Siac Question Paper

Wagstaff describes how 9/11 terrorist attacks provoked panicked responses from the United States and the United Kingdom resulting in detentions of suspected terrorists in a manner incompatible with the due process, fair trial, and equality requirements of the rule of law. The legality of the detentions was challenged and found wanting by the highest courts in both the US and UK. The US courts approached these questions as matters within the law of war, whereas the UK courts examined these questions within a human rights criminal law context.

The United Nations Documents Index provides information on documents and publications issued by United Nations offices worldwide. The information is presented in nine sections covering the areas of documents and publications; official records; sales publications; United Nations maps included in UN documents; United Nations sheet maps; United Nations document series symbols; author index; title index and subject index. The index is a two part set. Publishing Agency: United Nations (UN).

The scope of the arbitrator’s powers in arbitration proceedings has been widely discussed in recent years, but remains understudied. Among prominent international arbitrators, none have focused on this issue more than Dr. Pierre A. Karrer. Dr. Karrer is celebrated here on the occasion of his seventy-fifth birthday by more than thirty leading arbitration practitioners and academics worldwide who have been part of, and have been influenced by, his extensive professional career. Following Dr. Karrer’s primary interests, notably his advocacy of a strong arbitrator role in proceedings as evidenced in his lectures, presentations, and publications as well as in his own arbitrations, the contributions in this book consider such questions as the following: ·What are the sources of an arbitrator’s power? ·What are the limits of an arbitrator’s power? ·Should arbitrators have a role in encouraging settlement? ·May arbitrators regulate and impose sanctions against counsel? ·How managerial should arbitrators be? ·What are the duties and liabilities of arbitrators? ·What is the nature of the arbitrator’s relationship to arbitral institutions? ·Are emergency arbitrators actually ‘arbitrators’? ·Should arbitrators raise issues of arbitrability and public policy ex officio? ·To what extent may arbitrators delegate tasks and use tribunal secretaries? With its in-depth perspectives on the arbitrator’s role, powers, and duties in an arbitration proceeding, and its extensive analysis of some of the most timely and controversial issues in arbitration today, this book offers an abundance of thought-provoking yet also practical commentary and guidance for practitioners and academics in the field of international arbitration and international commercial law.

The purpose of the report Legislative Scrutiny: Justice and Security Bill (HL 59 & HC 372) is to focus specifically on practical ways in which the Justice and Security Bill could be improved by amending it to accommodate the many human rights concerns it raises. The Committee welcomes some of the significant

changes which have been made to the proposals in the Green Paper (Published: 19 Oct 2011 ISBN: 9780101819428), but considers that the proposals in the Bill extending closed material procedures into civil proceedings still constitute a radical departure from the UK's constitutional tradition of open justice and fairness. The report recommends that: The Bill's scope should be limited to the two narrow categories of material suggested by the Intelligence and Security Committee, namely: UK intelligence material which would reveal the identity of UK intelligence officers or their sources and their capability; and

The essays in this volume, prepared by a virtual “who’s who” of the leading arbitrators in Asia, present a unique insight into arbitration practices and procedures in the world’s largest and fastest growing region. This book offers thoughtful advice and insights into the world of international arbitration in Asia from some of the most prominent and experienced international arbitrators in the world. The contributors are arbitrators from Brunei Darussalam, China, Hong Kong, India, Indonesia, Japan, Korea, Malaysia, New Zealand, the Philippines, Singapore, United Kingdom and the USA. The contributors offer insights and advice on the way in which international arbitrations are carried out from the point of view of arbitrators reading pleadings and memorials and listening to witnesses and hearing arguments. The authors' discussions are intended to be thoughtful, insightful and useful - and perhaps, occasionally, iconoclastic. There may be instances in which the authors disagree with one another on certain points, for there are often many routes that can be taken to achieve a result. The book will be useful not only to persons who may serve as arbitrators in international arbitral proceedings but also to those who may, in their position as advocates, wish to persuade persons - including, perhaps, the authors.

