolution
security certificates in Canada, 525–9, 534
Security Council and Security Council Resolutions. See entries at UN
security risk certificates in New Zealand, 567
sedition
in Australia, 557
in Israel, 605
See, Martyn, 274, 275
seizure of property. See property, deprivation of
self-defence, individual, inherent right of, 407–10
self-injury/suicide, 353, 393–4
self-radicalisation, 279
Sen, Binayak, 442
sentencing of terrorists
in Australia, 116
in Canada, 116
under criminal law, 116–17, 287
in Eastern Africa, 583
in Egypt, 634–5
in Jordan, 644
in Singapore, 287
in South Africa, 578
in UK, 116
Seow, Francis, 275
separatist and identity-based movements
in China, 334, 343–8, 351–3
in India, 422, 427–8, 431, 438, 445, 446
September 11, 2001. See 9/11, under N
Sewak Sangh, 438
SCO (Shanghai Co-operation Organisation) (SCO), formerly Shanghai Five, 345–7
Sharif, Omar Khan, 246
Sim Gim Tiong, Public Prosecutor v. (Singapore), 286
SIMI, 431, 432
Singapore, 271–89
  bomb hoaxes in, 285, 286
  Catholic social activists in, 274, 275
Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, 287
criminal anti-terrorist law in, 100
criminal law
  detention without trial instead of, official reasons for, 273, 277–82, 282 n. 47
  legislation of new overlapping crimes, 285
detention without trial in, 109, 271
  n. 68, 271–83
alternative accounts of, 273–6
criminal law and processes, official reasons given for failure to use, 273, 277–82, 282 n. 47
  ‘due process’ issues and, 282, 282 n. 47, 283 n. 50
governmental decisions, public trust in, 282 n. 47
JI (Jemaah Islamiyah), operations against, 271, 273, 277–82
development of anti-terrorist regime in, 7
Explosive Substances Act, 285
Hong Kong UN SC Res. enabling legislation compared, 389
ISA (Internal Security Act), 271, 282
Islamic issues in, 57, 281
judiciary, role of, 12
legislative anti-terrorist activity in, 272, 283–8
lethal force, police allowed to use, 284
  Malaysia, 1963–5 merger with, 281 n. 46
necessity defence in, 284
racial/ethnic sensitivities in, 281
real suspected terrorists, failure to charge under new legislation, 286, 288
reasonable mistake defence in, 284
religion rehabilitation programme, 110 n. 69
Restriction Orders in, 280
sentencing in, 287
Telecommunications Act, 285
Terrorism (Suppression of Bombings) Act, 285
UN (Anti-Terrorism Measures) Regulations 2001, 285
UN Resolution 1373, implementation of, 60, 97 n. 18
Singh, Devender Pal, v. State of NCT of Delhi and Another (India), 433
Singh, Digvijay, 427
Singh (JB) v. Canada (Canada), 140
Singh, Ujjwal Kumar, 420
Sivakumar case (UK), 225
Skair, Leslie, 52
Slaughter, Anne-Marie, 60
Slynn, Lord, 227
Smith, Joanne, 352
social or community-based approaches to preventing terrorism, 243, 250–61
social, political and historical aspects of anti-terrorism law, 14–16, 58–61, 64–5, 351–3
Social Weather Station, Inc v. COMELEC (Philippines), 312
Soeharto, 297
Soeparno Zaimal Abidin, 301
Somalia
  extradition of suspected terrorists from Kenya to, 589
  other parts of Sub-Saharan Africa affected by vulnerabilities of, 585, 585 n. 74, 589
  vulnerability to terrorism of, 585
South Africa
  Boemerag group in, 593 n. 118
civil unrest in, 586
  constitutional challenges to anti-terrorism legislation in, 575, 578–81
criminal anti-terrorism law in, 484, 577, 580
South Africa (cont.)

