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The Political Offence Exception to Extradition

The Case of Fehriye Erdal



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M. Cherif Bassiouni



Political Offence Exception To Extradition:

Enforcing International Law Norms Against Terrorism Andrea Bianchi, Yasmin Naqvi, 2004-07 The scale and horror of recent terror attacks and the panic which ensued throughout the world has forced policy makers and international lawyers to re examine international legal tools available to enforce norms against terrorism The magnitude of the attacks the modalities of the operations the profiles of the terrorists and the transnational structure of some terrorist organisations all cast doubt on the adequacy of the existing political and legal framework to fight terrorism Due to this perception governments have increased the intensity of measures to combat terrorist activities such as using military force against States sponsoring terrorism freezing assets of terrorist organizations and promulgating national security measures designed to protect the State against would be terrorists This book comprehensively analyses the suitability of existing international legal tools to enforce rules prohibiting terrorism Contributions from leading experts in international law examine among others questions relating to the proper role of international law in combating terrorism the legality of covert operations against terrorism whether the law of armed conflict can be applied to the war against terror domestic anti terror laws and their compatibility with human rights standards and how to regulate the internet to prevent terrorist usage In addition the ways in which States can co operate together to more effectively investigate terrorist infrastructures and apprehend suspects is focused upon The interplay between different layers of legal authority at international regional and domestic levels is also subject to review This thorough examination of the array of legal means at the international community s disposal to enforce norms against terrorism will allow readers to appreciate the real challenges that terrorism and the responses to it pose to the international legal system The Political Offence Exception to Extradition Christine van den Wyngaert, 1980

Extradition and Political Crimes Sibel Top, 2025 This book examines the evolution and current application of the political offence exception clause to extradition in Europe The long standing academic exploration of terrorism has recently given way to renewed interest in the political offence exception to extradition prompted by recent events that signal a democratic downturn globally Despite the significant curtailment and in some cases the complete abolition of the political offence exception to extradition in Europe certain European states continue to quietly implement this exception to deny extradition requests This work studies the development of the political offence exception in Europe by narrowing its focus from an international perspective to the European context specifically examining the Council of Europe and the European Union before zeroing in on the Catalan independence crisis which offers a particularly valuable case for analysing the application of the political offence exception in the European context By providing a detailed examination of the evolving protections for political offenders within European legal frameworks the text updates the long overdue academic knowledge on the matter It is therefore an essential resource for anyone interested in European criminal law and extradition in particular It will also be of interest to researchers academics and policy makers working in the areas of criminal law human

rights law legal theory criminology and political science International Crimes: Law and Practice Guénaél Mettraux, 2020-05-27 Judge Mettraux's four volume compendium *International Crimes Law and Practice* will provide the most detailed and authoritative account to date of the law of international crimes. It is a scholarly tour de force providing a unique blend of academic rigour and an insight into the practice of international criminal law. The compendium is unrivalled in its breadth and depth covering almost a century of legal practice, dozens of jurisdictions, national and international thousands of decisions and judgments and hundreds of cases. This second volume discusses in detail crimes against humanity.

The Alleged Transnational Criminal Richard Atkins, 2023-08-28 The virtual obliteration of national boundaries accompanied by the effective shrinking of the world has given rise to a dramatic increase in the number of transnational criminal cases and an evident increase in the sophistication of international criminals. This collection of essays written by practitioners directly involved with the emerging issues presents the reader with international crime developments. It offers a foundation for continued discussion in this emerging field and should be of interest to all those practising in transnational and international law.

Punishing International Terrorists John F. Murphy, 1985-06-28 This book pinpoints the opportunities and the gaps in the legal system as it applies to political violence.

The Theory and the Practice of Disguised Extradition Under International Law Ghassan Oussman, 1991 **Political offence exception in extradition law**, 1993 The Political Offense Exception and Terrorism Abraham D. Sofaer, 1985 **Terrorism, Criminal Law and**

Politics Julia Jansson, 2019-07-23 Recent atrocities have ensured that terrorism and how to deal with terrorists legally and politically has been the subject of much discussion and debate on the international stage. This book presents a study of changes in the legal treatment of those perpetrating crimes of a political character over several decades. It most centrally deals with the political offence exception and how it has changed. The book looks at this change from an international perspective with a particular focus on the United States. Interdisciplinary in approach it examines the fields of terrorism and political crime from legal, political science and criminological perspectives. It will be of interest to a broad range of academics and researchers as well as to policymakers involved in creating new anti terrorist policies.

