

In addition to the general obligation of States to act within a human rights framework at all times, it should be noted that the universal treaties on counter-terrorism expressly require compliance with various aspects of human rights law. In the context of the International Convention for the Suppression of the Financing of Terrorism, for example, this is illustrated in article 15 (expressly permitting States to refuse extradition or legal assistance if there are substantial grounds for believing that the requesting State intends to prosecute or punish a person on prohibited grounds of discrimination); article 17 (requiring the “fair treatment” of any person taken into custody, including enjoyment of all rights and guarantees under applicable international human rights law); and article 21 (a catchall provision making it clear that the Convention does not affect the other rights, obligations and responsibilities of States).

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MISDEMEANOUR: HISTORICAL BACKGROUND

Among words that name crimes, misdemeanour gets off easy. Today it officially designates a minor legal offense, but in the past it had meanings that could refer either to very major acts or things not even punishable by law. A misdemeanour is a criminal offense that is less serious than a felony and more serious than an infraction. Misdemeanours are generally punishable by a fine and incarceration in a local county jail, unlike infractions which impose no jail time. Many jurisdictions separate misdemeanours into three classes: high or gross misdemeanours, ordinary misdemeanours, and petty misdemeanours. Petty misdemeanours usually contemplate a jail sentence of less than six months and a fine of \$500 or less.

The punishment prescribed for gross misdemeanours is greater than that prescribed for ordinary misdemeanours and less than that prescribed for felonies, which customarily impose state prison. Some states, like Minnesota in its state misdemeanour laws, even define a gross misdemeanour as any crime that is not a felony or a misdemeanour.

Misdemeanour comes from demeanour, which means “behaviour toward others” or “outward manner” (as in “his quiet demeanour”), itself derived from the verb demean, which means “to conduct or behave (oneself) usually in a proper manner” —not to be confused with the other and much more common verb demean that means “to lower in character, status, or reputation” as in “I won't demean myself by working for so little

money”. These two verbs are spelled the same way but come from different roots.

Therefore, misdemeanour literally means “bad behaviour toward others.” This led to parallel usage as both general bad behaviour and legal bad behaviour. In American law, a misdemeanour is “a crime less serious than a felony.” A felony is defined as “a federal crime for which the punishment may be death or imprisonment for more than a year.” As misdemeanour became more specific, crime became the more general term for any legal offense.

The phrase “high crimes and misdemeanours,” found in Article Two, Section 4 of the Constitution, has been used in English law since the 14th century, as have other fixed phrases using synonymous terms, such as “rules and regulations” and “emoluments and salaries.” It can be very difficult to distinguish between any of these pairs of words, and their frequent use together renders them less technical in today’s highly specific legal vocabulary. “High crimes” are serious crimes committed by those with some office or rank, and was used in the language describing impeachment proceedings of members of the British Parliament in the 18th century.

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PREVENTING CORRUPTION AND BRIBARY IN NEW ZEALAND

New Zealand has already made significant ground in the fight against organised crime. However, organised crime remains challenging to detect and to counter. It is also highly adaptable, moving rapidly to take advantage of vulnerabilities that may appear in legal and market settings,