

Index

- Abrams, M 319
Abu Hamza 115, 121
Abu Izzadeen 115
academia 64–5
accountability 75, 83, 275, 297, 314–17, 318
 see also evaluation of
 counter-terrorism (CT)
 strategies
Ackerman, B 40
affiliation model 97–8
Afghanistan 38, 267, 270, 274, 281–2, 287–8, 312
African Charter on Human and Peoples' Rights (1981) 192
Aitkin Report 283–4
Alcaide Fernández, J 32
Aldrich, R 298
Alexander, Y 26
Alix, J 117
Allason, R 294
Altiparmak, K 269
American Convention on Human Rights (1969) 192
American Declaration of the Rights and Duties of Man (1948) 192
Amnesty International 202, 207
Anderson, D 18, 94, 296, 297, 315
Anderson, M 310
Andrew, C 295, 298, 299, 300, 303
animal rights groups 101–2
Ansari, F 78
army *see* military detention of civilians
Arnaiz Amigo, A 58
Aron, R 24
Arslan, Z 39, 45
art 95
Asensio Jiménez, R 48, 55
Ashcroft, John 27
Ashworth, A 161, 314
Asúa Batarrita, A 22, 31, 131, 132, 142
Atkins, C 78
auditing 186–7, 317
 see also evaluation of
 counter-terrorism (CT)
 strategies
Augustine, Saint 55
Australia 93, 207, 253
 evaluation of counter-terrorism (CT)
 strategies *see separate entry*
 Federal Police (AFP) 242, 257, 260–262, 264
 auditing 186–7
 police cooperation 257–62, 264
Austria 58, 120, 123
Awan, I 88

'backlash effect' 178–9
Ballesteros, J 40, 41, 46, 52, 53, 54, 55, 56, 57, 59
Barendt, E 113
Barquin, J 141
Bassiouni, MC 140
Bates, ES 210
Beck, U 46, 65, 124
Bedan, M 308
Beernaert, MA 111
Begorre-Bret, C 24
Belgium 109, 120, 123, 211, 251
Benest, D 290
Benn, Hilary 267
Bennett, T 174
Benyon, J 255
Bernal, J 141
Bernardi, A 43
Bernuz Beneitez, M^aJ 46
Bertozi, S 250
Bianchi, A 269

- Bigio, I 19
 Bin Laden, Osama 115, 136
 Blair, Tony 74, 77, 266
 Blanco, A 103
 Block, L 243, 245, 246
 Blunkett, David 66, 73, 74
 Bobbio, N 44, 55
 Boer, M den 253, 254, 315, 316
 Boese, M 120
 Bonner, D 178
 Bou, V 142
 Bowers, K 176
 Bowling, B 309, 311, 313, 317
 Brady, C 225
 Braga, AA 174
 Braum, S 123
 Brazil 21
 Brenner, SW 27, 28
 Bresler, F 311
 Bribosia, E 125
 Brock, D 124
 Brodeur, J-P 303
 Bronitt, S 37, 45, 46, 173, 182
 Brophy-Baermann, B 175
 Brown, Gordon 207
 Brunst, P 110
 Bryant, CD 290
 Buesa, M 179
 Bunyan, T 294
 Bures, O 309
 Bush, George W 3, 170, 265
 Butho, Benazir 35
 Buzan, B 64
 Byrnes, J 259
- Cambodia 146
 Cameron, David 207, 291–2
 Campbell, C 212, 266
 Campbell, T 38
 Canada 93, 202–3, 205, 207
 Cancio Meliá, M 17, 21, 87, 90, 97, 98,
 99, 100, 101, 102, 104, 105, 120,
 128, 131, 141
 Cane, P 173
 Carbonell Mateu, JC 32
 Carlile, Lord 4, 93, 94, 95, 101, 205, 304
 Cartier, ME 117
 Casale, S 282, 290
- Cassese, A 92, 111, 112, 131, 136, 137,
 141
 Catalina Benavente, MA 42
 Cauley, J 175
 Cesari, P de 309
 Cesoni, ML 125
 Chehani Ekaratne, S 116
 Child, J 122
 children 191
 Chile 102
 Chocquet, C 100
 Christie, N 64
 Cicero, Marcus Tullius 59
 civil law 206
 civil liberties 47, 215
 security, rights and liberty in UK *see*
 under United Kingdom
 civil society 64, 70, 83
 Clapham, A 137, 138, 147
 Clark, P 305
 Clarke, Charles 67–8, 73–4, 317–18
 Clarke, RV 170
 Clutterbuck, L 245, 301, 303
 Cold War 76, 294
 Cole, D 23, 24, 37, 40, 81
 collective dimension: the organisation
 criminal offence, terrorism as 97–100
 Collin, Barry C 27
 command, law as 53–4
 common law 206, 220
 communication dimension: mass
 intimidation 134
 criminal offence, terrorism as
 100–102
 concept
 of human rights 39–40, 43–4, 45
 of terrorism *see* definition
 consequentialism 43, 45
 constitutionalism 37–41, 58–60
 civil liberties 63
 false dichotomy: security vs human
 rights 41–7
 ordinary legislation 40–41, 55–6, 60,
 231
 Western modern 48–51
 fragility of fundamental rights in
 origins of 51–8
 Conte, A 190

