Security Coordination between the European Union and the United States

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Abstract

A transatlantic agreement exists between the United States and the European Union for the purposes of bridging the gap between law enforcement and homeland security and supporting proactive and reactionary counterintelligence efforts to combat terrorism. The European Union has 27 member states participating in the transatlantic agreement. As a result, there often are discrepancies between the United States and the European Union with respect to data collection, detainee policies, terror designation lists, and border patrol. Of the 27 member states, 21 are members of the North Atlantic Treaty Organization (NATO); the remaining member states are closely associated with NATO sister programs dedicated to building strategic policies and outreach programs for homeland security defenses. The transatlantic agreement between the United States and the European Union is not treaty based (soft law); therefore, the consequences are not upheld by the standards set forth in international (hard) law. This presentation addresses the need to review the Lisbon Treaty, which establishes the European Union with the Constitution Treaty, in order to add a clause within Article 28 to include improvements of the U.S.–EU transatlantic agreement. Incorporating a transatlantic homeland security agreement in the Lisbon Treaty would increase cooperation against terrorism, provide a collaborative framework to intensify law enforcement capabilities, and keep states within the parameters of international law by holding all participants accountable for their actions.

Keywords: collaborative framework, reactionary measures, transatlantic treaty

Introduction

Security Coordination between the European Union and the United States A transatlantic agreement exists between the United States and the European Union to bridge the gap between law enforcement and homeland security for the purposes of fighting the War on Terrorism. The cooperative relationship between the United States and EU is at a crossroads with respect to criminal justice law enforcement, specifically the judicial and corrections systems of the member states involved in the enhancement of homeland security. In November 2009 the United States and EU released a joint statement at the U.S.–EU Justice and Home Affairs Ministerial claiming that transnational crime and terrorism was to be prevented with "Justice, Freedom, and Security" to protect human rights and civil liberties in all transatlantic cooperation efforts (Tanaka, Bellanova, Ginsburg, & DeHert, 2010, p. 6). Strict guidelines between the United States and EU must exist, bonding theories of law enforcement, court procedures, and correctional systems between the republic government of the U.S. and the social justice and values systems of the EU, in order to fight the War on Terrorism and build a cohesive bridge between homeland security and emergency management with proactive and reactionary measures.

Global Democratic Security Issues

The United States and EU have developed democratic governments to withstand conflicts, including war. Under the umbrella of democracy, these governments have created various means of conflict prevention and intervention. The U.S. government has stood with the EU's various social reform systems, comprised of 27 member states, in the transatlantic treaty. The Lisbon Treaty is defined as a "European Union agreement that replaces a failed attempt at an EU Constitution with a similar set of reforms strengthening central EU authority and modifying voting procedures among the EU's expanded membership" (Goldstein & Pevehouse, 2012, pp. 369–370). Molding the 27 member states into one entity is a task of social values, human rights, and humanitarian law. The EU must have an agreement with the United States to put law enforcement (security) first in order to ensure that Americans' needs for justice and freedom are met.

Conflict exists but is respected between the parties, with taking care of individual or group actions first rather than the majority. Whereas the EU continues to abide by the democratic values set forth in the Magna Carta, the United States has pursued a form of democracy that is for the people, by the people.

The first issue in creating a clause within Article 28 in the Lisbon Treaty is that it addresses a coherent homeland security plan to determine whether the United States and EU can blend the values of "detect, deter, and prevent" with those of "justice, freedom, and security." Due to the broad writing and interpretation of the Lisbon Treaty, many homeland security issues may arise in the law enforcement and the legal process.

The second issue is whether the United States and the EU can create a pipeline of law enforcement and judicial processes that unifies the defense and prosecution of homeland security offenders. The United States is battling internal issues related to determining which jurisdiction to prosecute offenders in—either the federal court system or in military commissions in Guantanamo Bay, Cuba. The Lisbon Treaty serves 27 EU member states with 27 sets of similar court systems. The EU also has a Court of Justice and a Court of First Instance. The International Criminal Court (ICC) has extraterritorial jurisdiction in the EU as well. The U.S. court systems are in conflict over determining whether a homeland security offender should be apprehended by law enforcement officials through the criminal justice system or by military officials. The EU court system is not set up to prosecute the homeland security offenders; therefore, the ICC may be the international court of last resort.

