

**UNDERSTANDING JUDICIAL INDEPENDENCE AND FAIR TRIAL IN AN ERA OF
TERRORIST THREATS: A COMPARATIVE PERSPECTIVE**

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Synopsis of Ph.D. Dissertation

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I. Background of the dissertation

Since the September 11 (9/11), 2002 terrorist attacks in the U.S., governments the world over have been led to introduce new measures to counter terrorism threat. These novel measures also pose considerable new challenges to the rule of law. The question that immediately presents itself is whether these new challenges cause potential threat to judicial independence.

The problem of terrorist threats has become a widespread crisis of increasing magnitude in Western democracies. This has led to the unprecedented national security threats, which, in essence, has occasioned the development of robust counterterrorism laws in the U.S. and antiterrorism laws in Western Europe. Scholarship reveals that these laws are unique in the sense that they possess four key features, which set them apart from the broader body of criminal law within which they sit.¹ Firstly, the new terrorism laws tend to be reactive, both to terrorist attacks and to judicial decisions that find antecedent measures to be in breach of human rights norms. Secondly, the new terrorism laws are typically enacted in haste, often with little time for traditional forms of pre-enactment parliamentary scrutiny. Thirdly, governments frequently rely on the insertion of a variety of post-enactment review mechanisms, in particular, legislative sunset clauses, to appease parliamentary dissent and ensure the smooth passage of the Bill through parliament. Fourthly, the new terrorism laws have appeared remarkably resistant to either amendment or repeal despite post-enactment scrutiny.²

Questions abound as to whether the current age of terrorism threat and the state's response to its mitigation might have led to some outcome of interest in the behavior of the judiciary and that of the judges. In particular, the focus is on how state's effort to effectively reduce incidences of terrorist attacks affects the independence of the judiciary.

Legal scholars have also begun to understand that the new national security laws on terrorism have acquired characteristics that enhance state or government power and diminish citizen's fundamental rights and freedoms. This problem has effectively given rise to security versus rights

¹ BlackBourn, Jessie. Independent Reviewers as Alternative: An Empirical study from Australia and the United Kingdom.

² Ibid, p. 1.

conflict. However, this particular conflict appears significant and has potentially engendered contours, which extend to the judicial branch.

It therefore turns out that terrorist threats is not only a national security matter, but also a matter that potentially affects fair trial practices and judicial independence in democracies. The present study assumes that terrorist threat indeed affects the politics and law in democracies. Indeed, crises situations such as high-level terrorist threats may affect the politics and laws in democracies and whenever that happens, then it is more likely that the justice systems will be affected in times of crises. It can be deduced that there exists a relationship between terrorist threat and the criminal justice system.

i) The Doctrine of Separation of Powers and Inter-branch Conflict

One of the explications for why terrorism threat is likely to weaken judicial independence derives from the theory of separation of powers. This theory describes how the judiciary creates and maintains its own boundaries in relation to other branches of government in democracies. Political institutions are likely to strengthen or weaken judicial independence. Indeed, courts are likely to achieve meaningful judicial independence in democracies only under strict separation of powers.

The legitimacy of judicial independence obtains from the separation of powers. It is well known that national security and its implementation is within the purview of the executive, legislation (law-making) is the preserve of the legislature, and law interpretation is the preserve of the judiciary. Separation of powers, as a form of limited government, is often conducive to judicial independence. Indeed, it can be argued that institutional separation of powers or political fragmentation plays an important role in protecting judicial independence by hampering political hegemony. An independent judiciary is the cornerstone of the rule of law,³ and this means that in the absence of an independent judiciary, then the rule of law and hence fair trial practices might be negatively affected.

Terrorism has led to hyper-legislation across democracies in recent period. Democracies have been more active in enacting similar terrorism laws and policies and adopting analogous counterterrorism or anti-terrorism measures. However, there seems to be a friction between the

³ Badó, Attila. (2014). Fair Selection of Judges in a Modern Democracy, in *Fair Trial and Judicial Independence – Hungarian Perspectives*. (Ed.) Switzerland: Springer International Publishing.

making and implementation of counter-terrorism law and policy. Also, very little research has been conducted on the legitimacy, impact, and effectiveness of counterterrorism measures.