- contract, social 44, 317
- Conway, M 110
- Conway, V 212, 229, 234, 236
- Coogan, TP 213
- Cope, N 304
- Corte Ibañez, L de la 103
- Cotta, S 55
- Cottle, S 64
- Council of Europe 112, 114, 115, 122, 211
- courts *see* judiciary
- Cram, I 114
- crimes against humanity and terrorism
 - 30, 128–30, 146–8
 - interferences and differences 135–41
 - Spanish counter-terrorism policy 141–6
- criminal justice and anti-terrorist measures in Ireland 212–13, 236–7
- anti-subversive/terrorist legislation
 - current anti-subversive measures 214–15
 - current anti-terrorist measures 215–17
 - early 214
- blurring distinction 222–6
- context 213
- exceptional criminal justice process
 - broad, loosely-defined offences 218–19
 - executive powers 217–18
 - police opinion as evidence of guilt 220
 - police powers of arrest and detention 219
 - resort to civil process 221–2
 - right to silence 219–20
- human rights checks and balances 231–6
- normalisation of anti-subversive/terrorist measures 226–30
- Special Criminal Court 217–18, 224, 226, 229, 231, 232, 233
- criminal law, enemy 42–3, 44, 123–4, 128–9, 146
- criminal offence, terrorism as 87–92, 105
 - approaches to defining 92–3
 - scheduled offence 95–6
 - specific definition 93–5, 96
 - collective dimension: the
 - organisation 97–100
 - communication dimension: mass
 - intimidation 100–102
 - programmatic dimension: political
 - projection 102–4
 - see also* definition of terrorism
- Cronin, AK 42
- Cuba 32–3, 178
- Cuerda-Arnau, ML 35
- Cusson, M 180
- cyberterrorism 27–8, 312
- Damgaard, C 137
- databases
 - United Kingdom 80–81
 - National DNA Database 69, 70, 82
- Dati, L 118
- Davenport, C 69
- Davis, FF 178, 217, 218
- Davis, N 65
- De Kerchove, G 108
- De La Cuesta, JL 142, 147
- De Londras, F 63
- De Silva, D 280
- death penalty 26, 214, 231, 272, 287
- definition of security 64, 75, 83
- definition of terrorism 4, 17–20, 38, 67, 120, 134–5
 - crimes against life, freedom and human well-being 24–5
 - criminal offence, terrorism as 87–92, 105
 - approaches to defining 92–6
 - collective dimension: the
 - organisation 97–100
 - communication dimension: mass
 - intimidation 100–102, 134
 - programmatic dimension: political
 - projection 102–4, 134, 145–6
 - democratic rule of law systems
 - actus reus* 20–22
 - political goals: attacking 29–31
 - terrorist intention 34–6
- European Union 111–12, 131–3, 216

- individual terrorism 29, 98–100
- international criminal law 92, 104, 110–111, 130–131
- Ireland 216
- method 22–4
- non-democratic state
 - terrorist intention in 31–4
- sociology 133–4
- Spain 18, 35, 98, 99, 103–4, 133
- types of terrorism 132–3, 134–5
- weapons used 25–8
- Delfem, M 243, 244, 245, 249, 309, 310
- Denmark 120, 123
 - Nordic police cooperation 249–51, 263
- Dennis, MJ 269
- D’Entreves, AP 59
- Dershowitz, A 19, 20, 31, 316
- Di Filippo, M 131, 136, 137
- Dickson, B 91
- dignity 38, 39, 50, 52, 56, 59
- Dimitriu, E 111
- Dinh, VD 37
- discourse theory 65–6
- displacement effects 176, 177
- Domingo, R 59
- Donini, M 43, 123
- Donohue, L 226
- drone attacks 4, 265
- Drumbl, M 145
- Duffy, H 4, 18, 112, 267
- Dugan, L 177
- Dugard, J 92
- Duguit, L 56, 57
- Dupont, B 258, 259
- Dworkin, R 44

- East Africa 312
- Edwards, A 213
- Edwards, R 69
- Eklblom, P 179, 180, 181
- Embar-Seddon, A 27, 28
- empirical research *see* evaluation of counter-terrorism (CT) strategies
- encouragement offences *see* ‘thought crime’ and freedom of expression
- Enders, W 175, 176, 179
- ends and means 47