The final issue is determining whether the Lisbon Treaty violates the ICC's Rome Statute and/or U.S. federal and military law in the apprehension and prosecution of homeland security offenders. Once these issues are resolved, a determination can be made if the Lisbon Treaty is the proper venue for determining if the transatlantic agreement between the United States and EU can withstand the forceful measures of two growing homeland security agencies.

Background and Significance

The Lisbon Treaty does not clearly define the handling of homeland security issues between the United States and EU; it merely contains an agreement between the parties that they will negotiate the process if an issue arises. The vagueness of this declaration may lead to misconstrued actions unless definite language is drafted, agreed upon, and adhered to by both parties. The Lisbon Treaty became active in December 2009 to strengthen majority voting and to exercise an expedient decision-making process. After its initial draft in 2002, the Lisbon Treaty became an opportunity for 27 member states to unite under ideas and actions while continuing to protect the EU's status as a major global player.

The Lisbon Treaty was created to achieve the following goals in Europe: (a) a stronger and more coherent EU voice, (b) more-streamlined decision making, and (c) increased transparency and democratic accountability (Archick & Mix, 2011, pp. 6–8). In order for the United States to build homeland security bonds with the EU, this is the one treaty that is new to the global community and broad in writing; therefore, interpretation can be used to implement set guidelines.

Purpose of the Study

The Lisbon Treaty will prove difficult but not impossible to mold to U.S. needs for the purposes of improving homeland security processes. The U.S. Department of Homeland Security (USDHS) is the model for other countries having power to implement their own homeland security programs at home and abroad with American interests. Under the treaty, the strength of the United States is paired with that of the 27 member states that compose the EU. Strength in numbers is a valuable component of speaking with a louder voice against violations of homeland security. The Lisbon Treaty helps provide a stronger defense system for the EU by specifying that the EU shall seek "the progressive framing of a common Union defense policy," which "will lead to a common defense" (Archick & Mix, 2011, p. 4).

A Battle of Constitutions

The Constitution Treaty, or the European Constitution, was developed to mold the various European countries under one EU document in the way the U.S. Constitution provides for the states under its federal jurisdiction. The purpose of the Lisbon Treaty was to replace the Constitution Treaty; however, "replacement" simply became amendments to the original document.

The idea behind the amendments and the Lisbon Treaty is similar to development of the U.S. Constitution to replace the Articles of Confederation. The transatlantic agreement between the United States and the EU is primarily based on information sharing and data privacy to eliminate data mining. The agreement is not treaty based; therefore, it is considered soft law and cannot be held to the higher standards of international law or prosecuted with hard law.

Homeland Security

The EU has initiated a stronger defense policy through the Lisbon Treaty. The treaty has a "mutual assistance clause" that permits "a member state that is the victim of armed aggression to ask for military assistance from the other members." The treaty states that "member states may also engage in 'structured cooperation,' which would allow a smaller group of members to cooperate more closely on military issues" (Archick & Mix, 2011, p. 4). This clause could be made stronger to include other nations and assist in prevention and deterrence of future terrorist attacks.

Judicial Pipeline

The EU is gradually moving away from a democratic, parliamentary process of majority rule voting, which is leading to improvements for the European Union and its 27 member states. As voting states have the opportunity to increase their decision-making power through collaborative ideas and processes, there is more room for development and change. Instituting a clause in the Lisbon Treaty to apply hard law to homeland security measures would increase the value of the transatlantic treaty and intensify the consequences for violators of such laws. The maneuverability between democratic majority rules and voting rights with collaboration the two components allows for a republic form of checks and balances between organs of the European governmental system and branches of the U.S. federal system (see Figure 1).

