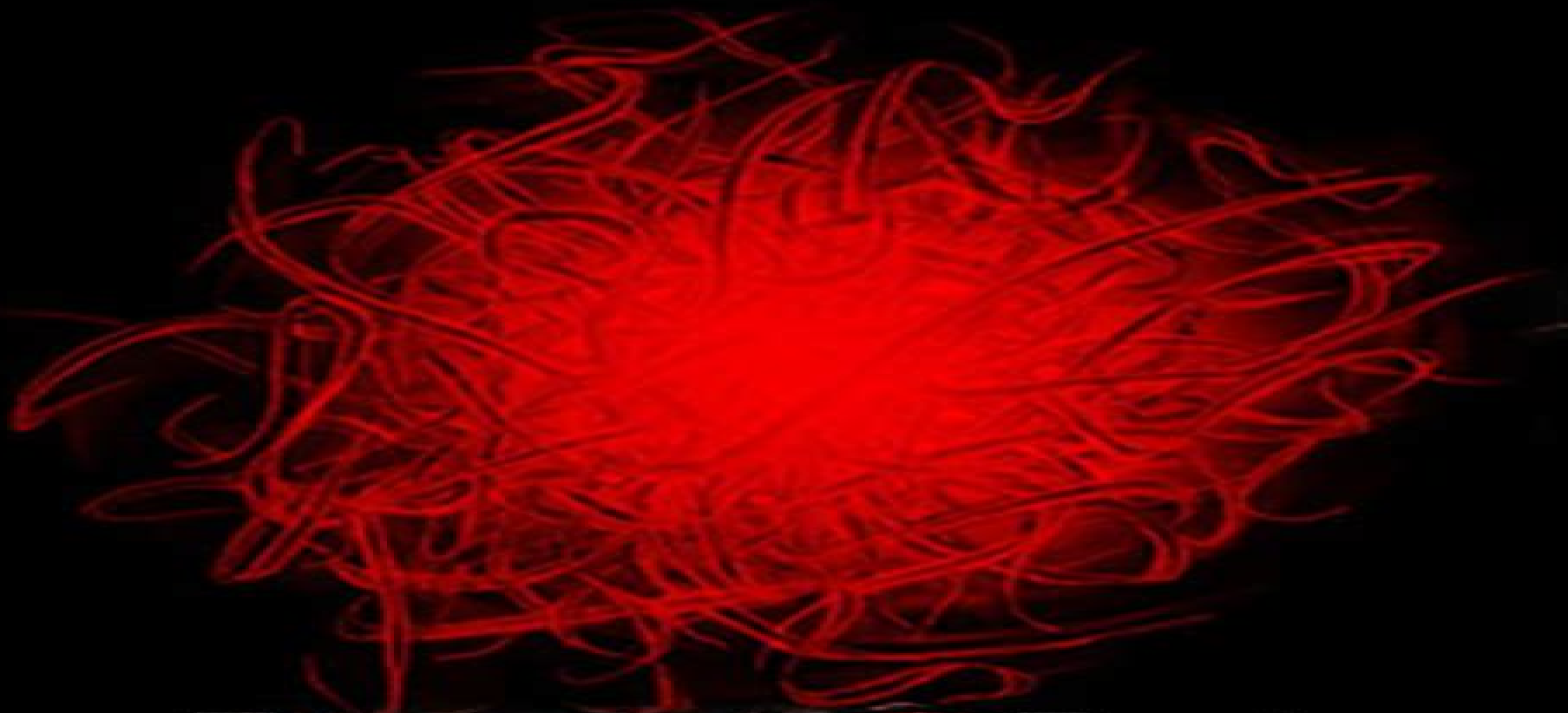




Torture as Tort

Comparative Perspectives on
the Development of Transnational
Human Rights Litigation

EDITED BY CRAIG SCOTT

Torture As Tort Comparative Perspectives On The Development Of Transnational Tort Litigation

**Gunther Handl, Joachim Zekoll, Peer
Zumbansen**



Torture As Tort Comparative Perspectives On The Development Of Transnational Tort Litigation:

Torture as Tort Comparative Perspectives on the Development of Transnational Human Rights Litigation, 2015 , **Globalization and Health** Belinda Bennett, George F. Tomossy, 2006-06-21 Within contemporary society globalization has emerged as a key concern at the centre of ethical legal and policy debates relating to health care Conflicts between public interests and individual rights the challenge of regulating health professionals and access to health services and the effects of a global market all feature prominently in these discussions As a result of globalization these issues can no longer be understood solely within the political boundaries that define traditional notions of individuals and communities Rather solutions demand a global conception of rights and obligations which in turn requires new approaches to health policy formulation and a reevaluation of existing ethical and legal frameworks In essence the impact of globalization on human health is testing the robustness of modern regulatory systems legal doctrines and ethical paradigms PUBLIC HEALTH DEVELOPING GLOBAL CONCERNS The interconnectedness of the global economy presents new challenges in public health While globalization has facilitated improvements in health care it has also created new hazards and avenues for the exploitation of vulnerable persons It is becoming increasingly apparent that both national and international responses are required Indeed as the chapters in this section convey public health is rightly a global concern Globalization has led to a sharing of both risks and responsibilities in public health Belinda Bennett reminds us of the ease with which infectious diseases can spread within the global community given the speed of modern travel and trade **Liability for Transboundary Pollution at the Intersection of Public and Private International Law** Guillaume Laganière, 2022-02-24 This book focuses on how public and private international law address civil liability for transboundary pollution In public international law civil liability treaties promote the implementation of minimum procedural standards in domestic tort law This approach implicitly relies on private international law to facilitate civil litigation against transboundary polluters Yet this connection remains poorly understood Filling the gap this book engages in a meaningful dialogue between the two areas and explores how domestic private international law can reflect the policies developed in international environmental law It begins with an investigation of civil liability in international environmental law It then identifies preferable rules of civil jurisdiction foreign judgments and choice of law for environmental damage using Canadian private international law as a case study and making extensive references to European law Liability for transboundary pollution is a contentious issue of the law both in scholarship and practice international lawyers both private and public as well as environmental lawyers will welcome this important work **Beyond Territoriality** Gunther Handl, Joachim Zekoll, Peer Zumbansen, 2012 This book traces the evolution of transnational legal authority in the course of globalization Representative case studies buttress its conclusion that today transnational authority is multifaceted a phenomenon that renders unreliable the concepts of territoriality extraterritoriality as global governance markers **Outsourcing War and Peace** Laura Anne Dickinson, 2011-01-01 This

timely book describes the services that are now delivered by private contractors and the threat this trend poses to core public values of human rights democratic accountability and transparency Hague Yearbook of International Law / Annuaire de La Haye de droit international, Vol. 36 (2023) Jure Vidmar,2024-10-02 The aim of the Hague Yearbook of International Law is to offer a platform for review of new developments in the field of international law In addition it devotes attention to developments in the international law institutions based in the international City of Peace and Justice The Hague

Research Methods in International Law Deplano, Rossana,Tsagourias, Nicholas,2021-07-31 This timely Handbook contains a wide ranging overview of the diverse research methods used within international law Providing an insightful examination of how international legal knowledge is analysed and adopted this Handbook offers the reader a deeper understanding on the role and place of research methods in international legal theory reasoning and practice *Human Rights in Development, Volume 8* Martin Scheinin,Markku Suksi,2021-11-29 The current edition of Human Rights in Development is the fourteenth in the series Over the years the structure of the yearbook has shifted from that of a journal to a thematic anthology The theme of this year s volume is Empowerment Participation Accountability and Non Discrimination Operationalising a Human Rights Based Approach to Development The Human Rights in Development Yearbook series takes its starting point in a development perspective and aims to be topical comprehensive and multidisciplinary exemplifying the cross fertilisation of theoretical and practical approaches Contributions are sought from researchers and practitioners in both recipient and donor countries To ensure an increased focus on Southern perspectives the editorial group is in a process of enlargement so as to include representatives from recipient countries Human Rights in Development is the result of a joint research project born out of longstanding cooperation between the following research institutes and centres for human rights the Christian Michelsen Institute Bergen the Danish Institute for Human Rights Copenhagen the Icelandic Human Rights Center Reykjavik the Ludwig Boltzmann Institute of Human Rights Vienna the Netherlands Institute of Human Rights Utrecht the Norwegian Centre for Human Rights Oslo the Raoul Wallenberg Institute of Human Rights and Humanitarian Law Lund and the bo Akademi University Institute for Human Rights Turku bo As in previous years the publication is aimed at a broad audience including government agencies donor agencies embassies the press non governmental organisations and the academic community

