

The
'WAR ON TERROR'
and the Framework of
International Law

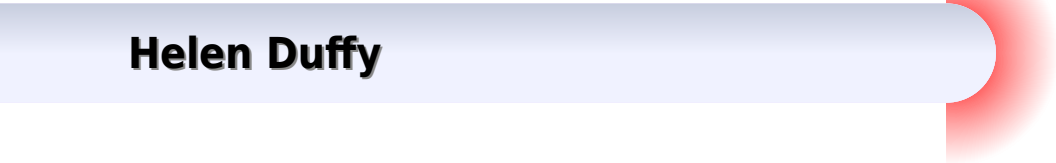
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HELEN DUFFY



The War On Terror And The Framework Of International Law

Helen Duffy



The War On Terror And The Framework Of International Law:

The 'War on Terror' and the Framework of International Law Helen Duffy, 2015-04-09 Helen Duffy's analysis of international law and practice in relation to terrorism and counter terrorism provides a framework for analysing the lawfulness of the many legislative policy and judicial developments which have proliferated since 9 11. Among the many specific issues she addresses are targeted killings and the death of Osama bin Laden, detentions including Guantanamo Bay, sanctions regimes, surveillance, extraordinary renditions, the prohibition on association or support for terrorism and the evolving preventive role of criminal law. She also considers the unfolding responses to political and judicial wrongs committed in the war on terror such as the impact of the courts on human rights protection. While exploring areas of controversy, uncertainty and flux, she questions post 9 11 allegations of gaping holes, inadequacies or transformation in the international legal order and concludes by highlighting characteristics of the war on terror and questioning its longer term implications.

The 'War on Terror' and the Framework of International Law Helen Duffy, 2015-04-09 This book analyses the international legal framework governing terrorism and counter terrorism and assesses the legal issues relating to post 9 11 international practice. *The "war on Terror" and the Framework of International Law* Helen Duffy (Law teacher), 2005 The acts of lawlessness committed on September 11 2001 were followed by a war on terror. This book sets out the essential features of the international legal framework against which the 9 11 attacks and the lawfulness of measures taken in response thereto fall to be assessed. It addresses in an accessible manner relevant law in relation to terrorism questions as to responsibility for it, the criminal law framework, lawful constraints on the use of force, the humanitarian law that governs in armed conflict and international human rights law. It indicates the existence of a legal framework capable of addressing events such as 9 11 and governing responses thereto. The author examines the compatibility of the war on terror with this legal framework and questions the implications for states responsible for violations, for third states and for the international rule of law.

The War on Terror and the Laws of War Geoffrey S. Corn, 2015 Many years after the United States initiated a military response to the terrorist attacks of September 11th 2001, the nation continues to prosecute what it considers an armed conflict against transnational terrorist groups. Understanding how the law of armed conflict applies to and regulates military operations executed within the scope of this armed conflict against transnational non state terrorist groups is as important today as it was in September 2001. In *The War on Terror and the Laws of War*, seven legal scholars each with experience as military officers focus on how to strike an effective balance between the necessity of using armed violence to subdue a threat to the nation with the humanitarian interest of mitigating the suffering inevitably associated with that use. Each chapter addresses a specific operational issue including the national right of self defense, military targeting and the use of drones, detention, interrogation, trial by military commission of captured terrorist operatives and the impact of battlefield perspectives on counter terror military operations while illustrating how the law of armed conflict influences

resolution of that issue This Second Edition carries on the critical mission of continuing the ongoing dialogue about the law from an unabashedly military perspective bringing practical wisdom to the contentious topic of applying international law to the battlefield

America's War on Terror Jason Ralph, 2013-04-25 The US response to 9 11 was exceptional The war on terror challenged certain international norms as articulated in international law This book focuses on four specific areas US policy on the targeting prosecution detention and interrogation of suspected terrorists