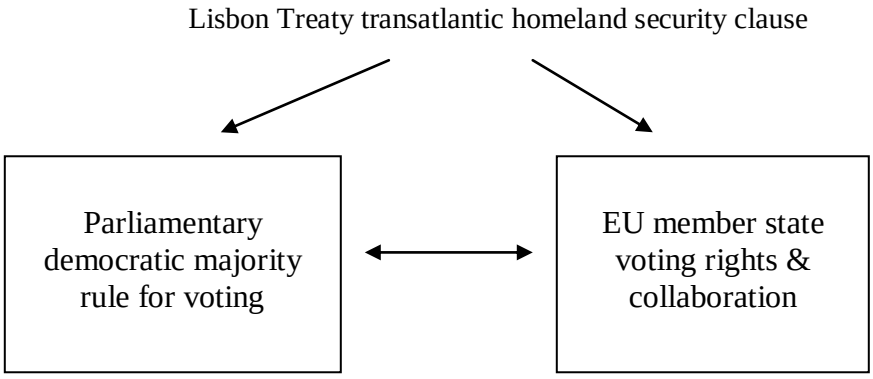

Figure 1. European Union Democratic Reform.

The transatlantic homeland security clause for the Lisbon Treaty is a new concept, as American interests have become Europe's since the terrorist attacks of 9/11. In addition, the Madrid and London terrorist attacks put Europe on notice that Western countries are equally vulnerable to an attack. However, the United States has taken the lead in homeland security, which may seem premature for some European nations. Therefore, in order to make the process of collaboration work, the United States must take the following steps to secure a hard law approach to counterintelligence efforts to combat terrorism:

1. Work with Brussels to the extent it aids America's interests;
2. Maintain traditional relationships;
3. Focus efforts on those EU countries that have the capacity to work effectively with the U.S.; and
4. Insist on American interests. (Rosenzweig, 2010, p. 6)

Europe will remain a target as long as the member states are allies of the United States. Collaboration between the United States and the EU is essential to improving homeland security. The United States will have to navigate the political pull between losing control of majority rule and having the right to vote without unanimity in order to bridge the gap between reactive and proactive measures for combating the War on Terrorism.

One example of this tension is the passenger name record (PNR) list, which was in effect before the ratification of the Lisbon Treaty in 2007. Known as the Terrorist Watch List in the United States, the purpose of the PNR list is to prevent terrorists from boarding airliners between the United States and European nations or the Middle East. It has effectively assisted in foiling terror plots either in the final planning stages or in the early implementation stages. However, the issue remains that even though the EU states agree in unanimity during the decision-making process, when the state representatives return to their home countries, many do not follow through and instead do what is in the best interest of their country.

The United States and European member states have conflicting public policies when it comes to detainee and human rights. The U.S. judicial system permits the death penalty in several situations at the state and federal levels; however, many European states find the death penalty to be unacceptable. The political status of detainees has become an issue since the January 2002 opening of the U.S. detention center in Guantanamo Bay, Cuba: The "U.S. practice of 'extraordinary rendition' and the possible presence of CIA detention facilities in Europe also gripped European media attention and prompted numerous investigations by the European Parliament, national legislatures, and judicial bodies, among others" (Archick, 2012, p. 17). Various European judicial systems investigated these actions by the United States and have assisted in the shutdown of several CIA "hidden prisons." Nevertheless, the United States must continue to be the key to the EU's homeland security law enforcement and judicial processes.

Global Preparedness

The USDHS preparedness program and the DOD HLS Joint Operating Concept (JOC) described how they would "sustain the force in the 2015 timeframe to detect, deter, prevent, and defeat attacks against the Homeland, provide military forces in support of civilian authority, and plan for emergencies" (Department of Defense, 2004). For USDHS the primary three components of homeland security are detect, deter, and prevent. By contrast, the EU views its preparedness goals as justice, freedom, and security. Thus, the two programs tend to have difficulties when implementing similar homeland security programs.

For example, the United States has difficulty determining the proper court system in which to prosecute terrorists because of lack of continuity between criminal (federal) courts and military courts (commissions). The EU has similar issues of continuity between the individual member states, which have their own court systems, and the ICC. One solution is to build a judicial pipeline between the United States and EU through a homeland security/transatlantic clause in the Lisbon Treaty. However, research is needed to determine if the Lisbon Treaty violates the Rome Treaty, which set the stage for the creation of the ICC.