It must be clearly stated, however, that under normal circumstances in democracies, when the law changes, then all previously accrued rights and freedoms will be respected and will not be interfered with when change happens. However, this is no longer the case in the age of terrorism. Terrorism threat is increasingly influencing the national security laws in unpopular direction. It is pushing democratic states to enact new legislations (counterterrorism laws) that considerably undermine human rights.

ii) Raising Problems and Research Issues

Terrorism is a phenomenon that causes so many problems in the modern age and therefore deserves greater understanding. Governments in nations that have recently experienced terrorist attacks have been faced with decision problems and some have ended up making decisions that are certainly not very interesting to the flourishing of democracy and the rule of law. This problem seems to bear a negative impact on fair trial and judicial independence. Although the role of the courts is quite important, especially in the protection of individual rights and liberties, this role is more likely to be undermined by executive actions in times of national security crisis.. Many national security policies on terrorism implemented at the national level often infringe on these rights, and courts are the best line of defense against these violations of liberty. However, courts do not always rule in favor of liberty, sometimes ruling in favor of a strict government policy. This analysis seeks to explain the conditions that may lead courts to rule in favor of, or against, the government, arguing that political fragmentation is a potentially key factor in determining when particular case outcomes occur.

iii) Rationale for Research

The research identified important gaps in the literature in regard to the relationship between terrorist threats and judicial responses. The purpose of undertaking this research is therefore to provide novelty and a comprehensive understanding of the judicial responses to terrorism threats in liberal democracies. No comprehensive comparative research of this magnitude has ever been conducted to fully understand the effects of terrorism threats on judicial behavior. The present research seems to be the only work that provides a comprehensive and a systematic comparison

by answering to the empirical question of why terrorist threats seem to pose significant problem to judicial independence and fair trial practices in liberal democracies.

iv) Aims of Research

. To establish the effects of pre-9/11 security laws on judicial independence and fair trial in liberal democracies.

2. To determine the effects of post-9/11 security laws on judicial independence and fair trial in liberal democracies.

3. To assess the differential impact of pre-9/11 and post-9/11 security laws on justice systems in liberal democracies.

v) Research Questions

1. To what extent did the pre-9/11 security laws affect judicial independence and fair trial in liberal democracies?

2 How do post-9/11 security laws affect judicial independence and fair trial in liberal democracies?

3. Is there a differential impact of the pre-9/11 and post-9/11 security laws on justice systems in liberal democracies?

vi) Methodology

The study employed the comparative method of legal research. This provides researchers an opportunity to understand similarities and differences of the subjects and objects of study.⁴

vii) Data Collection for Empirical Analysis

Two different sets of data were employed in the study. The first data set collected for empirical analysis was obtained from the Global Terrorism Database (GTD). The study first examined the database and verified that all the western liberal democracies in the study (U.S.A, UK, Germany, and France) are all captured in the database as countries who have experienced terrorist events (attacks) and threats. The study also examined the GTD Code Book and obtained further

⁴ Mark Van Hoecke, 2004, p. 9.

information on the number of variables specified in the database and how each variable was being measured (operationalization). The Code Book is dated August 2021 and consists of variables namely, GTD ID and date, incident information, incident location, attack information, weapon information, target/victim information, perpetrator information, and casualties and consequences.⁵

The study was able to observe terrorism events for a period of twenty eight years (1986-2015). The choice of years to include in the study was deliberate and allowed the researcher to split the years into halves (14/14). The first set of 14 years entails 14 years before the 9/11 (pre-9/11 era) and includes all the years from 1986 to 2000 with, of course, the year 1993 being omitted because it was not recorded (missing) in the GTD data set. Then the second set of 14 years entails 14 years after the 9/11 (post-9/11 era) and includes all the years from 2002 to 2015. The year 2001 was considered the base year and was not therefore included in the study since it was the year that the September 11 terrorist attacks were launched on the U.S. soil. It is worth noting that the present study considers 9/11 terrorist attacks on the U.S. soil in 2001 as the main trigger of the expanded national security laws (new security policy - counterterrorism laws) across Western liberal democracies