Terror and the War on Dissent Ian Cram, 2009-06-29 Located within wider debates about security versus liberty in our post 9 11 world the book analyses the new landscape of UK counter terrorism powers and offences and focuses upon the deleterious consequences of the so called war on terror on freedom of political expression and association Questioning the compatibility of recent speech limiting measures with liberalism s established commitment to free speech and international human rights norms the book takes a critical look at new powers to proscribe extremist political parties possession offences and other criminal controls eg Official Secrets Act prosecutions as well as new offences such as glorification of terrorism Less visible extra legal forms of censorship are also evaluated The monograph concludes by asking how a more vigorous defence of unorthodox and unpopular forms of expression might be safeguarded in the UK

The United States, International Law and the Struggle against Terrorism Thomas McDonnell, 2023-05-09 This book discusses the critical legal issues raised by the US responses to the terrorist threat analyzing the actions taken by the Bush administration during the so called war on terrorism and their compliance with international law Thomas McDonnell highlights specific topics of legal interest including torture extra judicial detentions and the invasions of Afghanistan and Iraq and examines them against the backdrop of terrorist movements which have plagued Britain and Russia The book extrapolates from the actions of the USA going on to look at the difficulties all modern democracies face in trying to combat international terrorism This book demonstrates why current counter terrorism practices and policies should be rejected and new policies adopted that are compatible with international law Written for students of law academics and policy makers the volume demonstrates the dangers that breaking international law carries in the war on terrorism

The Financial War on Terrorism Nicholas Ryder, 2015-06-05 On September 11 2001 19 terrorists committed the largest and deadliest terrorist attack in the United States of America The response from the inter national community and in particular the US was swift President George Bush declared what has commonly been referred to as either the War on Terror or the Global War on Terror on September 20 2001 Four days later he instigated the Financial War on Terrorism This book defines and identifies the so called Financial War on Terrorism It provides a critical review of the impact of counter terrorist financing strategies enacted by both individual jurisdictions and international organisations Taking a comparative approach the book highlights the levels of compliance in each selected jurisdiction and organisation with the requirements of the Financial War on Terrorism The book analyses measures introduced by the United Nations including the UN sanctions against terrorists and the operation of its anti terrorist sanctions committees and the

Recommendations of the Financial Action Task Force It also reviews the counter terrorist financing measures of the European Union and the Council of Europe paying particular attention to the Framework Decisions on Combating Terrorism the Council Common Positions on Combating Terrorism and the EU Anti Terrorism Sanctions Regime The book goes on to review the measures put in place in the US following September 11 2001 Offering a much needed legal analysis of the measures enacted under the Financial War on Terrorism this book is a valuable resource for those researching in law terrorism studies criminal justice and finance **International Law** Sanford Silverburg,2018-04-19 This book offers diverse multinational perspectives on traditional and emergent issues in the practice and study of international law It deals with the evolving foundations of international law and covers a wide range of issues that link international politics to international law

Fresh Perspectives on the 'War on Terror' Miriam Gani, Penelope Mathew,2008-07-01 On 20 September 2001 in an address to a Joint Session of Congress and the American people President George W Bush declared a war on terror The concept of the war on terror has proven to be both an attractive and a potent rhetorical device It has been adopted and elaborated upon by political leaders around the world particularly in the context of military action in Afghanistan and Iraq But use of the rhetoric has not been confined to the military context The war on terror is a domestic one also and the phrase has been used to account for broad criminal legislation sweeping agency powers and potential human rights abuses throughout much of the world This collection seeks both to draw on and to engage critically with the metaphor of war in the context of terrorism It brings together a group of experts from Australia Canada the United Kingdom France and Germany who write about terrorism from a variety of disciplinary perspectives including international law and international relations public and constitutional law criminal law and criminology legal theory and psychology and law Critical Debates on Counter-Terrorism Judicial Review Fergal F. Davis, Fiona de Londras,2014-10-02 Is judicial review an effective and appropriate way to regulate counter terrorism measures Some argue that the judiciary is ill equipped to examine such measures for instance because they lack the expertise of the institutions which bring them about under exigent conditions Others claim that subjecting counter terrorism measures to judicial review is crucial for maintaining a jurisdiction s principles of constitutionalism This volume brings together voices from all sides of the debate from a broad range of jurisdictions from North America Europe and Australasia It does not attempt to resolve the argument but rather to explore it in all its dimensions The debates are essentially concerned with fundamental questions of organising and making accountable the exercise of power in a particularly challenging environment The book is necessary reading for all those concerned with counter terrorism but also with broader public law constitutional law and administrative law principles **International Law and the War on Terror** Paul S. Wilson, Naval War College (U.S.),2003 The Irish Yearbook of International Law, Volume 15, 2020 Bríd Ní Ghráinne, James Gallen, Richard Collins,2023-04-06 The Irish Yearbook of International Law supports research into Ireland s practice in international affairs and foreign policy filling a gap in existing legal scholarship