- enemy criminal law 42–3, 44, 123–4, 128–9, 146
- ETA (Euskadi ta Askatasuna) 35, 87, 89, 97, 99, 129, 142, 144, 147
- Etter, B 260
- Eurojust 252
- European Committee for the Prevention of Torture (ECPT) 193–4, 210
- European Convention on Human Rights (ECHR) 63, 78, 79, 81, 82, 84, 266, 298
 - Art 1: jurisdiction 272
 - Art 2: life 62, 66, 68–72, 77, 82, 83, 271, 272, 274, 283
 - Art 3: torture or inhuman or degrading treatment 202, 209–10, 272, 284
 - Art 5: liberty and security of person 3, 62, 66, 70, 83, 202, 203, 271
 - Art 6: fair trial 70, 83, 192, 193, 194–6, 232–3, 248
 - control orders: information disclosure 204
 - covert surveillance evidence 209
 - ‘fruit of the poisonous tree’ doctrine 200
 - higher national standards 207
 - lawyer present during interrogation 196, 199
 - private consultation 156, 196, 201, 208
 - safety interviews 149–50, 152–60, 163, 164, 165
 - Art 8: private and family life 62, 66, 70, 80, 82, 83, 208, 316
 - Art 10: expression 88, 107, 118, 125–6
 - Art 11: assembly and association 82, 83
 - Art 13: effective remedy 202, 272
 - Art 15: derogation notice 3, 4, 273
 - Art 34: individual applications 272
- European Court of Human Rights (ECtHR) 78, 81, 142, 284
 - admissibility of evidence 200
 - discretion 116
 - freedom of expression 118, 125–6
 - higher national standards 207

- lawyer, right of access to 190, 193, 194–6, 199, 200, 201
- safety interviews 152–3, 154–9, 163
- silence 153–5, 156, 159, 193
- special advocates 202–3, 204–5
- military forces in Iraq 271–2, 273–4
- retention of DNA 69
- safety interviews 150, 164
 - admissions and lies 155, 156, 157–60, 163, 193
 - cautions 156–9
 - legal advice 152–3, 154–9, 163
 - silence 153–5, 156, 159, 193, 232–3
- European Union 111–13, 122, 126, 216
- data retention 69
- definition of terrorism 111–12, 131–3, 216
- lawyer, right of access to 211
- police cooperation 248–57, 262, 263–4, 309
 - liaison officers 246–7
 - security services and 308–10
 - terrorism offences 253–4
- Europol 244, 248, 252, 254–7, 262, 263, 309, 310
- evaluation of counter-terrorism (CT)
 - strategies 169–71, 187–8, 311–13, 317
 - auditing Australian Federal Police 186–7
 - Australian model 182–6
 - effectiveness, concept of 172
 - key historical developments 175–9
 - lessons from crime prevention 180–181
 - problems 171–4
- Evans, M 193
- Ewing, K 63, 82
- experts, rule by 75
- expression, freedom of 88, 227, 232
 - ‘thought crime’ and *see separate entry*
- fair trial 70, 83, 192, 193, 194–6, 232–3, 248
 - control orders: information disclosure 204
 - covert surveillance evidence 209
 - ‘fruit of the poisonous tree’ doctrine 200
 - higher national standards 207
 - lawyer present during interrogation 196, 199
 - private consultation 156, 196, 201, 208
 - safety interviews 149–50, 152–60, 163, 164, 165
- El-Faisal 115, 121
- Farrington, DP 174
- Feeley, MM 124
- Fekete, L 78
- Felsen, O 251
- Felson, M 176
- Fenner, S 159
- Fenwick, H 88, 89, 91, 94
- Fernandez, A 143
- Fijnaut, C 243, 244, 248, 249, 262
- Financial Action Task Force (FATF) 311
- financial sector 307
- financing of terrorism 311
- Finland: Nordic police cooperation 249–51, 263
- Fleming, J 185
- Foley, F 319
- Frampton, M 213
- France 49–50, 51, 109, 113, 117–18, 122, 319
 - intercept evidence 207–8
 - lawyer, right of access to 198–200, 206, 211
 - transnational policing 251
- Fried, C 60
- Friedrichs, J 111
- Fry, JD 135, 136
- Furedi, F 75
- Galli, F 39, 109, 111, 112, 117, 118, 266
- Gamberini, A 43, 123
- Gani, M 46
- García de Enterría, E 57
- Garland, D 124
- Garrison, AH 134
- Garrorena Morales, A 34
- Gearty, CA 54, 59, 78, 80–81, 84