experience of terrorism in, 584
geographical location, significance of, 585–6
Hawks (Directorate for Priority Crime Investigation), 576
human rights and civil liberties in, 575, 578–81, 588–92
immigration law in, 592
judiciary, role of, 593–4
legislation of anti-terrorism in, 575, 576–81, 594
NPA (National Prosecuting Authority) Act, 576, 594
preventive provisions in, 576–7
property, deprivation of, 576, 578–80
public perception of anti-terrorism measures in, 586–8
Scorpions (Directorate of Special Operations or DSO), 576
sentencing in, 578
trials of terrorists in, 577–8
UN SC imposition of mandatory arms embargo on (1977), 19
Soviet Union. See Russia
Spain
legislation of anti-terrorism, lack of, 180
Madrid train bombings (2004), 180, 206, 209
special advocates, 143–9, 283 n. 50, 489, 492, 526, 529
speech restrictions
China, emergence of dissident speech in, 348–9
in criminal law, 120
financial war on terrorism and, 191
in Israel, 605, 605 n. 39, 606 n. 42
in Jordan, 643
after London bombings, 245
in Philippines HSA, 313, 323–4
sedition offences in Australia, 557
in UK law, 120, 508–9
UN Resolution 1624 (on prohibiting incitement of terrorism), 6, 91, 361 n. 17, 530
USA PATRIOT Act and, 473
WMD and, 82–5
Spigelman, Jim, 560
Starmer, Keir, 512
state interest immunity. See public interest immunity
state sovereignty objections to UN SC legislation, 30–2
Stern Group, 598
Stevens, John Paul, 108
Stevens, Sir John, 246
Steyn, Lord, 147, 225
stop and search, UK police powers of, 494–503, 511
Stork, Joe, 624, 632
Strasbourg Court. See European Court of Human Rights
Sub-Saharan Africa (South Africa and Eastern Africa), 573–96.
See also specific countries
constitutional challenges to anti-terrorism legislation in, 575, 578–81, 583
definition of terrorism in, 484, 577, 580, 582
domestic politics and terrorism since 2005 in, 584–5
experience of terrorism in, 584
geographical location, significance of, 585–6
Islam in, 585, 588, 589
judiciary, role of, 593–4
legislation of anti-terrorism in, 573–84, 594–6
human rights and civil liberties in, 575, 578–81, 588–92, 594–6
Islam in, 585, 588, 589
judiciary, role of, 593–4
legislation of anti-terrorism in, 573–84, 594–6
preventive provisions, 576–7, 581–2
property, deprivation of, 576, 578–80, 581–2, 583
public perception of anti-terrorism measures in, 586–8
rule of law principle in, 574, 591, 595
shared legal heritage in, 574
Somali diaspora in, 585, 589
trials of terrorists in, 577–8, 582–4
US pressure for anti-terrorism activities in, public perception of, 587–8
substantive transplantation, 69–73
INDEX

Index to civil law, 73, 77
to criminal law, 77–81, 112
defined, 67, 69
via lack of specificity, 70–2
via manner of implementation, 72–3
via normalisation, 69–70
from nuclear to biological security, 82–6
in reverse, 73
suicide/self-injury, 353, 393–4
Sun Zhongjie, 353
Sunata, Abdullah, 302
Sungkar, Sahid Ahmad, 299
sunset clauses, 165–6, 175, 324, 417, 443–4, 552
Supreme Court, Israeli, rulings of, 12, 49, 602, 610–16, 616 n. 70
Supreme Court, UK, on listing, 22
Suresh v. Canada (Canada), 232, 527
surveillance. See also electronic communications; intelligence collecting
in Eastern Africa, 582
financial war on terrorism, monitoring provisions in, 196–9
records searches in US, 470–1
Sweden
forcible repatriation by, 637
listing reforms and, 34
UN SC legislation, objections to, 32
Swift banking system, 78
Syakur, Shabbirin, 301
Syrian Arab Republic, 638–41
Canadian citizens detained and tortured in, 531, 533
criminal law in, 639–40
definition of terrorism in, 639
development of anti-terrorist regime in, 9
emergency, in state of, 639
extraordinary rendition to, 624, 641
financial war against terrorism in, 641
General Publications Law 1949, 640
human rights and civil liberties in, 623
Jordanian law based on, 641–7
Lebanon, withdrawal of forces from, 639
legislation of anti-terrorism in, 628
as model for anti-terrorism law and policy, 622
organisational bans and restrictions in, 640
UN Resolution 1373, implementation of, 97 n. 18
US and, 638, 641
Szasz, P., 24, 26, 27