National Courts and the International Rule of Law André Nollkaemper,2012-10-11 This book explores the way domestic courts contribute to the maintenance of theinternational of law by providing judicial control over the exercises of public powers that may conflict with international law The main focus of the book will be on judicial control of exercise of public powers by states Key cases that will be reviewed in this book and that will provide empirical material for the main propositions include Hamdan in which the US Supreme Court reviewed detention by the United States of suspected terrorists against the 1949 Geneva Conventions Adalah in which the Supreme Court of Israel held that the use of local residents by Israeli soldiers in arresting a wanted terrorist is unlawful under international law and the Narmada case

in which the Indian Supreme Court reviewed the legality of displacement of people in connection with the building of a dam in the river Narmada under the ILO Indigenous and Tribal Populations Convention 1957 nr 107 This book explores what it is that international law requires expects or aspires that domestic courts do Against this backdrop it maps patterns of domestic practice in the actual or possible application of international law and determines what such patterns mean for the protection of the international rule of law Challenges in International Human Rights Law Menno T. Kamminga, 2017-10-23 The main challenges within international human rights law are generally thought to be in the fields of transitional justice non state actors terrorism development poverty and environmental degradation This volume of articles not only covers these mainstream challenges but also a wider and more systematic range including justiciability of social and economic rights extraterritoriality health care and investment arbitration The key literature selected for this collection includes articles that have appeared in mainstream journals and books from leading publishers as well as papers that have appeared in lesser known journals hard to find books and UN documents Some of these are classic essays whilst others are more recent additions that reflect the current state of the debate The papers are put into context by a specially commissioned introduction by the volume editor This volume is an invaluable resource for human rights lawyers in search of the key literature in fields outside their own specialization as well as for students researchers and lecturers seeking an overview of the challenges in human rights law *The New Accountability* Michael Mason, 2012-05-23 The growth of pollution that crosses national borders represents a significant threat to human health and ecological sustainability Various international agreements exist between countries to reduce risks to their populations however there is often a mismatch between national territories of state responsibility and transboundary hazards All too often state priorities do not correspond to the priorities of the people affected by pollution who often have little recourse against major polluters particularly transnational corporations operating across national boundaries Drawing on case studies *The New Accountability* provides a fresh understanding of democratic accountability for transboundary and global harm and argues that environmental responsibility should be established in open public discussions about harm and risk Most critically it makes the case that regardless of nationality affected parties should be able to demand that polluters and harm producers be held accountable for their actions and if necessary provide reparations Human Rights Obligations of Non-State Actors Andrew Clapham, 2006-03-02 The threats to human rights posed by non state actors are of increasing concern Human rights activists increasingly address the activity of multinational corporations the policies of international organizations such as the World Bank and the World Trade Organization and international crimes committed by entities such as armed opposition groups and terrorists This book presents an approach to human rights that goes beyond the traditional focus on states and outlines the human rights obligations of non state actors Furthermore it addresses some of the ways in which these entities can be held legally accountable for their actions in various jurisdictions The political debate concerning the appropriateness of expanding human

rights scrutiny to non state actors is discussed and dissected For some extending human rights into these spheres trivializes human rights and allows abusive governments to distract us from ongoing violations For others such an extension is essential if human rights are properly to address the current concerns of women and workers The main focus of the book however is on the legal obligations of non state actors The book discusses how developments in the fields of international responsibility and international criminal law have implications for building a framework for the human rights obligations of non state actors in international law In turn these international developments have drawn on the changing ways in which human rights are implemented in national law A selection of national jurisdictions including the United States South Africa and the United Kingdom are examined with regard to the application of human rights law to non state actors The book s final part includes suggestions with regard to understanding the parameters of the human rights obligations of non state actors Key to understanding the legal obligations of non state actors are concepts such as dignity and democracy While neither concept can unravel the dilemmas involved in the application of human rights law to non state actors a better understanding of the tensions surrounding these concepts can help us to understand what is at stake Accountability for Collective Wrongdoing Tracy Isaacs, Richard Vernon, 2011-01-31 Ideas of collective responsibility challenge the doctrine of individual responsibility that is the dominant paradigm in law and liberal political theory But little attention is given to the consequences of holding groups accountable for wrongdoing Groups are not amenable to punishment in the way that individuals are Can they be punished and if so how or are other remedies available The topic crosses the borders of law philosophy and political science and in this volume specialists in all three areas contribute their perspectives They examine the limits of individual criminal liability in addressing atrocity the meanings of punishment and responsibility the distribution of group punishment to a group s members and the means by which collective accountability can be expressed In doing so they reflect on the legacy of the Nuremberg Trials on the philosophical understanding of collective responsibility and on the place of collective accountability in international political relations **Global Justice, State Duties** Malcolm Langford, 2013 Explores whether states possess extraterritorial obligations under international law to respect and ensure economic social and cultural rights *The Fluid State* Hilary Charlesworth, 2005 The Fluid State was cited by the High Court in Momcilovic v The Queen 2011 HCA 34 8 September 2011 Traditional accounts of the relationship between international and national law present the interaction between the two as relatively ordered if conflicting This limited view of the relationship has become outmoded as the scope of international legal regulation and the internationalised context of domestic law continue to expand This book analyses some of the national contexts in which international law and domestic law interact and identifies the way in which attitudes to international law shift between them Some of the questions considered are How do perceptions of international law differ according to particular institutional vantage points whether that of the executive the legislature or the judiciary What is the impact of the perceived democratic deficit in international treaty making What are some of the ways in which the judiciary