- Geneva Conventions 273, 274, 282, 287, 288, 289
- genocide 146
- Germany 41
- Constitution 58
 - criminal offences 120
 - preparatory acts 98
 - definition of terrorism 17, 32, 95–6, 98, 99–100, 102–3
 - transnational policing 245, 255
- Gerspacher, N 249
- Ghosh, S 28
- Gierhake, K 98
- Gil, A 147
- Gill, P 295, 316
- Glennon, MJ 111
- glorification offences *see* ‘thought crime’ and freedom of expression
- Goldsmith, J 265
- Gomez, MC 141
- Gontovnik, G 196
- González Cussac, JL 26, 42
- Gooddale, M 58
- Goold, BJ 315, 316
- Gordon, S 27
- Grabosky, P 184
- Gracia Martín, L 43
- Greece 17–18
- Green, J 28
- Greer, S 94
- Gregory, F 301, 307, 317
- Grieve, J 304
- Grimm, D 56
- Gross, O 60, 84, 124, 226, 266
- Guantánamo Bay 4, 38, 265
- Guillaume, G 112
- Günther, J 43
- Hamilton, C 219
- Han, S 274
- Haneef, Mohamed 261
- Harfield, C 304
- healthcare 173
- Hebenton, B 248, 309
- Hegel, GWF 53–4
- Hennessy, P 65, 71
- Herlihy, J 225
- hijacking 92, 175, 176, 177–8
- Hitchens, P 76
- Hmoud, M 111
- Hobbes, T 54
- Hocking, J 260
- Hodgson, J 173
- Hoffman, D 114
- Hogan, G 67, 78, 212, 217, 232
- Hollingsworth, M 295
- Horgan, J 24
- Horne, A 207
- hostage taking 92, 176, 177
- Howard, John 170
- Howie, L 23
- Hufnagel, S 260, 262
- human dignity 38, 39, 50, 52, 56, 59
- Hunt, A 88, 112
- Iceland: Nordic police cooperation 249–51, 263
- inchoate offences *see* ‘thought crime’ and freedom of expression
- intercept evidence 206–8, 304
- International Court of Justice 269
- International Covenant on Civil and Political Rights 190, 233
- International Criminal Court 138–40, 144–6
- international criminal law 31
- crimes against humanity and terrorism 30, 128–30, 146–8
 - interferences and differences 135–41
 - Spanish counter-terrorism policy 141–6
 - definition of terrorism 92, 104, 110–111, 130–131
- international humanitarian law (IHL) 4, 128–9, 137
- overlap between international human rights law and 268–70, 273, 274, 288
- Internet 108, 109–10, 113, 116, 120, 306
- internment/preventive detention
- Fourth Geneva Convention 274, 287
 - Ireland 217, 224, 231
 - military forces 274, 287

- United Kingdom 66, 70, 73, 83,
178–9, 266, 271
- United Nations 271
- Interpol 243–5, 247, 254, 310–311
- interviews, safety 149–50, 281
- cautions 156–9, 162, 163–4
- evidence in trials and 159–64
- legal framework
- inferences from admissions and
lies 157–9
 - problems 153–7
 - right to legal access 151–3
- for terrorist and for ‘ordinary’
offences 150, 164–5
- Ip, J 205
- Iqbal, M 27, 28
- IRA (Irish Republican Army) 62, 71,
97, 283–4
- Iraq 38, 71–2, 74, 83, 103, 267, 305
- military detention 281, 283–5
 - judicial activism 270–274
- Ireland 206, 208, 211, 212–13, 236–7
- anti-subversive/terrorist measures
 - blurring distinction between
ordinary and 222–6
 - current anti-subversive legislation
214–15
 - current anti-terrorist legislation
215–17
 - early 214
 - normalisation of 226–30 - arrest and detention 219, 223, 228,
232, 233–4
 - confiscation of funds/assets 221–2,
227–8
 - Constitution 231
 - exceptional criminal justice process
 - current features of 217–22 - human rights checks and balances
231–6
 - miscarriages of justice 234–5
 - money laundering 216, 222, 230
 - silence, right to 219–20, 228–9, 232,
233
 - Special Criminal Court 217–18, 224,
226, 229, 231, 232, 233
- Israel 177, 196–7
- Italy 58, 109, 113, 118–20, 122, 123,
206
- Jackson, J 200
- Jakobs, G 42, 123–4, 128
- James, A 304
- Japan 26–7
- Jara Diez, CG 123
- al-Jedda, Hilal 271, 273
- Jeffrey, K 298
- John, T 304
- Jones, A 87, 88, 114
- Jordán, J 29
- Joubert, C 249, 251
- judiciary 6–7, 123, 269
- Ireland 212, 224, 231–3
 - military detention 270–274
 - security, rights and liberty in UK
62–3, 70, 73–4, 77–8, 82, 83
 - see also* European Court of Human
Rights
- Kaikobak, KH 137
- Kampfner, J 66, 74
- Kavanagh, A 6, 63, 82
- Kaytal, N 38
- Kenya 27, 138–40, 144
- Kert, R 120
- Kielsgard, MD 43
- Kilcommins, S 212, 226
- King, C 227
- Kleinig, J 58
- Klosek, J 254, 255
- Kohl, Helmut 255
- Kotzur, M 58
- Koufa Kalliopi, K 125
- Krauß, M 103
- Kretzmer, D 269
- Labayle, H 117
- LaFree, G 170, 175, 178, 179
- Landa, JM 140, 141, 147
- Laqueur, W 18
- Larsson, P 250, 251
- Latin America 104
- lawyer, right of access to 151, 189–90,
232, 233, 277–8, 280