T v. Home Secretary (UK), 222
Tadros, Victor, 102
Tajikistan, Republic of, and SCO, 345–7
Taliban. See Iraq and Afghanistan, wars in; listing
Tamil Tigers, 224, 225, 431, 518
Tanweer, Shehzad, 249
Tanzania
Dar-es-Salaam, bombing of US embassy in (1998), 584
gerographical location, significance of, 585–6
human rights and civil liberties in, 588–92
judiciary, role of, 593–4
legislation of anti-terrorism in, 574
preventive provisions in, 581–2
public perception of anti-terrorism measures in, 586–8
trials of terrorists in, 582–4
targeted killing, 110–11, 463–70, 610–11, 613
technology, role of, 13
Tel Aviv suicide bombings (2003), 246
Teo Soh Lung, 275
terrorism. See anti-terrorism law and policy; defining terrorism; war on terrorism
Tham, Joo-Cheong, 171
Thomas, Clarence, 107 n. 59
Thomas, Jack, 104
Thomas, Joseph, 555
Thomas, Philip A., 162, 167
Thomas v. Mowbray (Australia), 559
'Three Evils', 344, 347
Tiananmen Square, Beijing, 376
Tibetan unrest, Chinese reaction to, 339, 343–8, 352
INDEX

Methodology for evaluating cases of torture, 86–7
Publicity conditions, imposition of, 86
Typology of, 69
Values, application of, 86
of Western concepts to non-European societies, 120

The Trial (Kafka), 123, 521
Trials of terrorists. See also fair hearing, right to; sentencing of terrorists in Australia, 104, 105
in Canada, 101, 104
under criminal law, 103–6, 115
detention without. See detention in Eastern Africa, 582–4
in Israel, 606
Military trials, 9, 108–10, 453–7
Northern Ireland, juryless trials in, 70, 71
in South Africa, 577–8
in US, 453–7

Tunisia, 647–51
Anti-government movement in. See Arab Spring
definition of terrorism in, 648, 649, 651
detention in, 650
human rights and civil liberties in, 647, 650
Law no. 2003–75 647, 648–51
Legislation of anti-terrorism in, 628
torture in, 650
Tushnet, Mark, 65, 154

UDHR (Universal Declaration of Human Rights), 123

Uganda
civil unrest in, 586
detentions and torture in, 589–90
geographical location, significance of, 585 n. 74, 585–6
human rights and civil liberties in, 588–92, 595
JATTF (Joint Anti-Terrorism Task Force), 589 n. 98, 589–90
Judiciary, role of, 593–4

Tien, James, 380, 381
Tomkins, Adam, 214
Top, Noordin M., 290, 302
Toronto bombing plot (2006), 519, 519, 523, 531
Torture
Afghan intelligence agency, Canadian transfer of detainees to, 535
CAT (Convention against Torture), 458, 459, 460, 626, 637
Compelled statements in Canada, 522
as defined in Philippines law, 331
deporation and risk of, 112, 229–33, 244, 527 n. 58, 527–9, 637
in Eastern Africa, 589–90
Extraordinary rendition for purposes of, 460–3, 624, 641, 646
Israel, special interrogation methods in, 613
in Jordan, 647
Military detention and trials, 109
Refugees and asylum seekers from persecution arising from anti-terrorism operations in other states, 225–6
Syria, Canadian citizens detained and tortured in, 531, 533
in Tunisia, 650
UN Anti-torture Convention, 301
UN Special Rapporteur on, 645
US, coercive interrogation in, 457–60
'torture memos', 47, 457
'torture warrant', Dershowitz's argument for, 543
Transnational law. See global anti-terrorism law and policy; international law
Transplantation, 2, 67–87.
See also substantive transplantation
Defining, 68 n. 3
Effectiveness of, 87
effects of, 68
Geographic, 73–7
From UK, 6, 45, 48, 74, 98, 516
derined, 68, 69
Kampala, World Cup Final bomb blasts in (2010), 585, 585 n. 74
legislation of anti-terrorism in, 574, 595
preventive provisions in, 581–2
public perception of anti-terrorism measures in, 586–8
trials of terrorists in, 582–4