Investor-State disputes are increasing and damage awards are often significant. It is thus no surprise that the investor-State dispute settlement (ISDS) system has come under scrutiny. Perceptions have arisen that ISDS is inconsistent, lacks transparency, and is simply unfair. This book delves into the ongoing worldwide debate and discussions regarding the ISDS system. Drawing contributors from around the world, the authors provide insights on critical topics and address the key question facing the ISDS system and the international community it serves: Should the present ISDS system be reformed, replaced, or simply remain as is? The contributors represent points of view ranging from academia to practice to governmental entities, addressing such topics as: the possible consequences of wholesale replacement or elimination of the current ISDS system; mediation as an alternative to resolve ISDS disputes; the creation of a multinational investment court or appellate review mechanism; lack of an early dismissal mechanism to eliminate meritless claims; issues regarding arbitrators, including their appointment and ethical obligations; how investors may retain their right to pursue claims for violations of investment protection following termination of an agreement; a State’s right to assert a counterclaim against an investor-claimant; the role of ISDS in promoting and protecting renewable energy production; the

liability of State-controlled entities; the effects and implications of third-party funding; the duty to mitigate damages in the light of excessive damages awards; and improvements and issues relating to post-award enforcement, duration, and cost of ISDS. This book considers the ongoing deliberations and reform measures proposed by UNCITRAL's Working Group III and provides insights into how several geographic regions and economic cooperation areas have sought to address the question of reform of the ISDS system, including the European Union, the Middle East, and the new United States-Mexico-Canada Agreement. With its much-needed and deeply informed balancing of investor and State rights and duties, this book will be welcomed by all who practise in the ISDS field, including arbitrators, State governments and non-governmental organizations, regional economic organizations, and international investors.

The Presentation of Self in Contemporary Social Life covers the popular theories of Erving Goffman, and shows modern applications of dramaturgical analysis in a wide range of social contexts. David Shulman's innovative new text demonstrates how Goffman's ideas, first introduced in 1959, continue to inspire research into how we manage the impressions that others form about us. He synthesizes the work of contemporary scholars who use dramaturgical approaches from several disciplines, who recognize that many values, social norms, and laws have changed since Goffman's time, and that contemporary society offers significant new forms of impression management that we can engage in and experience. After a general introduction to dramaturgical sociology, readers will see many examples of how Goffman's ideas can provide powerful insights into familiar aspects of contemporary life today, including business and the workplace, popular culture, the entertainment industry, and the digital world.

The 2012 volume of Contemporary Issues in International Arbitration and Mediation: The Fordham Papers is a collection of important works in the field written by the speakers at the 2012 Fordham Law School Conference on International Arbitration and Mediation, held in London.

Numerous jurisdictions worldwide have augmented their ratification of the New York Convention of 1958 with the UNCITRAL Model Law 1985 (UML), which takes a giant step forward toward global uniformity in legal application and understanding of the arbitration process. This book develops a standard or benchmark for the UML objective of uniformity, using the relevant legislation and case law of Hong Kong, Singapore, and Australia to consider whether a uniform approach to implementation of the UML and its interpretation is being achieved across those jurisdictions. The author's methodological tools are eminently adaptable to other jurisdictions. Given the importance of the ability to set aside an arbitral award, the body of case law on setting aside and the directly related area of enforcement, the emphasis throughout is on Article 34. In addition, the study considers: - the meaning of uniformity in law and in the context of the UML; - the correct approach to interpretation of the UML pre and post Article 2A; - the

interpretational relationship between the UML and the Convention on Contracts for the International Sale of Goods (CISG); - the relationship between the UML and the New York Convention; - the degree of textual uniformity of Article 34 with the three jurisdictions focused on; and - the degree of applied uniformity of Article 34 both in terms of juristic methodology and similarity of results. The author, with more than thirty years of practice in the field of commercial arbitration in Hong Kong, has had access to voluminous cases spanning decades and brings his specialist expertise to the subject. This book considers whether the UML has succeeded in its aim of achieving uniformity. It serves as a guide, both academic and practical, to exploring and adopting the correct approach to the interpretation of the UML as well as to the method of classification of court decisions under the UML. This study is of immeasurable academic and practical value.