- covert surveillance of lawyer and client 196, 208–9
 examples of restrictions 195–201
 ‘fruit of the poisonous tree’ doctrine 200
 Geneva Convention, Fourth 288
 intercept evidence 206–8
 international human rights standards 190–195
 military detention 274, 285, 288, 290, 291
 need for international guidance 209–11
 private consultation 152–3, 156, 196, 197–8, 200–201, 208–9, 210, 277, 278
 safety interviews 149, 151–3, 161, 164
 fair trial 152–3, 154–9, 163, 165
 special advocates 201–6
 Leal Medina, J 46
 Leamy, WJ 244
 Lee, J 213
 Lefebvre, S 252
 Legrand, T 172, 185
 Lennon, G 91
 Leppard, D 306
 Leroy, Denis 118
 Lesser, IO 3
 Levin, B 266
 Lewis, P 68
lex certa principle 121, 124
 Lia, B 3
 liaison officers 243, 245–7, 252, 257, 263, 308
 Liberty 78, 207
 liberty
 right to 3, 4, 49, 51, 62, 66, 70, 83, 202, 203, 271
 security, rights and liberty in UK *see under* United Kingdom
 Libya 177
 life, right to 49, 51
 ECHR: Art 2 62, 66, 68–72, 77, 82, 83, 271, 272, 274, 283
 Loader, I 317
 Locke, John 52
 Longhaigh, SÓ 212, 223
 López-Jacoiste Díaz, E 46
 Loughlin, M 54, 59
 Lowe, T 314
 Luban, D 145
 Lum, C 170, 174, 175, 177, 179, 184
 Lustgarten, L 299
 Lutz, JM 99
 McCormack, G 65
 McCutcheon, P 277
 Macdonald, Ken 77, 208
 McEvoy, K 178, 266
 McFarlane, J 261
 McGee, O 294
 McGuffin, P 272
 McKeever, D 89, 92, 94
 McKim, I 70, 81
 McMahan, P 294
 Mali 267
 Manningham-Buller, E 72, 312
 Marchand, SA 125
 Mark, R 260
 Marston, G 173
 Martin, JC 112
 Martínez-Pujalte, A-L 39
 Marx, K 54
 Masferrer, A 19, 37, 42, 43, 53, 59, 60, 135, 141
 Mawby, RI 310
 Mazerolle, L 174
 Mead, D 62
 meaning of terrorism *see* definition
 means and ends 47
 media 62–3, 65, 72, 76, 79, 83, 184
 anti-social behaviour 227
 European Union 126
 Michaelsen, C 37, 40, 45, 47, 63
 Milanovic, M 269
 Milbank, D 27
 Miliband, David 170, 267
 military detention of civilians 291–2
 enhancement of governance of 281–3
 Aitkin Report 283–4
 Baha Mousa Inquiry 284–6
 responses and reform 286–91
 medical checks 279, 286, 289, 290
 mounting legal scrutiny 268–74
 police detention standards

- arrest power 275
- detention periods 276–7
- family and other contacts 279
- lawyers and questioning 277–8
- location 275–6
- overall impact 280–281
- revised military rules (2011) and 286–91
- war and crime 265–8
- Milte, KL 258, 259
- miscarriages of justice 234–5, 280
- Mitsilegas, V 248, 253, 254, 255, 256
- Moeckli, D 43, 63
- Mohamed, Binyam 270, 316
- Monar, J 309
- money laundering 69, 216, 222, 230, 255
- Moran, J 65, 69, 71, 79, 295
- Morgan, R 193
- Moriarty, G 62
- Morris, N 76
- Morsink, J 58
- motor cars
 - number plate scanning in UK 69
- Mousa, Baha 271, 283, 284–6, 289, 291
- Much, C 31
- Mueller, J 169, 174, 188
- Mufdhi, Kha Laf Hussain 272
- Müller, GOW 104
- Murphy, C 111
- Myjer, E 196