Blending of Homeland Security Programs

The U.S. and EU homeland security programs must blend at some point in order to effectively combine law enforcement and counterintelligence to combat the War on Terrorism. Currently the U.S. and EU homeland security programs follow the protocol described in Table 1.

Table 1: Preliminary National Security Measures

U.S.	EU
Detect	Justice
Deter	Freedom
Prevent	Security

The model currently in use by the United States and EU does not meet homeland security needs of the twenty-first century. The Lisbon Treaty recognizes the EU's progress in increasing security for all against "threats to the security of European citizens" ("Europa," 2012). The Lisbon Treaty amends Article 2, Section 2, of the Constitution Treaty as follows:

The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime. ("Amendments," 2007, p. 2)

The terms *respect* and *crime* appeal to U.S. law enforcement protocol but do not extend the judiciary's ability to combat terrorism in all facets necessary for defending the homeland. The interpretation of the Lisbon Treaty is ambiguous. The *Official Journal of the European Union* lists the components as "freedom, security, and justice," while in a joint statement the U.S.–EU Justice and Home Affairs Ministerial claimed that transnational crime and terrorism was to be prevented with "Justice, Freedom, and Security" to protect human rights and civil liberties in all transatlantic cooperation efforts (Tanaka et al., 2010, p. 6). Thus, the prioritized list of the EU homeland security components needs clarification to provide room for maneuverability in working with the United States. Bridging the gap between the two entities may mean following similar paths as demonstrated in Table 2.

Table 2: Adjusted National Security Measures

U.S.	EU
Prevent	Freedom
Detect	Security
Deter	Justice

For the two entities to mesh, the United States also needs to alter its homeland security program components to match the new version of the EU's homeland security program. Raising the prevention component to be the first line of defense in homeland security is not impossible. Since 9/11, law enforcement, intelligence communities, and the military have acted primarily in a preventive capacity and not in a constant state of combat.

Criminals Versus Terrorists

Violations of U.S. homeland security measures require a pipeline to a judicial court system set up by a transatlantic agreement—not the bottleneck of judicial improprieties created by the EU judicial system and the Lisbon Treaty. The U.S. federal judicial system has difficulty differentiating criminal and terrorist acts. Terrorism falls into the category of the law of war and of armed conflict—not into the field of law enforcement. Therefore, the criminal justice system would have to be altered to accommodate detainee prosecutions and hearing challenges about the government's conduct, which may have violated the rights of the defendant. Criminalizing the detainees would allow them to invoke their Fifth and Sixth Amendment and Miranda rights, which by granting them the right to remain silent and the right to an attorney, would severely limit intelligence gathering. Even if detainees were tried in a military judicial setting, they would be provided with counsel and similar rights, leading to the same limitations on intelligence-seeking tactics.

The United States must utilize its federal judicial systems for domestic terrorism and law enforcement capabilities. Federal law enforcement officials must understand that reading suspects their Miranda rights criminalizes them and places them in the criminal justice system. However, if military officials determine that a suspect has committed an act of international terrorism, the suspect should be read the Article 31(b) rights, which are similar to Miranda rights, and be transferred to a special court in Guantanamo. As a result, the Department of Justice must immediately determine the proper jurisdiction and venue for detaining and processing the suspect.

The EU is working through similar circumstances with its member states and the ICC. The ICC is spending billions of dollars per case prosecuting human rights and humanitarian law offenders from various countries and organizations. The issue the ICC is grappling with is whether it is worth the money to prosecute at the international level or whether the countries should individually prosecute offenders and bear the costs. Early in the EU creation process, member states tried to hold on to their jurisdiction for court cases; however, they now find themselves in debt and incapable of handling the financial and security burdens that accompany the prosecution of offenders for large-scale acts of violence such as terrorism, rape, murder, and civil uprisings.

