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TERRORISM AND THE MILITARY

International Legal Implications

Edited by

Stephen D. Kocs

Editor

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Terrorism And The Military International Legal Implications

Efthymios Papastavridis



Terrorism And The Military International Legal Implications:

Terrorism and the Military Wybo P. Heere, 2011-01-18 Counter-Terrorism and International Law Katja L.H. Samuel, 2017-03-02 The articles and essays in this volume consider the problem of international terrorism from an international legal perspective The articles address a range of issues starting with the dilemma of how to reach agreement on what constitutes terrorism and how to encapsulate this in a legitimate definition The essays move on to examine the varied responses to terrorism by states and international organisations These responses range from the suppression conventions of the Cold War which were directed at criminalising and punishing various manifestations of terrorism to more coercive executive led responses Finally the articles consider the role of the Security Council in developing legal regimes to combat terrorism for example by the use of targeted sanctions or by general legislative measures An evaluation of the contribution of the sum of these measures to the goals of peace and security as embodied in the UN Charter is central to this collection

The Progression of International Law Yoram Dinstein, Fania Domb, 2011-11-11 This volume was produced to celebrate the fortieth anniversary of the Israel Yearbook on Human Rights Forty years have yielded an impressive forty annual volumes When it was started in 1971 the Yearbook was the first of its kind anywhere in the world It has always understood its mandate as transcending the narrow borders of the discipline of either national or international human rights From the outset international humanitarian law and international criminal law were understood as coming within the proper framework of the Yearbook as were on occasion articles on diverse freedoms that may seem out of bounds to a strict interpreter of the phrase human rights Research Handbook on International Law and Terrorism Ben Saul, 2020-04-24 This newly revised and updated second edition provides a comprehensive overview of international counter terrorism law and practice Brand new and revised chapters provide critical commentary on the law from leading scholars and practitioners in the field including new topics for this edition such as foreign terrorist fighters the nexus between organized crime and terrorism and the prevention of violent extremism International Law And Armed Conflict, Exploring the Faultlines Michael N. Schmitt, Jelena Pejic, 2007 International law and armed conflict exist in a symbiotic relationship In some cases law shapes conflict proactively by imposing normative limits in advance of the appearance of proscribed conduct Much more commonly armed conflict either reveals lacunae in the law or demonstrates how law designed for yesterday's wars falls short when applied to contemporary conflict When that happens international law reacts by allowing provisions to fall into desuetude embracing new interpretations of existing prescriptions or generating new norms through practice or codification In the 21st Century both international security and armed conflict are the subject of arguably unprecedented sea changes As a result claims that both the jus ad bellum and jus in bello are unwieldy and ill fitting in the context of modern hostilities have surfaced prominently Whether one agrees with such dire assessments what has become clear is that armed conflict is increasingly exposing faultlines in the law governing the resort to force The intent of this collection of essays in honour of

Professor Yoram Dinstein on the occasion of his 70th birthday is to explore such faultlines first by identifying them and then by assessing their consequences. In a sense then the essays contributed by the top minds in the field will serve to assist academics and practitioners to anticipate pressure on the law governing armed conflict and to the extent possible react accordingly. Paralleling Professor Dinstein's classic works *War Aggression and Self Defence* and *The Conduct of Hostilities Under the Law of International Armed Conflict*, the book addresses both *ius ad bellum* and *ius in bello* topics.

The Evolution and Transformation of International Law Max Hilaire, 2021-12-17

Developments in International Law from the Peace of Westphalia to the Post United Nations Charter

Maritime Interception and the Law of Naval Operations Martin Fink, 2018-08-29

This book considers the international law applicable to maritime interception operations (MIO) conducted on the high seas and within the context of international peace and security. MIO being a much used naval operational activity employed within the entire spectrum of today's conflicts. The book deals with the legal aspects flowing from the boarding and searching of foreign flagged vessels and the possible arrest of persons and confiscation of goods and analyses the applicable law with regard to maritime interception operations through the legal bases and legal regimes. Considered are MIO undertaken based on for instance the UN Collective Security System maritime embargo operations self defence and ad hoc consent and within the context of legal regimes various views are provided on the right of visit the use of force and the use of detention. This volume which has contemporary naval operations as its central focus and structures the analysis as a sub discipline of the international law of military operations will be of great interest both to academics practitioners and policy advisors working or involved in the field of military and naval operations and to those professionals wanting to learn more about the international law of military operations naval operations and the law of the sea and maritime security.

Martin Fink is a naval and legal officer in the Royal Netherlands Navy.

Terrorism and the State Tal Becker, 2006-03-23

Winner of the 2007 Paul Guggenheim Prize. Today's terrorists possess unprecedented power but the State still plays a crucial role in the success or failure of their plans. Terrorists count on governmental inaction toleration or support. And citizens look to the State to protect them from the dangers that these terrorists pose. But the rules of international law that regulate State responsibility for preventing terrorism were crafted for a different age. They are open to abuse and poorly suited to hold States accountable for sponsoring or tolerating contemporary terrorist activity. It is time that these rules were reconceived.