- NATO 252
- natural law/rights 44, 45, 49–51, 53, 56, 59
- Neal, AW 6
- Netherlands 207–8, 211, 245, 251
- networks 97–8
- Neumann, P 3
- New Public Management (NPM) 185, 187
- New Zealand 205
- Nicolaou, G 203
- non-governmental organisations (NGOs) 64, 72, 79, 202, 207
- Nordic police cooperation 249–51, 263
- normalisation
 - of exceptional/extraordinary powers 124, 127, 226–30
 - safety interviews 150, 164–5
 - Northern Ireland 62, 67, 75–6, 153, 160, 164, 194, 213, 215, 236
 - ‘backlash effect’ 178–9
 - Diplock Report (1972) 266
 - lawyer, right of access to 197–8, 280
 - Royal Ulster Constabulary 179, 294
 - Security Service 300
 - state trading off Art 2 rights 71, 72, 83
- Norton, JE 44
- Norway 109
 - Nordic police cooperation 249–51, 263

- Obama, Barack 265
- Obarrio, JA 59
- Oberleitner, G 46
- Osborne, P 77
- O’Boyle, M 269
- Occhipinti, J 243, 254, 255
- O’Cinneide, C 179
- O’Connor, D 317
- Oehmichen, A 117, 266
- O’Halpin, E 212
- O’Higgins, Kevin 223
- Olasolo, H 137
- O’Malley, P 314
- O’Malley, T 219
- Omand, D 65, 71, 110
- O’Neill, A 72
- O’Neill, M 309
- organisation
 - definition of terrorism 97–100
- organised crime 20–21, 98, 113, 140, 186, 207–8
 - Europol 244
 - Ireland 223, 224, 227–9, 230, 236
- O’Rourke, S 108
- Orwell, George 106–7, 126, 127
- Oswald, B 282
- Owers, A 290

- Pakistan 35
- Paredes, JM 142
- Parker, Cornelia 95
- Parmar, A 316

- Peers, S 111
 Pejic, J 19, 267, 273, 274
 Pérez Cepeda, AI 43
 Pickering, S 182
 Placher, M 309
 police 6, 139, 172, 200
 Australia 183–6
 auditing Federal Police 186–7
 Interpol 243–5, 247, 254, 310–311
 Ireland 224, 225–6, 229–30, 235–6
 arrest and detention 219, 223, 228, 232, 233–4
 complaints 234
 confiscation of funds 221–2
 opinion as evidence of guilt 220
 security services and 293, 319
 analysis of change 294–311
 impact and consequences 311–19
 melding of structure and operations 303–11
 operations, amplification of 300–303
 structure, amplification of 296–300
 transferring lessons from
 counter-terrorism policing *see*
 military detention of civilians
 transnational policing and human rights 241–2, 262–4
 Australian strategies 257–62, 264
 EU strategies 248–57, 262, 263–4
 international cooperation 242–7
 liaison officers 243, 245–7, 252, 257, 263, 308
 United Kingdom 70, 79, 121, 178–9, 198, 274
 detention standards 275–81
 localised community policing 318–19
 safety interviews *see separate entry*
 security services and police *see above*
 transferring lessons *see* military detention of civilians
 transnational policing 247, 251
 political projection 145–6
 definition of terrorism 92, 94, 102–4, 131, 134
 political science 45
 Porter, B 294
 Porter, Henry 77
 Posner, EA 40
 Posner, RA 37, 179
 postmodernism 40, 45
 Poyner, B 180
 pre-emptive model 46, 83, 123–4
 precautionary model 46
 Precht, T 108
 ‘Pre’ political’ rights *see* natural law/ rights
 preventive detention/internment
 Fourth Geneva Convention 274, 287
 Ireland 217, 224, 231
 military forces 274, 287
 United Kingdom 66, 70, 73, 83, 178–9, 266, 271
 United Nations 271
 Prittitz, C 23
 privacy 227, 232
 ECHR: Art 8 62, 66, 70, 80, 82, 83, 208, 316
 United Kingdom 68–70, 79, 80–81
 private sector 61, 68–9
 public security agencies and 307, 314
 property, right to 40, 49, 51, 52
 proportionality 19, 112, 130
 criminalising free speech 126
 security, rights and liberty in UK 62–3, 66, 67, 68, 69–70, 75, 77, 83
 Proulx, VJ 135, 136
 Prud’homme, N 270
 Al Qaeda 4, 75, 76, 120, 267, 306
 Al Qa’ida *see above*
 Quinlivan, P 294
 Raab, C 70
 Raab, D 80
 Radsan, AF 265
 Ramón Chornet, C 46
 Ratcliffe, J 304
 Rawls, J 44
 Recasens i Brunet, A 45
 Red Cross 287–8
 Reid, John 73, 75, 76, 318

