## Contents

List of contributors ..... vii
1 Introduction ..... 1
Federico Fabbrini and Vicki C. Jackson
PART 1 INTERNATIONAL CONSTITUTIONALISMAND ANTI-TERRORISM FINANCE MEASURES
2 United Nations law: substantive constitutionalism through human rights versus formal hierarchy through Article 103 of the Charter ..... 15 Martin Scheinin
3 (Implicit) judicial favoring of human rights over United Nations Security Council sanctions: a manifestation of international constitutionalism? ..... 35
Erika de Wet
4 Heroic or hapless? The legal reform of counter-terrorism financial sanctions regimes in the European Union ..... 52
Karen Cooper and Clive Walker
5 The dynamics of transnational counter-terrorism law: towards a methodology, map, and critique ..... 78
Cian C. Murphy
PART 2 COUNTER-TERRORISMAND CONSTITUTIONAL MIGRATIONS
6 Translating rights across centuries: U.S. constitutional protection against unreasonable searches and seizures in a transnational era ..... 101 Vicki C. Jackson
7 Japanese efforts to have a secrecy law and a 'National Security Council': a runner who is one lap behind? or good things come to those who wait? ..... 125
Akiko Ejima
8 The deep dilemma of evidence in the global anti-terror campaign ..... 146
Kim Lane Scheppele
9 Reciprocal privacy: towards a transatlantic agreement ..... 169
David Cole and Federico Fabbrini
PART 3 EXTRATERRITORIALITY, DETENTION, AND FREE SPEECH
10 Transnational seizures: the constitution and criminal procedure abroad ..... 191 Jennifer Daskal
11 The extra-territorial obligations of European states regarding human rights in the context of terrorism ..... 213 Brice Dickson
12 Detention at sea: the persistence of territorial constraints on constitutional rights ..... 233
Jonathan Hafetz
13 The extraterritorial First Amendment ..... 260
Anna Su
PART 4 INTERNATIONAL CRIMINAL LAW, INTERNATIONAL HUMANITARIAN LAW, AND TERRORISM
14 Missing in action: the human eye ..... 283
Or Bassok
15 Unraveling the law of war ..... 305
Stephen Ellmann
16 Conclusion ..... 323
Lech Garlicki
Index ..... 337