The CISG is now being applied extensively both by international arbitral tribunals and by domestic courts of its more than 70 contracting states. But do they also apply it in the same manner? Although Article 7 of the CISG underscores "the need to promote uniformity in its application", it gives little guidance as to how to achieve this goal. Each judge and arbitrator is influenced by the legal methodology of his home jurisdiction. Therefore it is somewhat of a paradox that whilst the number of contracting states is constantly increasing so too is the threat of variation in application. In this book the most important issues of the CISG's methodology are analysed by leading experts from five continents. Whereas some authors provide a thorough analysis of the central topics of interpretation, others enter almost uncharted territories.

It is inevitable that the UK will have strategic, commercial or security-related interests overseas which have the potential to conflict with its human rights work, says the Foreign Affairs Committee in a report published today. The Government should not be trying to assert that the two can co-exist freely: it should instead be explaining publicly its judgments on how to balance them in particular cases. The Committee's recommendation comes in the light of the FCO's decision not to designate Bahrain as a "country of concern" in its 2011 report on its human rights work, despite the repression of demonstrations in Bahrain in 2011. The Committee recommends that the criteria for designation should be based purely on assessments of human rights standards and should not be coloured by strategic or other considerations. The Committee also challenges the Government for being inconsistent in not taking a public stance on the Bahrain Grand Prix but boycotting group stage games at Euro 2012 in Ukraine. On rendition, the Committee finds that the protracted police investigations had an unacceptable impact on the work of the Gibson Inquiry and of relevant committees. The Government should explain why current investigations into claims of rendition made by two Libyans are expected to take so long. The Committee accepts that enough progress has been made in Burma to justify some relaxation of the EU's sanctions regime, but it says that Burma's human rights record remains seriously blemished. It recommends that the UK should call

for better access to those still detained as political prisoners, and should press the Burmese authorities to allow independent observers to visit Rakhine state, to assess the extent to which the rights of the Rohingya minority are being respected.

Marianne Wade and Almir Maljevi? Although the worries about terrorism paled in comparison to the economic crisis as a topic during the last US election, one can find plenty of grounds to assume that they remain issue number one in the minds of politicians in Europe. As the German houses of Parliament prepare to call in the mediation committee in the discussion of legislation which would provide the Federal Police – thus far mandated purely with the post-facto investigation of crime – with powers to act to prevent acts of terrorism, Spain's struggle with ETA and the British Government licks its wounds after a resounding defeat of its latest anti-terrorist proposals by the House of Lords, one cannot but wonder whether post 9/11, the Europeans are not even more concerned with terrorism than their US counterparts. A look at media reports, legislative and judicial activities in either Britain or Germany clearly underlines that those two countries are deeply embroiled in anti-terrorist activity. Can it be that Europe is embroiled in the "War on Terror"; constantly providing for new arms in this conflict? Or is it a refusal to participate in the "War on Terror" that fuels a constant need for Parliaments to grapple with the subject; begrudgingly conceding one increasingly draconian measure after the other? The question as to where Europe stands in the "War on Terror" is a fascinating one, but one, which is difficult to answer.

Contains papers of the Annual Conference on Historic Site Archeology.

Public procurement and competition law are both important fields of EU law and policy, intimately intertwined in the creation of the internal market. Hitherto their close connection has been noted, but not closely examined. This work is the most comprehensive attempt to date to explain the many ways in which these fields, often considered independent of one another, interact and overlap in the creation of the internal market. This process of convergence between competition and public procurement law is particularly apparent in the 2014 Directives on public procurement, which consolidate the principle of competition in terms very close to those advanced by the author in the first edition. This second edition builds upon this approach and continues to ask how competition law principles inform and condition public procurement rules, and whether the latter (in their revised form) are adequate to ensure that competition is not distorted. The second edition also deepens the analysis of the market behaviour of the public buyer from a competition perspective. Proceeding through a careful assessment of the general rules of competition and public procurement, the book constantly tests the efficacy of these rules against a standard of the proper functioning of undistorted competition in the market for public procurement. It also traces the increasing relevance of competition considerations in the case law of the Court of Justice of the European Union and sets out criteria and recommendations to continue influencing the development of EU Economic Law.