- Reinares, F 23, 100, 132, 133, 134–5
 Reitano, S 118
 relativism 58, 266
 Remiro Brotóns, A 32
 Renteln, AD 58
 Rhonheimer, M 54
 Rijken, C 248, 254
 risk 46, 124, 285, 295, 314
 rise of security and 64–6, 84
 Roach, K 4, 38, 57
 Roberts, L 183
 Robertson, KG 313
 Robertson, M 144
 Rodley, NS 282
 Ronen, Y 111
 Rosemont, H 64
 Rosi, E 118
 Ross, JI 290
 Rousseau, JJ 48, 51, 53–7
 Rowe, JJ 94
 Rowe, P 291
 Rudolphi, H-J 97
 Rwanda 146
- Al-Saadoon, Faisal Attiyah Nassar 272
 safety interviews 149–50, 281
 cautions 156–9, 162, 163–4
 evidence in trials and 159–64
 legal framework
 inferences from admissions and
 lies 157–9
 problems 153–7
 right to legal access 151–3
 for terrorist and for ‘ordinary’
 offences 150, 164–5
- Sajo, A 21
 San Martín Segura, D 46
 Sands, P 270
 Saul, B 39, 92, 111, 130, 137, 146
 Savage, M 77
 Schabas, WA 138, 140, 144–5, 146
 Scharf, MP 18
 Scheerer, S 100
 Scheinin, M 5, 129
 Schmal, S 196
 Schmid, AP 100, 133
 Schmitt, C 41
 Schofield, T 17
- security, right to 39, 42, 46, 51
 security services and police:
 amplification and melding 293–5,
 319
 amplification 295
 of operations 300–303
 of structure 296–300
 funding 301–2, 313, 317–18, 319
 impact, evidence of 311–13
 melding of structure and operations
 295
 across borders 308–11
 between public and private sector
 307
 within public security agencies
 303–7
 problems 313–19
- Seib, P 110
 self-incrimination 149, 153, 165, 199,
 219, 232
 Sengupta, K 77
 separation of powers 48–9, 74
 Shapiro, D 88
 Sharrock, D 300
 Shaw, M 131
 Sherman, LW 173, 180
 Short, KRM 294
 Sieber, U 110
 silence, right to 153–5, 156, 159, 193,
 277
 Ireland 219–20, 228–9, 232, 233
- Silke, A 133
 Silva Sánchez, JM 44
 Simpson, AWB 273
 Al-Skeini, Hazim Jum’aa Gatteh 271–2,
 273–4
 Skibell, R 28
 Skogan, WG 185
 Sloane, RD 144, 145
 Smith, Jacqui 66
 Smith, R 291
 social contract 44, 317
 sociology 133–4
 Soria, J 197
 Sottiaux, S 88
 South Africa 32
 sovereignty 6, 48–9, 50, 52–3, 55–60
 police cooperation 245, 249

- Soviet Union 76
- Spain 109, 319
- Constitution 50–51, 89, 147
 - crimes against humanity and terrorism 128–30, 146–8
 - counter-terrorism policy 141–6
 - interferences and differences 135–41
 - criminal offences 90, 120, 123, 141–2
 - ‘justifying or glorifying’ 89
 - limitation period 143
 - support of terrorist organisation 90
 - definition of terrorism 18, 35, 98, 99, 103–4, 133
 - ETA 35, 87, 89, 97, 99, 129, 142, 144, 147
 - lawyer, right of access to 197, 206
 - sentencing 89, 90, 141
 - terrorist organisations 89–90
 - victims of terrorism 143, 147
- Sparrow, A 73
- special advocates 201–6
- Staniforth, A 296
- Starmer, K 153
- state terrorism 104
- Stevens, R 78
- Steyn, J 82, 270
- Stone, R 78, 79
- Subedi, SP 92
- substitution or displacement effects 176, 177
- Sugman Stubbs, K 121
- Sunstein, C 23, 316
- surveillance 66–7
- Australia 182, 258, 259–60
 - lawyer and client: covert 196, 208–9
 - United Kingdom 61, 62, 68–70, 79, 80, 83, 207, 313
 - conflicting priorities 317
 - courts 77–8
 - electronic 295
 - ‘high’ policing 303
 - level of authorisation 208–9
 - privacy, right to 316
 - private sector 61, 68–9, 79
- Al-Sweady, Hamid 272–3
- Sweden 245, 250
- Nordic police cooperation 249–51, 263
- Symeonidou-Kastanidou, E 18, 21, 23
- Szydlo, M 273
- Taitslin, A 54
- Takala, H 250
- Tallgren, I 145
- Talmon, JL 56
- Taylor, P 76
- Tendler, S 318
- Terradillos, JM 134
- Thachuk, KL 108
- Thailand 245
- Thatcher, Margaret 76, 179, 266
- Thiel, D 303, 317, 319
- Thiel, M 21
- ‘thought crime’ and freedom of expression 106–7, 126–7
- actus reus* 121, 127
 - Austria 120, 123
 - catalysing effect of terrorism 126–7
 - continuous shift towards prevention 123–4
 - development of ‘inchoate offences’ 121–2
 - impact on human rights 125–6
 - change in terrorist threat 107–10
 - Denmark 120, 123
 - EU framework 111–13, 122, 126
 - France 109, 113, 117–18, 122
 - international framework 110–111
 - Italy 109, 113, 118–20, 122, 123
 - mens rea* 121, 127
 - other EU Member States 120
 - Spain 89–90, 109, 123
 - United Kingdom 87–9, 95, 109, 113–17, 123
- Tilley, N 180, 181, 185
- Tomkins, A 91
- torture or inhuman or degrading treatment, prohibition of 38, 67, 202, 209–10, 269, 272, 284, 289
- Tosini, D 110
- totalitarianism 53, 56
- transnational policing and human rights 241–2, 262–4
- Australian strategies 257–62, 264