The second data set consisted of selected terrorism-related case law in Western democracies between 1986 and 2015. The study selected a total of 16 case law for both pre-9/11 era and post-9/11 era. Each country (i.e. U.S., U.K, Germany and France) was assigned a total of 4 case law with the first set of 2 case law assigned before the 9/11 and the second set of 2 case law assigned after the 9/11.

viii) Research Design

In terms of research design, the study employed three different research designs:

a) Quasi-Experimental Design

The “quasi-experiment” is basically a process in which two similar groups (i.e. judicial systems) receive different treatments.⁶

⁵<https://www.start.umd.edu/gtd/wp-content/uploads/2021/09/GTD-Codebook-August-21.pdf>. Retrieved on September 17, 2021, pp 14-48.

⁶ Gerber, S. Alan; and Green, P. Donald. (2012). *Field Experiments: Design, Analysis, and Interpretation*. New York. W.W. Norton and Company.

b) Most Similar Systems Design

The most similar systems design was employed to compare similar judicial systems, for example, common law judicial systems within themselves and civil law judicial systems within themselves. The most similar systems design entails a situation in which the cases are similar but the outcome (or dependent variable) is different. As one scholar, Anckar, observes, “When applying the Most Similar Systems Design (MSSD), we choose as objects of research systems that are as similar as possible”.⁷ Scholars observe that the primary reason for choosing systems that are similar is the desire to keep constant as many extraneous variables as possible.⁸ Anckar, further observes that the best application of a most similar systems design, would require the researcher to choose countries that are similar in a number of specified variables (the control variables) and different with regard to only one aspect (the independent variable under study).⁹

c) Most Different Systems Design

The most different systems design was employed to compare different judicial systems, for example, common law judicial systems with civil law judicial systems. The most different systems design entails a situation in which the cases are different but the outcome (or dependent variable) is the same.¹⁰ This particular design is predicated on comparing very different cases (i.e. criminal justice systems) that tend to have the same dependent variable.¹¹ This design allows the research to identify a point of similarity between otherwise different criminal justice systems and thus identify the independent variable that is causing the outcome. The criminal justice systems that we observe may have very different variables between them but we can identify the same outcome happening. It is possible for instance to have adversarial and inquisitorial criminal justice systems producing the same judicial outcome.

ix) Methods of Analysis

a) Document Analysis

⁷ Anckar, 2008, p. 389.

⁸ Bartolini, 1993, p. 134; Sartori, 1991, p. 250; Skocpol, 1984, p. 379).

⁹ Ibid, n 329, p. 390.

¹⁰ (Lijphart, 1971.

¹¹ Anckar, 2008.

Document analysis involves collecting pre-existing documents or texts for analysis. The study used document analysis for purposes of analyzing different sets of case law. It is worth mentioning that although document analysis is frequently used to complement other research methods, some researchers use it as their only method of research. It has been proved that in certain cases, using pre-existing documents permits researchers to gain access to the best source of data for completing a project.¹²

b) Analytical Regime and Procedure

The study employed a robust analytical regime and procedure. This was done not only to ensure the quality of judicial judgments, but also to ensure the validity of measurements and reliability of results. This decision was informed by the opinions of leading judicial scholars. For instance, Professor Zoltán Fleck, has argued that social acceptance of the given judgment can be one of the quality indicators of judicial reasoning.¹³ The analytical regime and procedure involved a multi-stage analysis:

- i) Analysis based on Ideological Space Model.
- ii) Analysis based on Analytical Tables.
- iii) Analysis based on Analytical Figure.

The multi-stage analysis is also important for creating quality control of judgements from various courts. The quality of judgment is important for ensuring that judges deliver appropriate justice and remedies based on the evidence presented and according to the law.¹⁴

¹² Morgan, H. Conducting a Qualitative Document Analysis. *The Qualitative Report*, 2021, volume 27, Number 1, 64-77.

