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Habeas Corpus in the Commonwealth

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Darcy L. MacPherson, et al.



Most Fundamental Legal Right Habeas Corpus In The Commonwealth:

Habeas Corpus in International Law Brian R. Farrell, 2017 6 The Importance of Effective International Habeas Corpus Guarantees **The Most Fundamental Legal Right** David J. Clark, 2000 This work provides treatment of a fundamental means of securing liberty Habeas Corpus is an ancient legal method still in use by which the courts can require the government and anyone else to justify why any person does not have unconditional freedom **The Fundamental Rules of the International Legal Order** Christian Tomuschat, Jean Marc Thouvenin, 2006 This work the outgrowth of a joint reflection by French and German international lawyers attempts to reconceptualize the doctrine of hierarchy in international law by emphasizing that a clear distinction should be drawn between primary rules which encapsulate precepts for the protection of the basic values of the international community and secondary rules which determine the regime of legal consequences flowing from a breach of such rules of conduct **Habeas Corpus** Paul D. Halliday, 2025-09-01 We call habeas corpus the Great Writ of Liberty But it was actually a writ of power In a work based on an unprecedented study of thousands of cases across more than five hundred years Paul Halliday provides a sweeping revisionist account of the world's most revered legal device In the decades around 1600 English judges used ideas about royal power to empower themselves to protect the king's subjects The key was not the prisoner's right to liberty these are modern idioms but the possible wrongs committed by a jailer or anyone who ordered a prisoner detained This focus on wrongs gave the writ the force necessary to protect ideas about rights as they developed outside of law This judicial power carried the writ across the world from Quebec to Bengal Paradoxically the representative impulse most often expressed through legislative action did more to undermine the writ than anything else And the need to control imperial subjects would increasingly constrain judges The imperial experience is thus crucial for making sense of the broader sweep of the writ's history and of English law Halliday's work informed the 2008 U S Supreme Court ruling in *Boumediene v Bush* on prisoners in the Guantánamo detention camps His eagerly anticipated book is certain to be acclaimed the definitive history of habeas corpus **The Law of Habeas Corpus** Judith Farber, R.J. Sharpe, Simon Atrill, 2011-02-24 Habeas corpus is the principal means under the common law for the protection of personal liberty By this ancient writ the court assumes control over the body of a prisoner so it can discharge him or her to freedom if no proper legal cause can be shown for detention Habeas corpus secures release from any form of custody whether decreed by the highest powers of the state or the lowest gangland slave trader Its reach is as diverse as the forms of confinement For just two examples beyond the prison wall a patient wrongly detained for compulsory medical treatment can invoke its protection and it can even be deployed to determine the proper parental custody of a child This volume looks first at the historical development of the writ tracing its growth in significance until its emergence as an item of central constitutional importance Having established the traditional place of habeas corpus the volume goes on to examine the limits of the remedy today It describes the modern workings of the application for habeas corpus and assesses the scope