acts as a gatekeeper between the national and international legal orders How does national politics influence engagement with the international sphere The contributors bring a range of different perspectives politics law and international relations They include influential scholars such as Mayo Moran Ann Capling John Uhr Andrew Byrnes and Janet MacLean and they discuss contemporary issues such as the Australia US Free Trade Agreement and the 2003 Iraq War Multilevel Regulation and the EU Andreas Follesdal, Ramses A. Wessel, Jan Wouters, 2008-05-31 Rules are no longer merely made by states but increasingly by international organizations and other international bodies At the same time these rules do impact the daily life of citizens and companies as it has become increasingly difficult to draw dividing lines between international EU and domestic law This book introduces the notion of multilevel regulation as a way to study these normative processes and the interplay between different legal orders It indicates that many rules in such areas as trade financial cooperation food safety pharmaceuticals security terrorism civil aviation environmental protection or the internet find their origin in international cooperation Apart from mapping multilevel regulation on the basis of a number of case studies the book analyses its consequences in relation to forms of legal protection and legitimacy In that respect it proposes an agenda for research to study how to cope with multilevel regulation This work offers valuable resources for researchers involved in studying the interplay between international European and domestic law For practitioners it offers background information on the ways in which many international rules come into being *Human Rights Litigation Against Multinationals in Practice* Richard Meeran, Jahan Meeran, 2021 This edited collection provides a thorough review of multinational human rights litigation from some of the top practitioners in the field It provides useful guidance on the relevant laws procedures and practical considerations for such litigation in a number of legal systems including the UK US South Africa and Australia

The Law's Ultimate Frontier: Towards an Ecological Jurisprudence Horatia Muir Watt, 2023-05-18 This important book offers an ambitious and interdisciplinary vision of how private international law or the conflict of laws might serve as a heuristic for re working our general understandings of legality in directions that respond to ever deepening global ecological crises Unusual in legal scholarship the author borrows in bricolage mode from the work of Bruno Latour alongside indigenous cosmologies extinction theories and Levinassian phenomenology to demonstrate why this field's specific frontier location at the outpost of the law where it is viewed from the outside as obscure and from the inside as a self contained normative world generates its potential power to transform law generally and globally Combining pragmatic and pluralist theory with an excavation of shadow ecological dimensions of law the author a recognised authority within the field as conventionally understood offers a truly global view Put simply it is a generational magnum opus All international and transnational lawyers be they in the private or public field should read this book **The Reparation System of the International Criminal Court** Eva Dwertmann, 2010-03-02 When the Rome Statute for the International Criminal Court was adopted in 1998 one of its great innovations was that victims were granted an active role in the proceedings In its early

jurisprudence on victims rights the International Criminal Court stated that the success of the Court is to some extent linked to the success of its reparation system This book is among the first to focus on the International Criminal Court s power to order reparations to victims It provides a comprehensive analysis of the legal framework of the reparation system taking into account relevant Court decisions Possibilities for its implementation are drawn up providing potential solutions for its multiple challenges including the distinct asymmetry between the individualized responsibility to provide reparations and the collective nature of the crimes and its consequences With its practical approach this book is particularly valuable for practitioners but also for students and researchers

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