Uganda Law Society case (Uganda), 593
Uighur separatists in China, 343–8, 352

United Nations (UN) Counter-Terrorism strategy (2006), 4
General Assembly UNSC legislation, objections to, 29
UN Global Counter-Terrorism Strategy, 242
High Commissioner for Refugees (UNHCR) guidelines, 221, 225
Resolution 1267 (on listing and individual sanctions), 4, 5, 19, 95, 185, 359–60, 374, 521
Resolution 1333 (on situation in Afghanistan), 374
Resolution 1373 (on criminalisation of terrorist acts)
Australia and, 545, 548
Canada and, 536
China's response to, 336
dangers of reliance on criminal law to combat terrorism and, 94–5
defining terrorism and, 5, 91, 98
effectiveness of anti-terrorism regimes and, 13
financial measures, 81, 185, 190, 195
as geographic transplantation, 75
global anti-terrorism law and, 44, 45, 47, 48, 50
Hong Kong's response to, 360–1
implementation issues, 54, 55 n. 47, 59, 60
interaction between international and domestic anti-terrorism regimes, 3–4
as legislation, 24–7
New Zealand and, 562
objections to, 29–30

overlap between Resolution 1390 and, 374
property, deprivation of, 195
rapidity of enactment and implementation of, 168
Resolution 1390 (on three-sanctions formula for listing), 33, 35, 361, 373–6
Resolution 1452 (on humanitarian exceptions to listing), 34, 190 n. 24
Resolution 1526 (on state communication with listed persons), 35
Resolution 1540 (on proliferation of WMD)
‘all-risk’ strategies and, 336
as legislation, 24–7
objections to, 30–2
Resolution 1566 (on defining terrorism), 5, 98
Resolution 1617 (clarifying listing criteria), 37
Resolution 1624 (on prohibiting incitement of terrorism), 6, 91, 361 n. 17, 530
Resolution 1730 (establishing focal point for delisting requests), 35
Resolution 1822 (on state obligation to inform listed persons of their status), 35, 36, 37, 40
Resolution 1904 (establishing delisting requests Ombudsperson), 5, 21, 36–8, 40
Security Council, 2, 19–43.
See also entries at UN Resolution Counter-Terrorism Committee, 4
on fair hearing rights, 124
financial war on terrorism and, 199
Hong Kong and, 359–60, 387–9
legislation, 22–32
defined and described, 23–4
generality criterion, 23–4
global anti-terrorism law and, 44
objections to, 27–32
resolutions regarded as, 24–7
rule of law and, 41–3
UN Security Council (cont.)
listing. See listing
powers of, 19
prevention of terrorism emphasised
by, 8
on refugees and asylum seekers, 211
rule of law, 39–41
legislation and, 41–3
listing and, 38–9, 40–2
UN Special Rapporteur on anti-terror
legislation and human rights, 332, 635, 636, 637, 651
UN Special Rapporteur on torture,
645
unemployment and poverty, as causes
of terrorism, 119, 308, 355, 652
United Kingdom, 481–513
acts preparatory to terrorism,
criminalisation of, 507
all-risk approach to counter-
terrorism in, 118
ATAS (Academic Technology
Approval Scheme), 259
ATCSA (Anti-terrorism Crime and
Security Act 2001), 145, 158,
160, 167, 229, 244, 494–506
Birmingham bombings (1974), 162
Britishness, efforts to promote,
252–3
CONTEST (Countering
International Terrorism) Strategyn, 242, 250, 266
control orders in. See control orders
conviction rates in terrorist charges,
103
Criminal Justice Act 2003, 504
Criminal Justice and Immigration
Act 2008, 232
definition of terrorism in, 6, 484
detention in, 12, 229–33, 485, 503–5,
511. See also control orders
ECHR and, 481, 483, 484–5,
505, 509. See also European
Convention on Human Rights;
European Court of Human
Rights
executive power in, 483
expansion of criminal liability in,
101, 102
fair hearing, safeguarding of right
to, 150
financial war on terrorism in, 187,
191, 193 n. 28, 196, 201
geographic transplantation from, 6,
45, 48, 74, 98, 516
Hong Kong under rule of, 358
HRA (Human Rights Act) 1998, 125,
153, 154, 157, 209, 219, 229, 239,
484–5, 504, 505
human rights protections in, 156,
484–5, 505, 513
Immigration, Asylum and
Nationality Act 2006, 223, 245
immigration law in, 9, 209, 211.
See also under refugees and
asylum seekers
citizenship, deprivation of, 237
criminal law and, 111
judiciary, role of, 238–9
legality principle and, 213–17
refusal of admission, 236
incitement of terrorism, 508–9
Independent Reviewer, Office of, 182
Islamic Media Unit, 260–1
judiciary, role of, 12, 49, 153, 156
legality principle as political ideal in,
213–17
legislative system compared with
Australia, Canada, New
Zealand and US, 156–8.
See also legislation anti-
terrorism
level of terrorist threat in, 157
London bombings (7/7/2005), 170,
209, 218, 223, 239, 244–6, 263,
542, 560
M15, 132, 181 n. 121, 246, 262
Middle East and, 621, 623, 624
minimum core of information,
requirement to provide, 141–3
PII in. See public interest immunity
POTA (Prevention of Terrorism Act)
2002, repeal of, 10
POTA (Prevention of Terrorism Act)
2005, 10, 170, 173, 174, 231, 244,
485, 486, 491
pretextual use of criminal anti-
terrorist law in, 103
INDEX