function and role of the procedure It explores the relationship between habeas corpus and fundamental rights The volume critically surveys the nature of judicial review on habeas corpus and investigates past present and potential future uses of the writ It aims to provide a comprehensive statement of current English law with added discussion of the position in other Commonwealth countries The volume concludes with a guide to procedure and sample forms *International Law Reports* Elihu Lauterpacht, Christopher J. Greenwood, A. G. Oppenheimer, 2008-01-10 The *International Law Reports* is the only publication in the world wholly devoted to the regular and systematic reporting in English of decisions of international courts and arbitrators as well as judgments of national courts Volume 131 reports on amongst others refugee cases from Australia Canada New Zealand and the United Kingdom the UK House of Lords decision in *Roma Rights* and the UK House of Lords decision in *Quark* and the related European Court of Human Rights decision The Unity of Public Law David Dyzenhaus, 2004-03-17 This book tackles the important topic of the relationship between three parts of the public law regime in a common law jurisdiction the common law of judicial review or the unwritten constitution the written constitution and public international law Thematic coherence is ensured by the fact that the papers were presented at a conference in early 2003 and then extensively revised and by a general focus on a path breaking decision of Canada's Supreme Court *Baker* The book thus contains a highly productive exchange between an international group of scholars on such themes as the rule of law judicial deference the separation of powers the role of human rights in common law reasoning on immigration and security matters and the nature of legal authority **Manitoba Law Journal: A Review of the Current Legal Landscape 2012 Volume 36(1)** Darcy L. MacPherson, et al., The *Manitoba Law Journal* is a peer reviewed journal founded in 1961 The MLJ's current mission is to provide lively independent and high caliber commentary on legal events in Manitoba or events of special interest to our community This issue has articles from a variety of contributing authors including Albert Nolette Boyd McGill Brendan Jowett Bruce A. Macfarlane Bryan P. Schwartz Dan Grice Darcy L. MacPherson Dayna M. Steinfield Debra Parkes Francois Larocque James Oldham John Burchill Mark C. Power Robert H. Tanha and Yemi Oke **The Treatment of Prisoners under International Law** Nigel Rodley, Matt Pollard, 2011-04-07 This is the third edition of the pioneering work that has become the standard text in the field The first edition was one of the earliest to establish that the newly developing international law of human rights could be set down as any other branch of international law It also incorporates the complementary fields of international humanitarian law and international criminal law while addressing the problems associated with their interaction with human rights law The book is more than a descriptive analysis of the field It acknowledges areas of unclarity or where developments may be embryonic Solutions are offered Recent developments have confirmed the value of solutions proposed in this edition and the previous one Central to most of the chapters is the human rights norm of most salience in the treatment of prisoners namely the prohibition of torture and cruel inhuman or degrading treatment or punishment The early chapters focus on the period of first detention when detainees are most at risk of having

information or confessions however unreliable extracted by unlawful means Voices contemplating the legitimacy of such treatment to combat terrorism have been heard in the wake of the atrocities of 11 September 2001 The book finds that the evidence clearly suggests that the absolute prohibition of such treatment remains firm Other chapters deal with problems of poor prison conditions and of certain extraordinary penalties notably corporal and capital punishment A chapter explores ethical codes for members of professions capable of inflicting or preventing the prohibited behaviour police and medical and legal professionals Chapters are also devoted to the extreme practice of enforced disappearance and the contribution of the new convention on this phenomenon as well as to extra legal executions

Roadblocks to Freedom Andrew Fede, 2012-01-20 This new book by Andrew Fede considers the law of freedom suits and manumission from the point of view of legal procedure evidence rules damage awards and trial practice in addition to the abstract principles stated in the appellate decisions The author shows that procedural and evidentiary roadblocks made it increasingly impossible for many slaves or free blacks who were wrongfully held as slaves to litigate their freedom Even some of the most celebrated cases in which the courts freed slaves must be read as tempered by the legal realities the actors faced or the courts actually recognized in the process Slave owners in almost all slave societies had the right to manumit or free all or some of their slaves Slavery law also permitted people to win their freedom if they were held as slaves contrary to law In this book Fede provides a comprehensive view of how some enslaved litigants won their freedom in the court and how many others like Dred and Harriet Scott did not because of the substantive and procedural barriers that both judges and legislators placed in the way of people held in slavery who sought their freedom in court From the 17th century to the Civil War Southern governments built roadblock after roadblock to the freedom sought by deserving enslaved people even if this restricted the masters rights to free their slaves or defied settled law They increasingly prohibited all manumissions and added layers of procedure to those seeking freedom while eventually providing a streamlined process by which free blacks voluntarily enslaved themselves and their children Drawing on his three decades of legal experience to take seriously the trial process and rules under which slave freedom cases were decided Fede considers how slave owners slaves and lawyers caused legal change from the bottom up