¹³ FLECK, Zoltán How to Measure? An Essay on the Social Context of Measuring Quality. In *How to Measure the Quality of Judicial Reasoning*. (2018). Bencze, Mátyás, and Ng, Yein Gar. (Eds). Springer International Publishing.

¹⁴ Bencze, Mátyás and Ng, Yein, Gar. (2018). *How to Measure the Quality of Judicial Reasoning*. (Eds). Springer International Publishing.

x) Overall Presentation of Dissertation

The dissertation presents clear definitions of concepts and states the primary problem that forms the topic of study. It also provides clear methodology of data collection and analysis, which then leads to empirical results and conclusions.

II. Summary of the Scientific Results of the Dissertation

The aim of the study was primarily to investigate a largely unexplored tension between democratic institutions (i.e. executive and legislature) on one side and the judiciary on the other side in the era of terrorist threats. This tension is brought about by an attempt by the democratic representatives to constrict freedom and fundamental rights in the name of national security preservation. In democratic societies, the executive is normally in charge of security preservation while the judiciary is normally in charge of justice and rule of law protection. However, in times of high-level national security threats, the executive may decide to abandon the constitution by exercising emergency powers. This action is likely to curtail the justice system and render it ineffective. However, the judiciary has a role to play in ensuring that the executive abided by the rule of law both in times of peace and in times of emergency. This implies that the executive's interest in security and the Judiciary's interest in the rule of law are likely to clash in times of national security threats.

The study investigated judicial response to national security threats in Western liberal democracies (U.S., UK, Germany, and France). Having thoroughly scrutinized scholarship on democratic response to terrorist threats, the study found a lot of persuasive arguments that point to liberty restrictions and human rights violations as a result of new terrorism legislations. These legislations have been referred to as expanded national security laws in this study. Even though there appeared to be a lot of work done on the effects of counterterrorism laws on human rights, there appeared to be very little systematic work done to understand the effect of terrorist threats on judicial independence and fair trial.

i) Comparative Scientific Results

The study first compared each of the four countries under the present study based on their judicial response to terrorism before the 9/11 era and after the 9/11 era. This was followed by the most similar design comparisons (i.e. intra-common law legal traditions and intra-civil law legal

traditions). This was then followed by the most different design (i.e. directly comparing between common law legal traditions and civil law legal traditions). The focus here is to establish the impact of terrorist threats on judicial independence and fair trial practices both in the pre-9/11 era and post-9/11 era.

ii) Impact of Terrorist Threats on Judicial Independence in the U.S. in the Pre-9/11 Era and Post-9/11 Era

The U.S. courts were more likely to support government policy on national security in the pre-9/11 era. However, the courts were still perceived to be fair, impartial, and independent in their adjudication of terrorism-related cases. However, in the post 9/11 era, we are able to see mixed results in the judicial behavior of the US courts. The post-9/11 era present great challenges to the US judiciary.

iii) Impact of Terrorist Threats on Fair Trial in the U.S. in the Pre-9/11 Era and Post-9/11 Era

While the US courts appeared to guarantee the right to a fair trial in the adjudicating of terrorism-related cases in the pre-9/11 era, the US courts now appear to be divided in guaranteeing the right to a fair trial. While the district courts and the Supreme Court appear determined to guarantee the right to a fair trial, the US Court of Appeals seem to be less committed to guaranteeing the right to a fair trial when it comes to adjudicating terrorism-related cases in the post-9/11 era.

iv) Impact of Terrorist Threats on Judicial Independence in the UK in the Pre-9/11 Era and Post-9/11 Era

In the pre-9/11 era, we can conclude that the UK courts seemed to defer to government on matters related to national security. At the same time, the UK courts presented mixed results when it comes to fairness, impartiality, and independence. In both instances, 50 percent of the time the courts appeared fair, impartial and independent when adjudicating terrorism-related cases in the pre-9/11 era. At the same time, 50 percent of the time the courts seemed less fair, less impartial and less independent when adjudicating terrorism-related cases in the pre-9/11 era.