and assisting in the dissemination of Irish policy and practice on matters of international law On an annual basis the Yearbook presents peer reviewed academic articles and book reviews on general issues of international law as well as topics with significant interest for an Irish audience Designated correspondents provide reports on international law developments in Ireland Irish practice in international bodies and the law of the European Union as relevant to developments in Ireland This volume of the Yearbook includes contributions on international humanitarian law including intersections with international human rights law and the law of state responsibility the concept of due diligence in international law and the exercise of international criminal jurisdiction with specific reference to Irish law

The Drone Debate Avery Plaw, Matthew S. Fricker, Carlos Colon, 2015-12-24 The Drone Debate offers a thorough investigation of the where why how and when of the U S s use of UAVs Beginning with a historical overview of the use of drones in warfare it then addresses whether targeted killing operations are strategically wise whether they are permissible under international law and the related ethical issues It also looks at the political factors behind the use of drones including domestic and global attitudes toward their use and potential issues of proliferation and escalation Finally the use of drones by other countries such as Israel and China is examined Each chapter features a case study that highlights particular incidents and patterns of operation in specific regions including Yemen Somalia Pakistan and Libya and strike types signature strikes personality strikes etc

The War Report Stuart Casey-Maslen, 2013-12-05 This is a comprehensive Report on every armed conflict which took place during 2012 It is the first of a new series of annual reports on armed conflicts across the globe offering an unprecedented overview of the nature range and impact of these conflicts and the legal issues they create In Part I the Report describes its criteria for the identification and classification of armed conflicts under international law and the legal consequences that flow from this classification It sets out a list of armed conflicts in 2012 categorising each as international non international or a military occupation with estimates of civilian and military casualties In Part II each of these conflicts are examined in more detail with an overview of the belligerents means and methods of warfare the applicable treaties and rules and any prosecutions for investigations into or robust allegations of war crimes Part III of the Report provides detailed thematic analysis of key legal developments which arose in the context of these conflicts allowing for a more in depth reflection on cross cutting questions and controversies The topics under investigation in this Report include drone strikes the use of explosive weapons small arms forced displacement of civilians detention at Guantanamo Bay and the enforcement of international humanitarian and criminal law in both national and international courts The Report gives a full and accessible overview of armed conflicts in 2012 It should be the first port of call for everyone working in the field

Extraterritorial Use of Force Against Non-State Actors Noam Lubell, 2010-05-27 This book analyses the primary relevant rules of international law applicable to extra territorial use of force by states against non state actors Force in this context takes many forms ranging from targeted killings and abductions of individuals to large scale military operations amounting to armed conflict Actions of this type have

occurred in what has become known as the war on terror but are not limited to this context Three frameworks of international law are examined in detail These are the United Nations Charter and framework of international law regulating the resort to force in the territory of other states the law of armed conflict often referred to as international humanitarian law and the law enforcement framework found in international human rights law The book examines the applicability of these frameworks to extra territorial forcible measures against non state actors and analyses the difficulties and challenges presented by application of the rules to these measures The issues covered include among others the possibility of self defence against non state actors including anticipatory self defence the lawfulness of measures which do not conform to the parameters of self defence the classification of extra territorial force against non state actors as armed conflict the war on terror as an armed conflict the laws of armed conflict regulating force against groups and individuals the extra territorial applicability of international human rights law and the regulation of forcible measures under human rights law Many of these issues are the subject of ongoing and longstanding debate The focus in this work is on the particular challenges raised by extra territorial force against non state actors and the book offers a number of solutions to these challenges