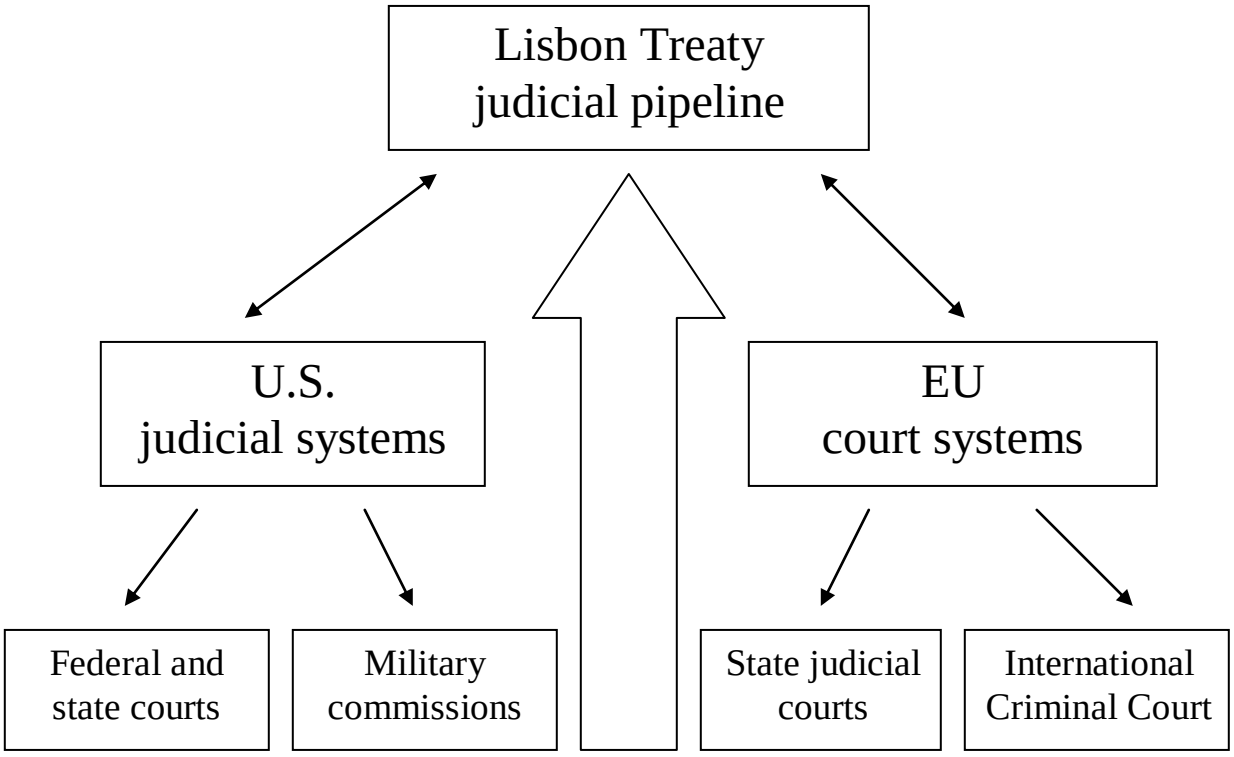

Figure 2. Transatlantic Agreement Process to the Lisbon Treaty.

Homeland Security Violations Guarded by the Lisbon Treaty

Foremost the EU wishes to be a player in combating terrorism, but it demands the United States understand the EU organ structure: "Parliament wants to become a real player in foreign policy," but "Parliament has real privacy concerns" (Farrell & Newman, 2010). The EU has similar concerns to the U.S. related to prosecuting detainees; however, in order to build a counterintelligence allegiance, the United States "must explicitly accept that the European Parliament will play a key role in future negotiations" (Farrell & Newman, 2010). The United States must determine if criminalizing acts of international terrorism are to be considered, whereas the EU must determine which court system will take complete responsibility for the criminal, court, and corrections processes.

Conflicts exist between the EU and its member states with respect to their constitutional courts and the European Court of Justice (ECJ) with the ICC. Member states have had difficulty keeping up with judicial trends among different courts and their jurisdictions. Representatives may not be able to attend all meetings or court hearings due to lack of state funding. Membership to the EU, although worthwhile, has proven to be a financial burden that has been difficult to overcome. Clarification is needed regarding which cases are docketed to which court. Therefore, court budgets could be set and adhered to accordingly. Another issue for the member states is equal treatment within the EU. Just as the EU wishes to be part of the negotiation process with the United States, so do the member states wish to be equally heard in the EU. As long as the United States is a dominant force in homeland security measures, it must "address the Parliament's substantive worries by creating its own privacy oversight structures and extending its protection to European citizens" (Farrell & Newman, 2010).