Preventing Extremism Together initiative, 251–6
preventive approaches in.
   See under ‘Prevent’ responses to jihadi extremism
procedural fairness in, 125
Project Channel, 263
proportionality principle in, 128, 129
proscription of organisations in, 505–7
Protection of Freedoms Bill 2011, 511, 513
reform plans, 10
refugees and asylum seekers in.
   See under refugees and asylum seekers
sentencing of terrorists in, 116
SIAC Act (Special Immigration Appeals Commission Act 1997) and SIAC Commission, 144, 215, 215 n. 25, 223, 226–8, 229–31, 235
special advocates in, 143–9, 489, 492
speech restrictions in, 120, 508–9
stop and search, police powers of, 494–503
substantive transplantation in, 70, 71, 73
TA (Terrorism Act) 2000, 6, 48, 74, 98, 177, 244, 484, 503, 506, 507, 508, 509, 516, 623
TA (Terrorism Act) 2006, 112, 244, 258, 266, 504, 508
TPIMs (Terrorism Prevention and Investigation Measures), 510
UN Resolution 1373, effects of, 4
Western liberalism, assumptions regarding, 16
wrongful conviction, dangers of, 106
United Nations. See entries at UN
   See also Guantánamo Bay; 9/11; 9/11 Commission (under N)
Africa, bombing of US embassies in (1998), 584
African embassy bombings (1998), 584
‘Al Capone strategy’ in, 103, 116
all-risk approach to counter-terrorism in, 118
anthrax mailings (2001), 83, 84
Atomic Energy Act of 1946, 82
Australia influenced by, 566
Canada–US border, 168 n. 75, 514–15, 529, 537
CIA (Central Intelligence Agency), 459, 460–70, 624, 637, 641, 646, 647, 653
coercive interrogation in, 457–60
contractors used in combat situations, 480
conviction rates in terrorist charges, 103
detainee Treatment Act, 459
detention and military trials in, 453–7
domestic criminal law response to 9/11 in, 96
electronic communications, surveillance of, 471–8
emergency conditions, normalisation of, 479
erosion of legal rights post-9/11 in, 65
Executive Order 13224, 77, 79
executive powers in, 450, 452
expansion of criminal liability in, 101
extradition to, 237
extraordinary rendition and, 460–3, 624, 646, 647
FAA (FISA Amendments Act) of 2008, 477
financial war on terrorism in, 188, 189, 190, 191, 192, 193 n. 28, 195, 197, 201, 204
FISA (Foreign Intelligence Surveillance Act), 471–8
FTOs (Foreign Terrorist Organizations), designation of, 78
geographic transplantation from, 74
Homeland Security Bill, 169
human rights protections in, 156