Enemy Combatants, Terrorism, and Armed Conflict Law David K. Linnan, 2008-01-30 With a renewed emphasis on national and homeland security the United States is once again seeking to balance the needs of the state with both the rights of its citizens as well as those of other nations This book represents an interdisciplinary approach to the legal dilemmas borne out by the war on terror against the specific background of Afghanistan Iraq and this new kind of conflict It is a strong contribution to a broader debate visible since 9 11 which will remain in the public eye for the foreseeable future It addresses the overlap between religion ethics armed conflict and law within the context of the current conflict While many issues in areas such as intelligence reconciliation of civil liberties dealing with terrorist threats and the permissible bounds of interrogation treatment of prisoners and laws governing armed conflict have long standing precedents under domestic and international law this war has challenged even long standing legal interpretations The contributors to this volume explore those precedents and contemporary challenges to them Now that traditional wars between nation states are no longer the rule the terrorist threat has gained credence popularly terrorism and its claimed breeding ground in failed states linked in practice to issues of intervention on the territory of states harboring such groups In military circles the idea of armed struggle between modern military forces and what were formerly called guerillas has now largely been replaced by asymmetric warfare and the concept of intelligence and preventive action interchangeably within U S borders and overseas Opposing views contemplate that different and presumably lower legal standards may apply in internal armed conflicts Such legal issues are visible under current circumstances of asymmetric warfare in conjunction with questions about prisoner status and detentions including the permissible bounds of interrogation versus torture following the Abu Ghraib prison scandal in Iraq but also the treatment at the Guantanamo Bay facility of alleged Al Qaeda captives from Afghanistan All of the contributors

in this book explore the changing circumstances against which these contentious new legal issues now unfold The experts strike no consensus Indeed one of the work s many strengths can be attributed to the fact that the many facets of the ongoing debate are represented herein **The Georgia Journal of International and Comparative Law** ,2010

Human Rights and Non-discrimination in the 'War on Terror' Daniel Moeckli,2008-01-24 In the post September 11th era liberal democracies face the question of whether and if so to what extent they should change the relationship between liberty and security This book explores how three major liberal democratic states the United States the United Kingdom and Germany have approached this challenge by analysing the human rights impacts of their anti terrorism laws and practices The analysis reveals that the most far reaching restrictions of liberty have been imposed on minorities foreign nationals and certain racial ethnic and religious groups This Disparate treatment raises complex issues concerning the human right to non discrimination Differential treatment on the basis of nationality national origin race or religion is only compatible with the right to non discrimination if there are objective and reasonable grounds for it The author evaluates contemporary anti terrorism efforts for their compliance with this requirement Is there in the context of the current war on terror sufficient justification for applying powers of preventive detention or trial by special tribunal only to foreign nationals Are law enforcement methods or immigration policies that single out people for special scrutiny based on their national origin or their ethnic or religious appearance a suitable and proportionate means of countering terrorism The concluding part of the book argues that in the long term discriminatory anti terrorism measures will have impacts beyond their original scope and fundamentally reshape ordinary legal regimes and law enforcement methods *International Law, New Diplomacy and Counterterrorism* Steven J. Barela,2014-03-05 This interdisciplinary book explores how terrorism is meant to target a government s legitimacy and advocates for sounder defensive measures when countering international attacks The dramatic increase in global cooperation throughout the twentieth century between international organisations and their state missions of diplomats foreign officers international civil servants intelligence officers military personnel police investigators judges legislators and financial regulators has had a bearing on the shape and content of the domestic political order The rules that govern all of these interactions and the diplomats engaged to monitor and advocate for compliance have undergone a mushrooming development following the conclusion of each world war This dramatic growth is arguably the most significant change the international structure has experienced since the inception of the state based system ushered in with the Peace of Westphalia in 1648 *International Law New Diplomacy and Counterterrorism* explores the impact of this growth on domestic legitimacy through the integration of two disciplines international law and political philosophy Focusing particularly on the cross border counterterrorism actions launched by the United States the author investigates how civil societies have often turned to the standards of international law to understand and judge the legitimacy of their government s counterterrorism policies reaching across international borders The book concludes that those who craft counterterrorism policies must be

attentive to defending the target of legitimacy by being wholly mindful of the realms of legality morality and efficacy when exercising force This book will be of much interest to students of international law diplomacy counterterrorism political philosophy security studies and IR

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