Despite the powers of the UK courts having been increased through the 1998 Act to fully protect human rights, the UK courts appear to be less fair, less impartiality, and less independent when

adjudicating terrorism-related cases in the post-9/11 era. In both instances, 100 percent of the time the UK courts appear less fair, less impartial and less independent when adjudicating terrorism-related cases the post-9/11 era.

v) Impact of Terrorist Threats on Fair Trial in the UK in the Pre-9/11 Era and Post-9/11 Era

The UK courts were only 50 percent of the time able to ensure procedural fairness when handling terrorism-related cases in the pre-9/11 era. Moreover, the UK courts appear to be 100 percent of the time less likely to ensure procedural fairness when adjudicating terrorism-related cases in the post-9/11 era. Despite the powers of the UK courts having been increased through the 1998 Human Rights Act to fully protect human rights, the UK courts appear less likely to guarantee procedural fairness when adjudicating terrorism-related cases in the post-9/11 era.

vi) Impact of Terrorist Threats on Judicial Independence in Germany in the Pre-9/11 Era and Post-9/11 Era

Germany courts were perceived to be fair, impartial and independent in adjudicating terrorism-related cases in the pre-9/11 era. This was probably because the Federal Republic of Germany was very much committed to respecting the human dignity and the judiciary was given powers to exercise its independence in ensuring that human dignity was protected at all times.

In the post-9/11 era, despite the German government developing its expanded national security laws, German lower courts appear to be less fair, less impartial and less independent when adjudicating terrorism related cases in the post-9/11 era.

vii) Impact of Terrorist Threats on Fair Trial in Germany in the Pre-9/11 Era and Post-9/11 Era

In the pre-9/11 era, German courts appeared to be committed to ensuring procedural rights when adjudicating terrorism-related cases. However, in the post-9/11 era, German courts appear to be somewhat divided in their commitment to ensuring procedural fairness. In particular, while German High Courts appear to be more committed to ensuring procedural fairness in adjudicating terrorism-related cases in the post-9/11 era, German lower courts appear to be less committed in ensuring procedural fairness when adjudicating terrorism related cases in the post-9/11 era.

viii) Impact of Terrorist Threats on Judicial Independence in France in the Pre-9/11 Era and Post-9/11 Era

French courts were perceived to be less fair, less impartial, and less independent when adjudicating terrorism-related cases in the pre-9/11 era. However, in the post 9/11 era, French courts are perceived to be fair, impartial and independent when adjudicating terrorism-related cases.

ix) Impact of Terrorist Threats on Fair Trial in France in the Pre-9/11 Era and Post-9/11 Era

While French courts appeared less committed to procedural fairness when adjudicating terrorism-related cases on the pre-9/11 era, the courts now appear more committed to ensuring procedural fairness in the post-9/11 era. This might be attributed to French decision to train new investigating judges and trial judges that are only specialized in the investigation and trial of terrorist suspects.

x) Comparisons Based on Most-Similar Designs

While the US courts appeared impartial and independent in their adjudication of terrorism-related cases in the pre-9/11 era, UK courts appeared less impartial and less independent. However, after experiencing the post 9/11 expanded national security laws, the US judicial systems now appear divided in being impartial and being independent when adjudicating terrorism-related cases in the post-9/11 era. Compared to the UK courts in the Pre-9/11 era, we see that there is some change in the U.S. judicial system's behavior, which now makes it behave somewhat different and somewhat similar as compared with the UK judicial system.

In terms of fair trial guarantee, while the US courts appeared to guarantee the right to a fair trial in their adjudication of terrorism-related cases in the pre-9/11 era, the UK courts appeared less committed in guaranteeing the right to a fair trial. However, after experiencing the post 9/11 expanded national security laws, the US judicial systems now appear divided in being fair when adjudicating terrorism-related cases in the post-9/11 era. Compared to the UK courts in the Pre-9/11 era, we see that there is some change in the U.S. judicial system's behavior, which now makes it behave somewhat different and somewhat similar as compared with the UK judicial system.

