

Ebook free Law across borders the extraterritorial application of uk law Full PDF

if a federal statute declares certain acts to be bad or prohibited and certain results of acts to be wrongful the application of the statute remains in the core of us lawmaking authority if either an act element or a result element of a crime or cause of action occurs in the us it examines the notion of state jurisdiction in human rights treaties and places it within the framework of international law it is not limited to an inquiry into the semantic ordinary meaning of the jurisdiction clauses in human rights treaties nor even to their construction into workable legal concepts and rules the extraterritorial application of u s statutes and regulations has not surprisingly grown as a legal issue since the beginning of the nation and perhaps less inevitably gone through a cycle in terms of judicial attitudes toward such application applying this framework to the new presumption against extraterritoriality this article concludes that its retroactive application to existing federal statutes is appropriate the article makes three contributions to the literature congress has expressly provided for the extraterritorial application of federal criminal law most often by outlawing various forms of misconduct when they occur within the special maritime and territorial jurisdiction of the united states geneva 24 june 2022 efforts to protect and promote human rights abroad must consider power imbalances between states if they are to be a true expression of international solidarity a un expert said today extraterritorial application of american criminal laws the disappearance of case law suggests that the obstacles to extraterritorial investigation and prosecution may have become too substantial to overcome the book focuses on the extraterritorial application of three human rights treaties the international covenant on civil and political rights iccpr the european convention on human rights echr and the convention against torture includes an in depth analysis of their preparatory works and the decisions of courts and monitoring bodies rise to an extraterritorial application and thus create extraterritorial obligations this article will first provide a preliminary outline of what is understood by an extraterritorial application of meas part i it will then look into the framework of general international law in order to inquire the ex the extraterritorial application of american law a methodological and constitutional appraisal lea brilmayer introduction the application of american law to litigation with international

elements has provoked a storm of controversy for situations in which the presumption is overcome or is inapplicable the chapter explains how customary international law principles relating to prescriptive jurisdiction can be relevant in U.S. litigation through application of the Charming Betsy canon of construction whenever states engage in military operations beyond their borders the extra territorial application of human rights becomes an issue it remains a vividly debated question in international legal scholarship as well as a matter of great practical relevance at its centre is the notion of jurisdiction and the way in which states are duty bound to discuss the extraterritorial application of law is to beg these fundamental questions but it is also to raise questions that are intimately connected with the broader issues and that can be resolved only by the application of touchstones that are fundamentally philosophical extraterritorial application of federal statutes to conduct occurring outside the United States federal courts however rarely apply this presumption in criminal cases instead regularly relying on a 1922 Supreme Court case *United States v. Bowman* to hold that federal extraterritorial regulation the Supreme Court kept the presumption but articulated new rationales first international comity⁸ and then Congress's primary concern with domestic conditions⁹ the American it defines the notion of the extraterritorial application of human rights treaties explains that the law of treaties sets no general rules on extraterritorial application and outlines the basic normative framework of the human rights treaties which are the object of the study looking in particular at the various types of state jurisdiction the law as applied contains three major extraterritorial elements 1 a requirement of prior United States consent for reexport of American goods or technology⁷ 2 control of the export of items produced in foreign states incorporating technology previously exported from the United States⁸ and 3 authority to prohibit exports of whatever an extraterritorial application of a statute involves the regulation of conduct beyond U.S. borders extraterritoriality comes into play when the law endeavors to regulate conduct of persons with respect to place of occurrence of the event subjected to the regulation surprising number of federal criminal statutes have extraterritorial application but prosecutions have been few this may be because when extraterritorial criminal jurisdiction does exist practical and legal complications and sometimes diplomatic considerations may counsel against its exercise constitutional considerations legislative powers specifically it questions whether as Switzerland claims this is truly a case of the extraterritorial application of human rights law thus requiring the court to establish that Switzerland exercises extraterritorial jurisdiction over the alleged violations of the convention

what exactly is extraterritorial application of a statute May 13 2024 if a federal statute declares certain acts to be bad or prohibited and certain results of acts to be wrongful the application of the statute remains in the core of us lawmaking authority if either an act element or a result element of a crime or cause of action occurs in the us

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6 extraterritorial application of u s law oxford academic Jul 03 2023 for situations in which the presumption is overcome or is inapplicable the chapter explains how customary international law principles relating to prescriptive jurisdiction can be relevant in u s litigation through application of the charming betsy canon of construction

9 the extra territorial application of human rights Jun 02 2023 whenever states engage in military operations beyond their borders the extra territorial application of human rights becomes an issue it remains a vividly debated question in international legal scholarship as well as a matter of great practical relevance at its centre is the notion of jurisdiction and the way in which states are duty bound

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conduct beyond u s borders extraterritoriality comes into play when the
law endeavors to regulate conduct of persons with respect to place of
occurrence of the event subjected to the regulation

extraterritorial application of american criminal law Oct 26 2022
surprising number of federal criminal statutes have extraterritorial
application but prosecutions have been few this may be because when
extraterritorial criminal jurisdiction does exist practical and legal
complications and sometimes diplomatic considerations may counsel
against its exercise constitutional considerations legislative powers

the questionable extraterritoriality of switzerland s Sep 24 2022
specifically it questions whether as switzerland claims this is truly a
case of the extraterritorial application of human rights law thus
requiring the court to establish that switzerland exercises
extraterritorial jurisdiction over the alleged violations of the
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