Reconciling Extradition with Human Rights

John Dugard and Christine Van den Wyngaert

Human rights considerations are increasingly invoked as a bar to extradition. This article examines this development, paying particular attention to the human rights most likely to obstruct extradition. In suggesting methods of balancing the competing interests of human rights and international cooperation in the suppression of crime, the authors consider the increased use of conditional extradition. They propose that extradition laws should expressly accommodate human rights interests.

Lincoln, Lieber and the Laws of War: The Origins and Limits of the Principle of Military Necessity

Burnus M. Carnahan

Military necessity was first stated as a legal principle in General Orders No. 100, a codification of the law of war drafted by Francis Lieber and issued by President Lincoln in 1863. Controversial from the beginning, the principle was nevertheless intended as a new restraint on military discretion, as Lincoln's application of it during the Civil War demonstrates. Military necessity remains an important restraint on military operations in new situations for which specific rules have yet to be established.

Editorial Comments

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