While Germany courts were perceived to be fair, impartial and independent when adjudicating terrorism-related cases in the pre-9/11 era, French courts were, however, perceived to be less fair,

less impartial, and less independent when adjudicating terrorism-related cases in the pre-9/11 era. However, after experiencing the post 9/11 expanded national security laws, the Germany judicial systems now appear divided in being impartial and independent when adjudicating terrorism-related cases in the post-9/11 era. Compared to the French courts in the pre-9/11 era, we observe that there is some change in the German judicial system's behavior, which now makes it behave somewhat different and somewhat similar as compared with the French judicial system. The 'somewhat' difference that we observe in the German judicial system is attributed to the expanded national security laws.

In terms of fair trial guarantee, while the German courts appeared to guarantee the right to a fair trial in their adjudication of terrorism-related cases in the pre-9/11 era, the French courts appeared less committed to guaranteeing the right to a fair trial. However, after experiencing the post 9/11 expanded national security laws, the German judicial systems now appear divided in being fair when adjudicating terrorism-related cases in the post-9/11 era. Compared with the French courts in the pre-9/11 era, we see that there is some change in the German judicial system's behavior, which now makes it behave somewhat different and somewhat similar as compared with the French judicial system.

xi) Comparisons Based on Most-Different Designs

In the pre-9/11 era, analyses of the common law legal tradition (U.S. and UK) reveal that the US courts appeared fair, impartial and independent in their adjudication of terrorism-related cases in the pre-9/11 era. On the contrary the UK courts appeared less impartial and less independent. Compared with the civil law legal tradition (German and France), my analyses reveal that the Germany courts were perceived to be fair, impartial and independent in adjudicating terrorism-related cases in the pre-9/11 era. On the contrary, French courts were perceived to be less fair, less impartial, and less independent when adjudicating terrorism-related cases in the pre-9/11 era. This shows that both the US courts and German courts displayed similar characteristics of being fair, impartial and independent when adjudicating terrorism-related cases, while both the UK courts and French courts displayed similar characteristics of being less fair, less impartial, and less independent when adjudicating terrorism-related cases. It can be concluded that both common law

and civil law legal systems presented differences within themselves, but similarities between themselves in their adjudication of terrorism-related cases in the pre-9/11 era.

In the post-9/11 era, my analyses of the impact of terrorist threats on judicial independence and fair trial in the common law legal tradition (U.S. and UK) reveal that while the US courts appear divided in being impartial and being independent in their adjudication of terrorism-related cases in the post-9/11 era, the UK courts appear united in being less impartial and less independent. Compared with the civil law legal tradition (German and France), my analyses reveal that the Germany High Courts appear to be almost 100 percent fair, impartial and independent when adjudicating terrorism-related cases in the post-9/11 era with lower courts appearing to be less fair, less impartial, and less independent (i.e. Germany courts like the U.S. courts also appear divided) , French courts are, however, 75 of the time perceived to be likely fair, impartial and independent when adjudicating terrorism-related cases in the post-9/11 era.

In terms of fair trial guarantee by common law countries (i.e. US and UK) in the pre-9/11 era, the US courts appeared to guarantee the right to a fair trial in their adjudication of terrorism-related cases in the pre-9/11 era. However, the UK courts appeared less committed to guaranteeing the right to a fair trial. Compared with civil law countries (Germany and France), German courts appeared to be committed to ensuring procedural rights when adjudicating terrorism-related cases in the pre-9/11 era. However, the French courts were less likely to guarantee the right to a fair trial in the pre-9/11 era. Again, in terms of the right to a fair trial both common law legal systems and civil law legal systems presented differences within their judicial systems and similarities between their judicial systems in their commitment to ensuring the right to a fair trial in the pre-9/11 era. For instance, we observe similar justice outcomes for both U.S. and Germany and also similar justice outcomes for both UK and France.

xii) Conclusions

Starting with the U.S., the pre-9/11 terrorism law did not affect how the U.S. judicial system responded to adjudication of terrorism-related cases. The entire judicial system appeared fair, impartial and independent. However, in the post-9/11, the effect of counterterrorism laws (expanded national security laws) most likely affected the U.S. judicial system. My findings reveal that the Court of Appeals appeared less fair, less impartial and less independent when adjudicating terrorism-related cases. This can be mainly attributed to the effect of counterterrorism laws.