Rome Treaty Versus Lisbon Treaty

The final issue is whether the Lisbon Treaty violates the Rome Treaty with ICC. The ICC is a treaty-based court implementing the Rome Statute, established by the international community and ratified on July 1, 2002. The Rome Statute is comprised of articles similar to the Uniform Code Military Justice (UCMJ) and the Military Commission Act (MCA), which is an extension of the UCMJ developed to prosecute the detainees in military commissions in the United States. Recognizing that trial location is an important factor in maintaining neutrality and security, the global community based the ICC in The Hague. The ICC recognizes the importance of protecting political and security interests by placing court systems in safe, inclusive locations.

According to the Rome Statute, ICC jurisdiction

> shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes: the crime of genocide, crimes against humanity, war crimes, and the crimes of aggression. ("Rome Statute," 1998, Art. 5)

The ICC describes itself as "the world's first permanent, international judicial body capable of bringing perpetrators to justice and providing redress to victims when states are unable or unwilling to do so" ("International Criminal Court," 2007). The ICC is funded by its 120 member states to assist in the prosecution of crimes against international law ("State Parties," 2007). The ICC has 18 judges and maintains a prosecutor's office and a registrar's office to conduct administrative duties. The Assembly of State Parties comprises one representative of each of the active states in the ICC.

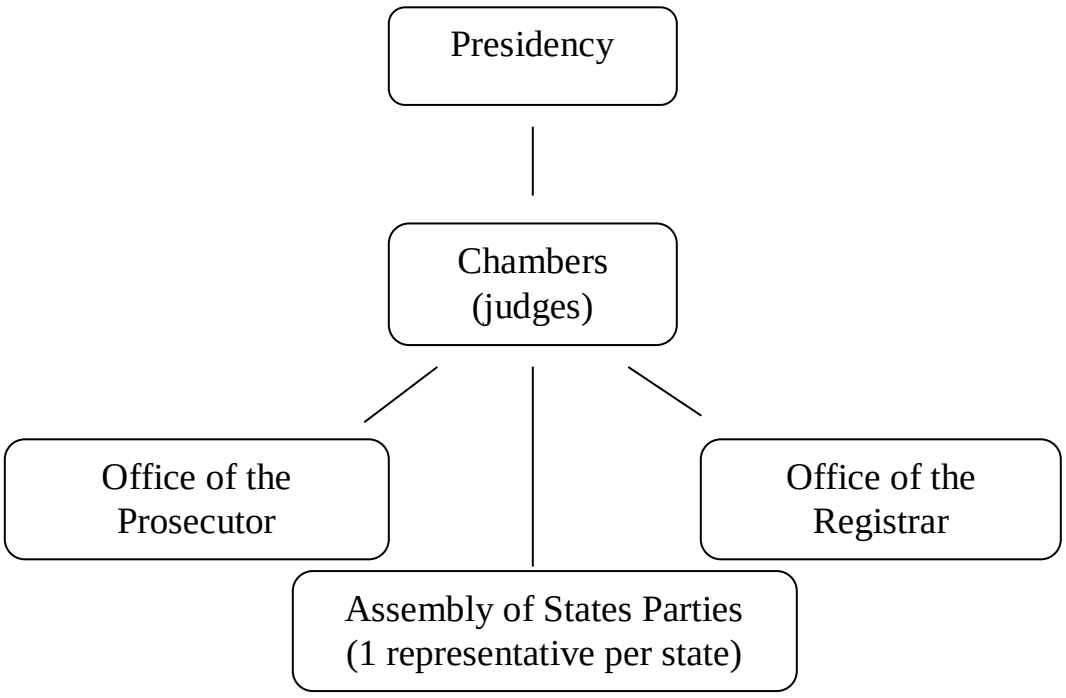

Figure 3. Basic ICC court structure

The Lisbon Treaty was initially intended to replace the Constitution Treaty, much as the U.S. Constitution was meant to replace the Articles of Confederation. However, the Lisbon Treaty ultimately embraced the Constitution Treaty; one cannot be abrogated without the other. The Rome Treaty sets the framework for the prosecution of suspects in the EU, while the Lisbon Treaty integrates the policy to ensure prosecutions are carried out promptly. Article 12 of the Lisbon Treaty introduces common foreign and security policy procedures within the EU to enhance cooperation. Article 13 elaborates on the principles and guidelines for the EU's strategic interests with introductions for strategic security policy. Article 28(a) delves into the "Provisions on the Common Security and Defence Policy" as follows:

> It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. (Treaty of Lisbon, 2007, p. 25)

Article 28(c) allows Member States to utilize their resources to "establish multinational forces" to "make them available to the common security and defence policy" (Treaty of Lisbon, 2007, p. 25). There is room within Article 28 to substantiate further detail of EU relations with the United States regarding homeland security measures and incorporation of law enforcement and counterintelligence capabilities into the judicial prosecution process.

Article 28(b) encompasses the EU's and U.N.'s regard for human rights law, humanitarian law, and laws of war and armed conflict but adds the commitment to combat these atrocities "including by supporting third countries in combating terrorism in their territories" (Treaty of Lisbon, 2007, p. 26). Therefore, Article 28(b) becomes the judicial pipeline between the EU and the United States in fighting the War on Terrorism and prosecuting offenders in the ICC utilizing the Rome Treaty.

The role of NATO and its members is to provide partnership programs between the EU and the United States. NATO's Article 5 mutual defense clause claims, "the members promised that in the event of an attack, 'they shall mobilise all the instruments at their disposal, including military resources'" (McNamara, 2011, p. 3). NATO serves as a liaison between the member states and the EU and provides a line of confidence to the United States for additional support if needed. The Madrid and London attacks of 2004 and 2005, respectively, became a tipping point for the EU to combat terrorism at local and national levels. To maximize NATO's resources without making the organization a group of vigilantes, NATO must overcome its past with the War on Terrorism and build fruitful alliances with the United States and the European community. This task is possible as 21 NATO members are also members of the EU.

Conclusion

A transatlantic agreement exists between the EU and the United States; however, it lacks enforcement on both sides. International law represents hard law, which is enforceable to bridge the gap between law enforcement and homeland security measures. Research into this issue demonstrates that the EU and United States can change homeland security policies and procedures to blend the EU's "justice, freedom, and security" with the U.S. priorities of "detect, deter, and prevent." The justification for change is to make the United States and EU equal in policy and procedures. The EU could change its policy to "freedom, security, and justice," and the U.S. policy could become "prevent, detect, and deter." Due to the somewhat recent terrorist attacks in Europe and the United States, today's national security programs must meet the needs of the twenty-first century War on Terrorism, especially in the event that both sides must escalate to a higher level of alert.

The second area of research was to determine if a judicial pipeline could be established between the EU and the United States to unify the defense and prosecution of homeland security offenders. The voting member states of the EU is gradually moving away from acting as a democratic parliamentary voting entity to incorporating a republican form of checks and balances in the decision-making process. This change will allow collaborative ideas to be formulated and debated among the member states before reaching a final decision. The judicial pipeline addresses EU–U.S. relations: The United States must work backward in terms of homeland security issues with the EU while still putting U.S. interests to the fore. Although working through public policies between the two entities will prove difficult, the political pull of majority rule versus the right to vote without unanimity will prove beneficial to waging the War on Terrorism. The Lisbon Treaty is the judicial pipeline between the EU and United States because it allows both parties to determine which court system is appropriate for their detainees. The ICC is a direct avenue for crimes of genocide, crimes against humanity, war crimes, and crimes of aggression, whereas the lower state courts can have jurisdiction over law enforcement issues and cases. However, the United States still must differentiate between what is an act of terror is what is a criminal offense. Once the United States establishes this policy, they may also follow the Lisbon Treaty.

