

Publication: Zamora Cabot on “The Rule of Law and Access to Justice”

Professor Francisco Javier Zamora Cabot has just published an article on **The Rule of Law and Access to Justice in Recent and Key Decisions of the UK Courts**

The English abstract reads:

Following an Introduction that points out the current significance of transnational human rights litigations, and their implications arising out of the recent stance taken by the United Kingdom Supreme Court in the case *Belhaj v. Straw*, the present study underlines throughout Section II the approach to this case, linked with the “Extraordinary Renditions Programme”, of the United States, and with tortures as well as unlawful detention suffered by the plaintiffs, in which the British Government is denounced as an accomplice.

This Section also reflects decisions of the High and Appeal Courts, giving way all along Section III to the Supreme Court judgment, in the same direction of the one of the Court of Appeal as far as immunity of jurisdiction and the Act of State are concerned, and that afterwards it is scrutinized by the author of the present study in a positive way to the extent that access to justice by victims of serious violations of HHRR prevails. And that is so above all through the inactivation in the case of State of Act for the english public policy, allowing such an access and largely in agreement with a great deal of initiatives emerging from the international community and at the same time widespread doctrinal opinions.

This study comes to an end with some Conclusive Reflections (Section IV), bringing to light the way the Supreme Court has come to find a path in order to respond to a question involving sensitive edges, enhancing the rule of law, the access to justice and the defense of HHRR as foundations that cannot be waived in the course of its performance.

The full article (in Spanish) is available in the Papeles el Tiempo de los Derechos (open

access): <https://redtiempodelosderechos.files.wordpress.com/2015/01/wp-3-17.pdf>

and on SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2960256