In the UK, the pre-9/11 terrorism law did not affect much how the UK judicial system responded to adjudication of terrorism-related cases. The judicial system appeared fair, impartial and independent, only occasionally being seen as less fair, less impartial and less independent. However, in the post-9/11, the effect of counterterrorism laws (expanded national security laws) most likely affected the UK judicial system. My findings reveal that the entire UK judicial system appear less fair, less impartial and less independent when adjudicating terrorism-related cases. My findings also indicate that the UK courts exercised a lot of judicial deference and in most cases unreservedly supported the government policy on national security. The UK Judicial behavior can be mainly attributed to the effect of counterterrorism laws.

In regard to Germany, the pre-9/11 terrorism law did not affect much how the Germany judicial system responded to adjudication of terrorism-related cases. The entire judicial system appeared fair, impartial and independent when adjudicating terrorism-related cases. However, in the post-9/11, the effect of counterterrorism laws (expanded national security laws) most likely affected the German judicial system. My findings reveal that the German lower courts appeared less fair, less impartial and less independent when adjudicating terrorism-related cases. This kind of behavior by the courts can be attributed to the pressure on the judiciary to defer to state policy on national security, particularly when threat to national security is perceived to be high.

France, however, presented interesting results. The pre-9/11 terrorism law did not affect much how the French judicial system responded to adjudication of terrorism-related cases. The entire judicial system appeared less fair, less impartial and less independent when adjudicating terrorism-related cases. However, in the post-9/11, the effect of counterterrorism laws (expanded national security laws) most likely affected the French judicial system. My findings reveal that the French courts appeared, for the most part, fair, impartial and independent when adjudicating terrorism-related cases. This judicial behavior can be mainly attributed to the effect of counterterrorism laws. The question as to why counterterrorism laws appeared to have only positively influenced the French judicial response to terrorist threats is a good one, and I believe future research would be able to explore further that phenomenon.

III The list of publications on the subject of the dissertation

1. Is the Judiciary under pressure? Judicial Independence in an age of Terrorism. Central and Eastern European Legal Studies 2 pp. 185-215. , 31 p. (2020).
2. Judicial Independence as a Contemporary Challenge: Perspectives from Kenya. FORUM: ACTA JURIDICA ET POLITICA 8: 1 pp. 365-399. , 35 p. (2018). Teljes dokumentum.
3. The Visegrad Four Cooperation Towards Industrial Innovation and Economic Growth. In: Amouri, Baya; Oyoo Were, Boaz; Kocsis, Gergő; Sóreg, Krisztina The Visegrad Group Facing New Challenges. Külügyi és Külgazdasági Intézet (KKI) (2018) 70 p. pp. 18-38. , 21 p.
4. The impact of COVID-19 on domestic violence and criminal justice system: perspectives from the EU member states. In: Fejes, Zsuzsanna (eds.) Európa új utakon : a Covid-19 járvány és a brexit társadalmi és jogi hatásai. Szeged, Hungary: Szegedi Tudományegyetem Állam- és Jogtudományi Doktori Iskola (2021) 131 p. pp. 63-78. , 16 p. Teljes dokumentum.
5. The challenges of procuring forensic evidence and criminal proceedings in Kenya. ANALELE ȘTIINȚIFICE ALE UNIVERSITĂȚII » AL. I. CUZA« IASI: ȘTIINȚE JURIDICE 68: 2 pp. 61-90. 30 p. (2022)
6. Counter-Terrorism Legislation as a Proxy for “Improper Influence” in the Judiciary by the Executive and Legislature. COMPARATIVE LAW WORKING PAPERS (2560-1911): 4 2 pp 1-11 (2020).