Decisions of German courts relating to public international law, 1981 **International Criminal Law, Volume 2: Multilateral and Bilateral**

Enforcement Mechanisms M. Cherif Bassiouni, 2008-12-31 Volume 2 addresses jurisdiction and the various mechanisms and modalities of international cooperation in penal matters which for all practical purposes apply to both the direct and indirect enforcement methods of ICL. These mechanisms and modalities of international cooperation are used not only in bilateral interstate cooperation in penal matters but they are also employed by international tribunals including the ICC in their relations with states. This volume is divided into 5 chapters which are titled as Chapter 1 Policies and Modalities Modalities of International Cooperation in Penal Matters The Duty to Prosecute and or Extradite Aut Dedere Aut Judicare Globalization of International Enforcement Mechanisms The Problem of Legitimacy Globalization of Law Enforcement and

Intelligence Gathering and Sharing Chapter 2 Jurisdiction Extraterritorial Jurisdiction Universal Jurisdiction Competing and Overlapping Jurisdictions Immunities and Exceptions The European Union and the Schengen Agreement Chapter 3 Extradition Law and Practice in the United States The European Approach Commentary on the United Nations Draft Model Law on Extradition Chapter 4 Judicial Assistance and Mutual Cooperation in Penal Matters United States Treaties on Mutual Assistance in Criminal Matters Commentary on the United Nations Draft Model Law on Mutual Legal Assistance Inter State Cooperation in Penal Matters in the Commonwealth The Council of Europe and the European Union European Perspective on International Cooperation in Matters of Terrorism Freezing and Seizing of Assets Controlling Money Laundering Chapter 5 Recognition of Foreign Penal Judgments Transfer of Criminal Proceedings and Execution of Foreign Penal Sentences Introduction to Recognition of Foreign Penal Judgments Introduction to Transfer of Criminal Proceedings Transfer of Criminal Proceedings The European System The Lockerbie Model of Transfer of Proceedings International Perspective on Transfer of Prisoners and Execution of Foreign Penal Judgments United States Policies and Practices on the Execution of Foreign Penal Sentences *The Political Offence Exception to Extradition* Michelle O'Kelly, European University Institute. Law Department, 198? International Extradition M. Cherif Bassiouni, 2014 This comprehensive guide covers all aspects of extradition to and from the United States while making critical theoretical and practical evaluations of these aspects and proposing alternatives The rights of individuals balancing of states interests and preservation of world order within the Rule of Law form the conceptual framework of this book The focus within U S practice explores the essentials involved in the executive branches treaty making power as implemented through its foreign relations practice and as scrutinized by the judiciary The Sixth Edition updates the treaties laws and cases cited with new content including comparative material dealing with the European Union cases involving the United States decided by other countries and major decisions of the high courts of the UK Canada France South Africa Australia Israel Italy and Germany As with the prior editions the Sixth Edition continues to expose certain questionable practices of the United States with regards to extradition The Political Offence Exception to Extradition Burcu Baytemir, 2011-01 This study is devoted to the Case of Fehriye Erdal The case is taken as a representative sample and an indicator of how the current system of international cooperation in criminal matters against terrorism is bound to fail under certain circumstances Considering the fact that the process of extradition still plays an essential role as the most widely accepted legal tool for nation states in their fight against international criminality the significance of the aforementioned case is better grasped On such basis this study is focused on the debate revolved around Fehriye Erdal and to this end especially the legal proceedings in Belgium and Turkey came under scrutiny and their relation to the institution of extradition closely examined In this context it is aimed at drawing the reader s attention to the potentially problematic relationship between the crime of terrorism and the so called political offence exception to extradition

Treaties and Topics in American Diplomacy Freeman Snow, 1894

The Political Offence Exception in

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