- EU strategies 248–57, 262, 263–4
international cooperation 242–7
Tu, AT 27
Tucker, D 92
Tuman, JS 22
Turk, AT 133–4
Turner, A 91
Turns, D 270, 282
- Ungerer, C 169
United Kingdom 3, 4, 109, 177, 180, 266
aggravating factor in sentencing 89
Coalition government 70–71, 77, 82
control orders 70, 204, 205, 304
counter-insurgency 267, 290
criminal offences 94–5, 123
dissemination of terrorist publications 116
encouragement of terrorism 87, 88, 95, 113–17
inciting terrorism overseas 113
preparation of terrorist acts 87–8, 89
solicitation to murder 115
definition of terrorism 91–2, 93–5, 103
intercept evidence 206–8, 304
lawyer, right of access to 154–8, 197–8, 200, 210, 211, 277–8, 280
military detention 274, 285, 288, 290
private consultation 152–3, 156, 197–8, 201, 208–9, 277, 278
special advocates 202–6
military detention of civilians *see separate entry*
National Crime Agency 315
police 70, 79, 121, 178–9, 198, 274
detention standards 275–81
localised community policing 318–19
safety interviews *see separate entry*
security services and *see separate entry*
transferring lessons *see military detention of civilians*
transnational policing 247, 251
preventive detention 66, 70, 73, 83, 178–9, 266, 271
safety interviews *see separate entry*
security, rights and liberty 61–4, 83–4
national security ‘vs’ rights 66–72
New Labour, judiciary and politics 73–4
politics, rights and liberty 78–82
rise of security and risk 64–6
security, politics and rights 75–8
security services and police:
amplification and melding *see separate entry*
transnational policing 247, 251
United Nations 4, 111, 143, 177
Counter Terrorism Committee 311
Human Rights Committee 190, 233
lawyer, right of access to 190–191, 210, 211
Security Council 6, 38, 216, 271
United States 3–4, 49, 51, 69, 81, 177, 308
9/11 attacks 135–6, 140, 144, 295, 298, 305
Constitution 51, 197
costs of homeland security 169, 177, 187–8
Guantánamo Bay 4, 38, 265
intercept evidence 207
international humanitarian law (IHL) 273
lawyer, right of access to 197, 200
liberty 64
meaning of terrorism 23–4, 25, 26, 27
surveillance 80
Universal Declaration of Human Rights 40, 50, 190
urgent interviews *see safety interviews*
utilitarianism 39, 43, 45, 58, 60
- Valsecchi, A 118
Vestergaard, J 120
Villegas Díaz, M 102
Virgala, E 142
Visher, CA 174

- Waddington, PAJ 78
Wadham, J 299
Wahl, T 309
Waldmann, P 100
Waldron, J 37, 45, 59
Walker, CP 4, 25, 27, 38, 46, 63, 67, 87, 88, 89, 91, 93, 94, 95, 96, 97, 98, 102, 110, 113, 114, 133, 160, 161, 163, 204, 235, 266, 275, 280, 304, 306, 311, 314, 316, 318
Wall, A 268
Wallerstein, S 43
Walsh, DPJ 212, 224, 226, 233, 234, 235, 236
war crimes 137
Watkin, K 269
weapons of mass destruction 305
Weimann, G 110
Weinberg, L 134
Weyembergh, A 109, 111, 120
Wheeler, J 259
whistleblowers 236, 286, 290
White, AJ 259
White, J 26
Whitehead, T 71
Wilford, R 213
Wilkinson, P 32, 42
Williams, AT 284
Williams, D 91
Williams, P 103
Willis, K 186
Woodworth, P 147
Wright, J 82
Yates, A 169
Young, R 24, 30
Yugoslavia 146
Zedner, L 38, 316
Zeidan, S 18
Zöller, MA 90, 98, 99, 100
Zuquete, C 24
Zwitter, A 6