United States (cont.)
Hurricane Katrina, 118, 538
28, 195, 201
immigration law of, 111, 470
Japanese support for, 392, 415, 415 n. 70
judiciary, role of, 12, 49, 153, 156
legislative system compared with Australia, Canada, New Zealand and UK, 156–8.
See also legislation, anti-terrorism
level of terrorist threat in, 157
material support to terrorists, criminalisation of, 473
Middle East and, 621, 624, 638, 641, 651, 652, 653
military, anti-terrorism role of, 8, 9, 108–9, 453–7
Military Commissions Act, 456, 459
National Security Act of 1947, 467
National Strategy for Combating Terrorism, 242
9/11, response to, 449–51
NSA (National Security Agency), 475
NSLs (National Security Letters), 71, 471
PAA (Protect America Act) of 2007, 476
Philippines, US troops in, 15
pressure on other countries to enact terrorism legislation by, 8, 306–7, 398, 587–8
records searches in, 470–1
rule of law and policy of, 478
SARs (Suspicious Activity Reports), 78, 80–1
substantive transplantation from nuclear to biological security, 82–6
UN Resolution 1540 on. See UN Resolution 1540
Welchman, Lynn, 621
Western liberalism
Arab Spring, challenges of, 654
assumptions regarding, 16
Indonesia and, 298, 306–7
prevention of terrorism emphasised by, 8, 306–7
transplantation to non-European cultures, 120
Westminster doctrine, 156
Whealy, Anthony, 558, 560
Whitaker, Beth E., 587
Whitaker, Reg, 161
whole of government approach to terrorism, 117
Williams, Daryl, 167
Williams, George, i, 1, 505, 512, 541
WMD. See weapons of mass destruction
Wong Shan Shan, Public Prosecutor v. (Singapore), 286
Woolf, Lord, 229, 233
World Cup Final bomb blasts in, Kampala Uganda (2010), 585, 585 n. 74
World Trade Centre attack of 1993, 97, 107, 118
World Trade Centre attack of 2001. See 9/11 under N
wrongful conviction, dangers of, 106
Xinjiang region, separatist unrest in, 339, 343–8
Yamashita v. Styer (Philippines), 328, 329
Yang Jia, 354
Yeh, Emily, 352
Yemen, Republic of
stifling of internal dissent after 9/11 in, 625
targeted killings in, 465, 470
US and, 652
Yezza, Hicham, 258
Yongshun, Cai, 341
Young, Simon N. M., 357
Yudhoyono, Susilo Bambang, 308
Yusri, 301
Yusuf, Ahmed Ali, 34
Yusuf case (ECJ), 37
Zafar, R v. (UK), 257
Zahari, Said, 274
Zamir, Itzhak, 602
Zaoui, Ahmed, 567
al-Zarqawi, Abu Mus’ab, 645
Zedner, Lucia, 482
Zhang Haichao, 353
Zhou Yichao, 354