The Joint Committee on Human Rights (JCHR) calls for statutory clarification of law on disclosure of national security-sensitive material, but finds no case for more extensive change. The Government has failed to make the case for extending "closed material procedures" to all civil proceedings and to inquests: the Government has not demonstrated that the fairness concern on which it relies to justify the proposal is in fact a real and practical problem. The Committee believes that closed material procedures are inherently unfair and the proposals in the Green Paper are a radical departure from longstanding traditions of open justice and fairness. Nor does it accept that replacing the current law governing disclosure of sensitive material (the law of Public Interest Immunity, or "PII") with closed material procedures is justified. The rule of law requires that decisions about the disclosure of material in legal proceedings be taken by judges not ministers and the current legal framework of PII has not been shown to be inadequate. There is a case, however, for that legal framework to be made clearer in the way in which it applies to national security-sensitive material and the Committee suggests how that could be done by legislation and changes to the Coroners Rules and guidance. The Committee regrets that the Green Paper overlooks the very considerable impact of its proposals on the freedom and ability of the media to report on matters of public interest and concern.

operation of the Special Immigration Appeals Commission (SIAC) and the use of special Advocates : Seventh report of session 2004-05, Vol. 2: Oral and written Evidence

Volume 19 of the Congress Series contains the proceedings of ICCA's 2016 Mauritius Congress, the first ICCA Congress held in Africa. In this volume, renowned practitioners, scholars and jurists from the region and around the world explore the contribution of arbitration to the rule of law and economic development; the conformity of arbitration with international standards of due process and the rule of law; and the benefits and challenges of arbitration in Africa. Topical issues of interest for practitioners, academics and students of arbitration - in the region and internationally - include: • Due process issues in constituting the arbitral tribunal and challenging its members • Interim measures issued by arbitral tribunals and domestic courts • Burden, standard and types of proof in the corruption defence • What to do (and what to avoid doing) to prepare a persuasive case • Do post-award remedies ensure conformity of the arbitral process with the rule of law? • Do rules and guidelines properly regulate the conduct of arbitration? • The interface between domestic courts and arbitral tribunals • What are appropriate remedies for findings of illegality in investment arbitration? • The effect of foreign national court judgments relating to the arbitral award • What does the future hold for investment arbitration in Africa and beyond?

Written in a lively and engaging style from the perspective of a leading immigration judge, this book examines how states resolve disputes with migrants. The chapters reflect on changes in the laws and rules of migration on an

international and regional basis and the impact on the parties, administration, public and judiciary. The book is a critical assessment of how the migration tribunal system has evolved over the last century, the lessons which have been learnt and those which have not. It includes additional comparative contributions by authors on international jurisdictions and is a valuable overview of the evolution and future of the immigration tribunal system which will be of interest to those involved in human rights, migration, transnational and international law.
This edited volume focuses on current challenges in refugee law and global displacement. It is based on cutting-edge research on a series of legal and quasi-legal issues, in the field of forced migration at the national, regional, and international level.
The UNCITRAL Model Law after Twenty-Five Years: Global Perspectives on International Commercial Arbitration is a celebration of the Model Law's significant contribution to international arbitration law. It assesses and evaluates the Model Law's impact on the development of a universal arbitration law for a complex and mobile transnational community of lawyers, judges and arbitrators. Written from the perspective of counsel, arbitrators, legislators and judges, this collection is bold in its coverage of Model Law practice. It considers questions of legislative implementation; pre-award issues such as the review of arbitral jurisdiction and the production of evidence; post-award issues such as judicial review of arbitral awards; interpretation and harmonization methods; and questions of future reform. This is one of the only books on the market that considers the application of the UNCITRAL Model Law in both great depth and breadth, and from multiple perspectives. It provides critical assessments and evaluations of the impact that the Model Law has had after 25 years in various aspects of the arbitral process. The issues covered pertain to both substantive and procedural elements; theoretical and practical; historical and evolutional. The UNCITRAL Model Law after Twenty-Five Years: Global Perspectives on International Commercial Arbitration adopts a comparative approach and covers practice in nearly all Model Law countries and many others. As a seminal critique of the progress that the Model Law has made to date, this collection of articles will be of great benefit to judges, arbitrators, lawyers, academics and anyone interested in the future of international commercial arbitration.
Jessie Blackbourn is a research fellow at the Centre for Socio-Legal Studies at the University of Oxford, UK. Deniz Kayis is currently the Associate for Chief Justice Allsop AO of the Federal Court of Australia. Nicola McGarrity is a senior lecturer and the Director of the Terrorism Law Reform Project at the University of New South Wales, Australia.
The leading textbook on international human rights law is now better than ever. The content has been fully updated and now provides more detailed coverage of substantive human rights, along with new sections on the war on terror and on the progressive realization of economic and social rights, making this the most comprehensive book in the field. It has a new, more student-friendly text design

