

Counter-Terrorism and International Law

Edited by

Katja L.H. Samuel

Nottingham University, UK

Nigel D. White

Nottingham University, UK

ASHGATE

Contents

<i>Acknowledgements</i>	vii
<i>Series Preface</i>	ix
<i>Introduction</i>	xi

PART I HISTORY

1 Adam Roberts (2008), 'Countering Terrorism: A Historical Perspective', in A. Bianchi and A. Keller (eds), <i>Counterterrorism: Democracy's Challenge</i> , Oxford: Hart, pp. 3–41.	3
--	---

PART II DEFINING TERRORISM

2 Antonio Cassese (2006), 'The Multifaceted Criminal Notion of Terrorism in International Law', <i>Journal of International Criminal Justice</i> , 4 , pp. 933–58.	45
3 Jörg Friedrichs (2006), 'Defining the International Public Enemy: The Political Struggle behind the Legal Debate on International Terrorism', <i>Leiden Journal of International Law</i> , 19 , pp. 69–91.	71
4 Ben Saul (2005), 'Definition of "Terrorism" in the UN Security Council: 1985–2004', <i>Chinese Journal of International Law</i> , 4 , pp. 141–66.	95

PART III CRIMINAL JUSTICE APPROACH

5 M. Cherif Bassiouni (2002), 'Legal Control of International Terrorism: A Policy-Oriented Assessment', <i>Harvard International Law Journal</i> , 43 , pp. 83–103.	123
6 Kimmo Nuotio (2006), 'Terrorism as a Catalyst for the Emergence, Harmonization and Reform of Criminal Law', <i>Journal of International Criminal Justice</i> , 4 , pp. 998–1016.	145
7 Christopher C. Joyner (2007), 'Countering Nuclear Terrorism: A Conventional Response', <i>European Journal of International Law</i> , 18 , pp. 225–51.	165

PART IV WAR ON TERROR

8 Mary Ellen O'Connell (2004), 'The Legal Case against the Global War on Terror', <i>Case Western Reserve Journal of International Law</i> , 36 , pp. 349–57.	195
9 David Kretzmer (2005), 'Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence?', <i>European Journal of International Law</i> , 16 , pp. 171–212.	205

PART V INTERNATIONAL INSTITUTIONAL APPROACHES

- 10 Noëlle Quénivet (2006), 'You are the Weakest Link and We Will Help You! The Comprehensive Strategy of the United Nations to Fight Terrorism', *Journal of Conflict and Security Law*, **11**, pp. 371–97. 249
- 11 Luis Miguel Hinojosa Martínez (2008), 'The Legislative Role of the Security Council in its Fight against Terrorism: Legal, Political and Practical Limits', *International and Comparative Law Quarterly*, **57**, pp. 333–59. 277
- 12 Helen Keller and Andreas Fischer (2009), 'The UN Anti-terror Sanctions Regime under Pressure', *Human Rights Law Review*, **9**, pp. 257–66. 305

PART VI STATE RESPONSES

- 13 John P. McLoughlin, Gregory P. Noone and Diana C. Noone (2009), 'Security Detention, Terrorism and the Prevention Imperative', *Case Western Reserve Journal of International Law*, **40**, pp. 463–505. 317
- 14 Johan Steyn (2004), 'Guantanamo Bay: The Legal Black Hole', *International and Comparative Law Quarterly*, **53**, pp. 1–15. 361
- 15 Rene Bruin and Kees Wouters (2003), 'Terrorism and the Non-derogability of Non-refoulement', *International Journal of Refugee Law*, **15**, pp. 5–29. 377
- 16 Ingrid Detter Frankopan (2008), 'Extraordinary Rendition and the Law of War', *North Carolina Journal of International Law and Commercial Regulation*, **33**, pp. 657–92. 403

PART VII JUDICIAL RESPONSES

- 17 Paul James Cardwell, Duncan French and Nigel White (2009), 'Decisions of International Courts and Tribunals: Yassin Abdullah Kadi', *International and Comparative Law Quarterly*, **58**, pp. 229–40. 441
- 18 Helen Duffy (2008), 'Human Rights Litigation and the "War on Terror"', *International Review of the Red Cross*, **90**, pp. 573–97. 453
- 19 Ruth Wedgewood (2002), 'Al Qaeda, Terrorism, and Military Commissions', *American Journal of International Law*, **96**, pp. 328–37. 479
- 20 Harold Hongju Koh (2002), 'The Case against Military Commissions', *American Journal of International Law*, **96**, pp. 337–44. 489

PART VIII AN EMERGING FRAMEWORK?

- 21 Daniel Moeckli (2008), 'The Emergence of Terrorism as a Distinct Category of International Law', *Texas International Law Journal*, **44**, pp. 157–83. 499
- 22 Eric Rosand (2006), 'The UN-Led Multilateral Institutional Response to Jihadist Terrorism: Is a Global Counterterrorism Body Needed?', *Journal of Conflict and Security Law*, **11**, pp. 399–427. 527