



Volume XI Issue I, Autumn 2020

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[Jack Bickerton: The War on Terror as a War on Human Rights: Should preventive detention be used as a counterterrorism mechanism against suspected terrorists? pp1-24](#)

Jack Bickerton discusses the legal and moral issues around the use of preventive detention as a counterterrorism mechanism. He suggests that the widespread use of preventive detention as an 'exceptional measure' is suggestive of a war model of legislation rather than a criminal model. He argues that this leads to interference with individual rights to liberty, fair trial, and due process, and questions the circumstances in which this approach meets the tests of reasonable and proportionality which might justify such interference.

[Ilias Ioannou: Legal Regulation of Virtual Currencies: Illicit Activities and Current Developments in the Realm of Payment Systems pp25-52](#)

Ilias Ioannou writes on virtual currencies, and the law's response to the tension between their ingenious potential to function as a means for good, and their equally ingenious utility to illicit actors. After considering the regulation of virtual currencies in the European Legal Area, he suggests a more comprehensive legal response, embedding Virtual Currencies into the financial system by redirecting regulation towards the uniqueness of their underlying technology.

[Emily Ottley: Abortion on Request: A Desirable Response to the Criminalisation of Abortion in England and Wales? pp 53-71](#)

Emily Ottley addresses the criminalisation of abortion in England and Wales, suggesting that the law is long overdue for reform in this area. She argues for abortion to be made available on request in early pregnancy, that request being made within the context of the patient-centred and best interests approach of medical ethics rather than within the context of the criminal law. She approaches this by considering both the incompatibility of the current law with human rights obligations and the modern prioritisation of respect for autonomy in both medical ethics and law.

[Adyasha Samal: Extending Arbitration Agreements to Non-Signatories: A Defence of the Group of Companies Doctrine pp72-96](#)

Adyasha Samal examines the Group of Companies Doctrine which prescribes a test to determine whether a non-signatory is bound by an arbitration agreement whose scope is extended to them when this is necessary in order to resolve the dispute. The Doctrine relies for its justification on a concept of presumed consent. She argues that the Doctrine's requirements - for a tight group structure, involvement of the third party in the conclusion of the contract, and common intention of all parties to bind the third party to the agreement - arguing that this focus on behaviour and written agreement functions to uphold arbitration's core tenet of consent.

[Malwina Wojcik: Navigating the hierarchy of memories: the ECtHR judgment in Perinçek v Switzerland pp97-115](#)

Malwina Wojcik analyses the judgment of the European Court of Human Rights in *Perinçek v Switzerland*, which considered whether criminalising the Armenian genocide denial conflicted the right to free speech enshrined in Article 10 of the ECHR. She examines the judgement in the light of the key arguments for distinct legal treatment of Holocaust denial, and suggests that in affirming different legal treatment of Holocaust denial and denial of other genocides the Strasbourg Court has created a problematic hierarchy of memories.