

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

SECOND EDITION

HELEN DUFFY



CAMBRIDGE

The War On Terror And The Framework Of International Law

Panos Koutrakos, Achilles Skordas



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 (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 Framework of International Law Helen Duffy, 2005. **International Law and the War on Terror** Paul S. Wilson, Naval War College (U.S.), 2003. *The Georgia Journal of International and Comparative Law*, 2010.

Georgia Journal of International & Comparative Law, 2010. **Michigan Law Review**, 2007. The War on Terrorism and the Rule of Law Richard M. Pious, 2006. A detailed and accessible discussion of due process issues invoked by the George W Bush administration's war on terror. *The Practice of the United Nations in Combating Terrorism from 1946 to 2008* Bibi van Ginkel, 2010. Over the last thirty years the UN has shown an unmistakable interest in combating terrorism. This book analyses the practice of the General Assembly and the Security Council in combating terrorism. It answers the question whether these organs taking into account their powers and the constitutional and public international law limitations thereof best contribute to a universal anti terrorism policy. In order to assess whether both organs are indeed fulfilling this purpose, the analysis of the adopted counter terrorism measures of both the General Assembly and the Security Council focuses on their legality and legitimacy. Whereas the measures adopted should clearly fall within the powers of the organs, legality testing the legitimacy of these measures adds another layer of information with regard to the quality of these

measures The analysis of the legitimacy of the anti terrorism measures is based on the theory of Thomas Franck who claims that a rule s legitimacy provides information on the pull to compliance of the measure Apart from this critical analysis of the legality and the legitimacy of more than 130 resolutions adopted by both UN organs this book offers an essential insight in the way the degree of legitimacy of certain measures can be improved and how the overall effectiveness of the counter terrorism policy of the UN can be strengthened

The War on Terror and the Laws of War Michael Lewis, Geoffrey Corn, 2009-10-15 When a soldier in the field of battle is under attack in a small village and comes upon a villager who could be a combatant or a civilian what rules govern how that soldier should act If the soldier detains the villager and determines that the villager is an unaffiliated combatant what do the rules of detention require In *The War on Terror and the Laws of War* six legal scholars with experience as military officers bring practical wisdom to the contentious topic of applying international law to the battlefield The authors apply their unique expertise to issues that have gained greater urgency during the United States wars in Iraq and Afghanistan including categorizing targets and properly detaining combatants The modern battlefield has proven to be a difficult arena in which to apply traditional legal rules *The War on Terror and the Laws of War* brings clarity to the subject with an insider s perspective

International Law and the Global War on Terror Mary Ellen O'Connell, 2007

The Law and Practice of Piracy at Sea Panos Koutrakos, Achilles Skordas, 2014-12-01 This collection of essays provides a comprehensive assessment of the legal and policy approaches to maritime counter piracy adopted by the EU and other international actors over the last few years As the financial cost of Somali piracy for the maritime industry and the world economy as a whole was estimated to have reached 18 billion by 2010 the phenomenon of piracy at sea has steadily grown in significance and has recently attracted the attention of international policy makers Moreover piracy is intrinsically linked to state failure and other pathologies bred by it such as organised crime and terrorism This book adopts a holistic approach to the topic examining approaches to piracy as these emerge in different geographical areas as well as tackling the central issues which counter piracy raises in terms of the most topical aspects of international law international humanitarian law and armed conflict piracy and terrorism use of force It also focuses on the approach of the EU placing counter piracy in its broader legal context Providing a detailed doctrinal exploration of the issues which counter piracy raises it emphasises and draws upon the insights of the practice of counter piracy by bringing together academic lawyers and the legal advisers of the main actors in the area EU US NATO UK The book raises fundamental questions about the law and practice of international law are the rules of the international law of the sea on piracy still relevant To what extent has the shared interest of international actors in tackling piracy given rise to common practices Do the interactions among the actors examined in the book suggest fragmentation or unity of the international legal order Is it premature to view these interactions as signalling the gradual emergence of global law in the area This common analytical frame of reference is underlined by the concluding part which draws these threads together The book will be of interest to legal scholars political

scientists and international relations theorists as well as decision makers and students of law politics and international relations

Rule of Law in War Travers McLeod, 2015 War and security have traditionally been held up as two areas where it is largely assumed international law has little influence on state action Rule of Law in War shows that it is possible to isolate the impact of rules and to do so in areas that have historically been impenetrable *Toward a Grand Strategy Against Terrorism* Christopher Harmon, Andrew Pratt, Sebastian Gorka, 2010-04-22 Toward A Grand Strategy Against Terrorism is a cohesive series of essays prepared by noted academics and counterterrorism practitioners within and associated with the counterterrorism program of the George C Marshall European Center for Security Studies These chapters address both the use of military force and the employment of non military tools the role of international cooperation and the importance of the ideological contest Collectively they push toward a grand strategy against terrorism This volume makes the prudence and research and experience of the Program on Terrorism and Security Studies available to all who want to help in countering terrorism students those at military graduate schools private experts on security in the business world members of police forces and defense departments conflict resolution experts and many other sorts of practitioners seeking a sober and highly international approach **Michigan State Journal of International Law** , 2006 Cornell International Law Journal , 2003

Counter-Terrorism Ana María Salinas de Frías, Katja Samuel, Nigel White, 2012-01-19 The responses of governments and international institutions to terrorism raise some of the most controversial issues of the twenty first century In particular attempts to balance the desire to achieve security with the safeguarding of human rights and other aspects of the rule of law have proved to be highly contentious This book is unique not only in terms of its multinational multidisciplinary nature but also due to its truly comprehensive approach It reviews and examines the interrelationship between the four principal elements of the international rule of law framework international human rights humanitarian criminal and refugee asylum law within in which counter terrorism responses should occur It focuses primarily on some of the most pressing emerging and or under researched issues and tensions These include policy choices associated with meeting security imperatives the tensions between the criminal justice or preventive approach to counter terrorism and the military approach the identification of lacunae within existing legal frameworks and tensions between executive judicial and legislative responses These matters are examined at the national regional and international levels The book addresses a wide spectrum of issues including analysis of key legal principles emergency and executive measures radicalization governmental and institutional impunity classification administration and treatment of battlefield detainees the use of lethal force forms of and treatment in detention non refoulement diplomatic assurances interrogation versus torture extraordinary rendition discrimination justice and reparations for victims of terrorist attacks and security responses mis use of military courts commissions and immigration tribunals judicial and institutional developed and emerging rule of law norms on terrorism non judicial oversight by means of democratic accountability and the identification and analysis of best practices including inter

regional judicial and other forms of cooperation and developed practices for the handling and use of sensitive information Drawing together an impressive spectrum of legal and non legal national and institutional practitioner policy and academic expertise this book is an essential and comprehensive reference work on counter terrorism policy practice and law making

New York City Law Review ,2005 **National Security Law** Craig Forcese,2008 National Security Law is a comprehensive handbook that focuses on the law and legal instruments governing the Canadian state s response to events that jeopardize its national security This text part of Irwin Law s Essentials of Canadian Law series is informed by international and comparative law It is up to date to the end of July 2007 *Proceedings of the American Society of International Law at Its ...annual Meeting* American Society of International Law,2009

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