The final area of research was to determine if the Lisbon Treaty violates the Rome Treaty. The answer is it does not. The Rome Treaty sets up the judicial system for the prosecution of detainees, whereas the Lisbon Treaty provides the groundwork for criminal justice and military actions for forwarding a case to the ICC. Article 28(b) of the Lisbon Treaty is the amendment for security and defense of the EU; by contrast the United States exercises Article I, Section 8, Clause 9 of the U.S. Constitution, whereby Congress may initiate the protocol adjudicating war crimes in the judicial system utilizing resources already in place. The Lisbon Treaty provides the institutions and methods of operation within the EU, and the Rome Treaty provides the court system in which to prosecute offenders. By contrast, the U.S. Constitution provides the legal framework within itself. Therefore, the only issue the United States must contend with is whether a detainee will be prosecuted in a criminal court or by a military commission. The EU and U.S. constitutions already have hard law in place; therefore, they are versatile enough to allow systems to change with the needs of nations to ensure offenders are held accountable for their actions under international law.

References

(1990). *Black's law dictionary*. (6th ed.). St. Paul: West Publishing.

Amendments to the treaty on European Union and to the treaty establishing the European community. (2007). Retrieved from http://eur-lex.europa.eu/LexUriServ /LexUriServ.do?uri=OJ:C:2007:306:0010:0041:EN:PDF

Archick, K. (2012). U.S.–EU cooperation against terrorism. Retrieved from http://www.fas .org/sgp/crs/row/RS22030.pdf

Archick, K., & Mix, D. (2011). The European Union's reform process: The Lisbon Treaty. Retrieved from http://assets.opencrs.com/rpts/RS21618_20110208.pdf

Beck, R., & Ambrosio, T. (2002). *International law and the rise of nations: The state system and the challenge of ethnic groups*. New York, NY: Seven Bridges.

Bederman, D. (2006). *International law frameworks* (2nd ed.). New York, NY: Foundation Press.

Department of Defense. (2004). Department of Defense homeland security joint operating concept. Retrieved from http://www.dtic.mil/futurejointwarfare/concepts/hls_joc_v1.doc

Duthel, H. (2008). *Guilty as charged! A case for the International Criminal Court*. Lexington: Lulu.

Europa: Treaty of Lisbon taking Europe in the 21st century. (2012). Retrieved from http://europa.eu/lisbon_treaty/glance/index_en.htm

Farrell, H., & Newman, A. (2010, February 10). Europe's parliament takes a stand. Retrieved from http://www.foreignpolicy.com/articles/2010/02/26 /europes_parliament_takes_a_stand

Goldstein, J. S., & Pevehouse, J. C. (2011). *International relations* (10th ed.). Glenview, IL: Longman.

"The International Criminal Court." (2007). Retrieved from http://www.amnestyusa.org /international_justice.pdf/IJA_Factsheet_1_International_Criminal_Court.pdf

McNamara, S. (2011). The EU–U.S. counterterrorism relationship: An agenda for cooperation. Retrieved from http://thf_media.s3.amazonaws.com/2011/pdf/bg2528.pdf

National Institute of Military Justice, (2009). *Military Commission Reporter, Vol. I*. Washington, D.C.

Reisman, M. (2006). Holding the center of the law of armed conflict. *American Journal of International Law, 100*(4), 852-860.

Rome statute of the International Criminal Court. (1998, July 12). Retrieved from http://untreaty.un.org/cod/icc/statute/romefra.htm

Rosenzweig, P. (2010). How the EU's Lisbon Treaty affects U.S. national security. Retrieved from http://s3.amazonaws.com/thf_media/2010/pdf/bg2390.pdf

Sulmasy, G. (2009). *The national security court system: A natural evolution of justice in an age of terror*. Oxford: Oxford University Press.

The state parties to the Rome Statute. (2009). Retrieved from http://www.icc-cpi.int/Menus /ASP/states+parties/

Tanaka, H., Bellanova, R., Ginsburg, S., & De Hert, P. (2010). Transatlantic information sharing: At a crossroads. Retrieved from http://www.migrationpolicy.org/pubs/infosharing-Jan2010.pdf

Treaty of Lisbon. (2007, December 17). Retrieved from http://eur-lex.europa.eu /JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML

Waxman, R. (2000). The law of armed conflict and urban air operations. International Law and the Politics of Urban Air Operations, Retrieved from http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1175/MR1175.chap2.pdf