The British Constitution Martin Loughlin, 2023-09-26 Very Short Introductions Brilliant Sharp Inspiring The British constitution is regarded as unique among the constitutions of the world What are the main characteristics of Britain's peculiar constitutional arrangements How has the British constitution altered in response to the changing nature of its state from England to Britain to the United Kingdom What impact has the UK's developing relations with the European Union caused These are some of the questions that Martin Loughlin addresses in this Very Short Introduction As a constitution it is one that has grown organically in response to changes in the economic political and social environment and which is not contained in a single authoritative text By considering the nature and authority of the current British constitution and placing it in the context of others Loughlin considers how the traditional idea of a constitution came

to be retained what problems have been generated as a result of adapting a traditional approach in a modern political world looking at what the future prospects for the British constitution are In this new edition of the Very Short Introduction Loughlin includes a discussion of the impact of developments over the decade since its first publication examining Brexit the Scottish independence referendum of 2014 and the settlement in Northern Ireland ABOUT THE SERIES The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area These pocket sized books are the perfect way to get ahead in a new subject quickly Our expert authors combine facts analysis perspective new ideas and enthusiasm to make interesting and challenging topics highly readable

Foreign Relations Law Campbell McLachlan, 2014-09-04 The first modern study of the law governing the external exercise of public power in the UK and the Commonwealth

Elgar Concise Encyclopedia of Law and Literature Robert Spoo, Simon Stern, 2025-01-09 The Elgar Concise Encyclopedia of Law and Literature surveys the intersection between two important fields of study Interdisciplinary in scope the volume showcases the many ways in which literary and legal methods and insights both converge and remain distinct

Judiciaries in Comparative Perspective H. P. Lee, 2011-08-11 An independent and impartial judiciary is fundamental to the existence and operation of a liberal democracy Focussing on Australia Canada New Zealand South Africa the United Kingdom and the United States this comparative 2011 study explores four major issues affecting the judicial institution These issues relate to the appointment and discipline of judges judges and freedom of speech the performance of non judicial functions by judges and judicial bias and recusal and each is set within the context of the importance of maintaining public confidence in the judiciary The essays highlight important episodes or controversies affecting members of the judiciary to illustrate relevant principles

The Liberty of Non-citizens Rayner Thwaites, 2014-11-01 The book addresses the legality of indefinite detention in countries including Australia the United Kingdom and Canada enabling a rich cross fertilisation of experiences and discourses The issue has arisen where a government is frustrated in its ability to remove a non citizen subject to a removal order and employs a power to detain him until removal The cases raise fundamental questions about the nature and extent of immigration powers the legal position of non citizens and counter terrorism law and policy More broadly the judgments have become key reference points in discussions of constitutionalism rights and a range of contemporary issues in public law The book analyses the legal context reasoning and implications of the case law on indefinite detention It argues that the law of each jurisdiction contains ample resources to support a ruling that indefinite detention is illegal It demonstrates that taking into account variations in legal frameworks and doctrines a judge s response to indefinite detention is determined by his or her answer to the question whether a non citizen subject to a removal order retains a right to liberty It details how a judge s answer flows through his or her adjudication on the scope of the relevant exception to liberty The thesis on which the book is based won the 2010 Marks Medal from the University of Toronto Law Faculty for the best graduate thesis

Textbook on International Human Rights Rhona Smith, 2014 Global

in coverage the sixth edition of Textbook on International Human Rights provides a concise wide ranging introduction for law students new to the subject It considers historical factors the work of the UN regional systems and a variety of substantive rights

Ruling Myanmar Nick Cheesman, Monique Skidmore, Trevor Wilson, 2010 November 2010 sees the first elections in Myanmar Burma since 1990 to be held as the culmination of the military regime's Road Map for Democracy The conditions under which the elections are being held are far from favourable although the laws and procedures under which they will be conducted have been in place for seven months and quite widely publicized Political controls remain repressive freedom of expression and assembly does not exist and international access is restricted by government controls as well as sanctions While the elections represent a turning point for Myanmar Burma the lead up period has not been marked by many notable improvements in the way the country is governed or in the reforming impact of international assistance programmes

Presenters at the Australian National University 2009 Myanmar Burma Update conference examined these questions and more Leading experts from the United States Japan France and Australia as well as from Myanmar Burma have contributed to this collection of papers from the Conference

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Boumediene V. Bush (2008). United States. Supreme Court, 2008

Reception, Appropriation, Recollection International John Bunyan Society. Conference, 2007 Papers delivered at the fourth triennial conference of the International John Bunyan Society held at Bedford 15 September 2004 Acknowledgements

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