and has retained the features which made the first edition so engaging and accessible, including the concise and critical style, and questions and case studies within each chapter, as well as suggestions for further reading. Written by De Schutter, whose extensive experience working in the field and teaching the subject in both the US and EU gives him a unique perspective and valuable insight into the requirements of lecturers and students. This is an essential tool for all students of international human rights law.

The last twenty years have seen an unprecedented rise in the use of secret courts or ‘closed material proceedings’ largely brought about in response to the need to protect intelligence sources in the fight against terrorism. This has called into question the commitment of legal systems to long-cherished principles of adversarial justice and due process. Foremost among the measures designed to minimise the prejudice caused to parties who have been excluded from such proceedings has been the use of ‘special advocates’ who are given access to sensitive national security material and can make representations to the court on behalf of excluded parties. Special advocates are now deployed across a range of administrative, civil and criminal proceedings in many common law jurisdictions including the UK, Canada, New Zealand, Hong Kong and Australia. This book analyses the professional services special advocates offer across a range of different types of closed proceedings. Drawing on extensive interviews with special advocates and with lawyers and judges who have worked with them, the book examines the manner in which special advocates are appointed and supported, how their position differs from that of ordinary counsel within the adversarial system, and the challenges they face in the work that they do. Comparisons are made between different special advocate systems and with other models of security-cleared counsel, including that used in the United States, to consider what changes might be made to strengthen their adversarial role in closed proceedings. In making an assessment of the future of special advocacy, the book argues that there is a need to reconceptualise the unique role that special advocates play in the administration of justice.

Senior judges and politicians increasingly question the role of the EU and the European Court of Human Rights. Some call for a reconsideration of the influence of transnational courts in the legal life of the UK, while others argue for a repeal of the Human Rights Act in favour of a British Bill of Rights. Many perceive control of law-making as moving irreversibly away from the UK and into the hands of Europe. In contested domains like national security and individual freedoms there are concerns that the British national identity is being lost. Against this backdrop of confusion, Mary Arden's voice is one of reason. A senior judge who has been at the heart of dialogue between domestic and international judges, Mary Arden is uniquely placed to discuss the impact of developments in human rights and European law. In this major new collection of her writings, Mary Arden clarifies the issues at stake with the new European legal orders. She explains the major developments in simple terms, addresses core criticisms of

the EU and the ECHR, and examines the practical effects of these institutions on domestic legislation and case law. In describing the far-reaching impact of EU law and the Human Rights Act, Mary Arden gives an insider's view of key conflicts including national security versus freedom of the individual, and freedom of the press versus the individual's right to privacy. She also outlines how domestic courts have been able to draw upon the decisions of Strasbourg in the key battlefields of media freedom, data protection, and national security.

This is a Government reply to the Joint HLP/HCP paper on counter-terrorism policy and human rights (HLP 157/HCP 394 06/07 ISBN 9780104011317). The Government accepts a number of the Committee's recommendations, including: that the issue of sufficient Parliamentary oversight of the 28 day pre-charge detention period, will now form part of the Government's consultation process on the Counter Terrorism Bill and there will be consideration of whether there is a need for an independent body to review the operation of pre-charge detention, as well as a review of the availability of statistics and information on this matter; the Government agrees that the upper limit to the period of pre-charge detention should be set by Parliament; the Government does not accept the Committee's argument that transferring suspects out of police custody to prison is undesirable, but that prison provides the detainee access to facilities beyond that available at a police station; the Government is reviewing with the police the issue of making video-recording interviews with terrorism suspects compulsory under the Terrorism Act 2000; the Government does not accept the Committee's recommendations on the level of medical record keeping, and believes the current system is sufficient. The reply covers other areas, including: intercept as evidence; pre-charge questioning and other alternatives to pre-charge detention and special advocates.