Tal Becker's incisive and ground breaking book analyses the law of State responsibility for non State violence and examines its relevance in a world coming to terms with the threat of catastrophic terrorism. The book sets out the legal duties of States to prevent and abstain from supporting terrorist activity and explores how to maximise State compliance with these obligations. Drawing on a wealth of precedents and legal sources the book offers an innovative approach to regulating State responsibility for terrorism inspired by the principles and philosophy of causation. In so doing it presents a new conceptual and legal framework for dealing with the complex interactions between State and non State actors that make terrorism

possible and offers a way to harness international law to enhance human security in a post 9 11 world Extraterritorial Use of Force Against Non-State Actors Noam Lubell,2010-05-27 This book examines the legality of the use of force by states against individuals and non state groups located beyond its borders in light of applicable international law The issues discussed include force used in the war on terror pre emptive self defence and targeted killings of individuals **Legal Aspects of Combating Terrorism** ,2008-11-03 This volume in the NATO Science for Peace and Security Series contains the papers of the Advanced Training Course ATC Legal Aspects of Combating Terrorism The purpose of this course was to support NATO on defence issues related to terrorism and united experts from various disciplines to give participants an understanding of how the various dimensions of the laws and their application fit together In addition to the lectures that can be found in this book the course was divided into three modules the legal response to terrorism in general terms combating terrorism using lawful means and harmonizing the Law of Armed Conflict LAC national laws and NATO in the fight against terrorism One of the main questions dealt with in this work is whether in the face of the new threat terrorism should still be countered through the ordinary means of criminal law or whether there should be a significant shift in enforcement methods including a less multilateral approach to decision making and an increased use of military force **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 **The Security Council and the Use of Force** Niels M. Blokker,Nico Schrijver,2005 This book addresses the authority of the UN Security Council to regulate the use of force In particular it

examines the question of whether the present composition functions and powers of the Security Council are adequate to meet recent demands such as the need perceived by states to use force in cases of humanitarian emergency and pre-emptive action in response to international terrorism and the proliferation of weapons of mass destruction. Is the Security Council still well positioned today to deal with these demands and challenges? In seeking a response, the book analyzes both Charter law and Security Council practice. It addresses not only the hotly debated recent crises concerning Kosovo, Afghanistan, and Iraq, but also resolutions dealing with the use of force by peacekeeping operations. A number of issues relating to the right of self-defence are analyzed, as are the emerging new roles of NATO and the African Union. Separate chapters of the book are devoted to the current discussion concerning the reform of the Security Council. A particular feature of the book is the interaction between academics and practitioners as well as between theory and reality.

Transnational Terrorist Groups and International Criminal Law Anna Marie Brennan, 2018-07-27. Attacks by network-based transnational terrorist groups cause on average 25,000 deaths every year worldwide, with the law enforcement agencies of some states facing many challenges in bringing those responsible to justice. Despite various attempts to codify the law on transnational terrorism since the 1930s, a crime of transnational terrorism under international law remains contested, reflecting concerns regarding the relative importance of prosecuting members of transnational terrorist groups before the International Criminal Court. This book critically examines the limits of international criminal law in bringing members of transnational terrorist groups to justice in the context of changing methods of warfare, drawing from human rights, sociology, and best practices in international criminal justice. Drawing on organisational network theory, Anna Marie Brennan explores the nature of international crimes and assesses the potential for the International Criminal Court to prosecute and investigate alleged crimes perpetrated by members of transnational terrorist groups, paying particular attention to their modus operandi and organisational structure. This book argues that because of the network-based organisational structure of some transnational terrorist groups, achieving justice for victims will prove challenging in the context of the relationship between the commanders and the subordinate members of the group, requiring a re-evaluation of accountability mechanisms at the international level. In advancing an innovative perspective on the accountability of members of transnational terrorist groups and in offering solutions to current challenges, the book will be of great interest and use to academic practitioners and students engaged in the study of terrorism, the ICC, or international humanitarian law.

The Law of War Ingrid Detter, 2016-03-03. The third edition of Ingrid Detter's authoritative work explores the changing legal context of modern warfare in light of events over the last decade. Ingrid Detter reviews the status of non-State actors as individuals and groups become more prominent in international society. Covering post-9/11 events and the resulting changes in the ethos of war, the author analyses the role of military companies and examines what their legitimacy means for international society. The edition also discusses certain intrinsic rules in the Law of War, such as rules giving individuals the right to be spared.

genocide torture slavery and apartheid and assure them basic democratic rights The author questions the right of illegal combatants to be treated as prisoners of war and suggests that a minimum standard must be afforded to all whether captured dictators or detainees suspected of terrorism In the modern world the individual the soldier the civilian the dictator the terrorist or the pirate can no longer behave as they wish Further new topics include target killings the right to protect R2P claimed to be a new form of intervention the use of unregulated weapons such as drones and robots the war scenario in Outer Space and cyber crimes There is also a discussion of new developments in the field of war crimes including severe criticism of the novel concept joint criminal enterprise JCE which in the opinion of the author undermines the Rule of Law This updated and expanded edition will be of use to statesmen scholars and students of international relations and international law

The Routledge Handbook of Terrorism Research Alex Schmid, 2011-02-25 This major new Handbook synthesises more than two decades of scholarly research and provides a comprehensive overview of the field of terrorism studies The content of the Handbook is based on the responses to a questionnaire by nearly 100 experts from more than 20 countries as well as the specific expertise and experience of the volume editor and the various contributors Together they guide the reader through the voluminous literature on terrorism and propose a new consensus definition of terrorism based on an extensive review of existing conceptualisations The work also features a large collection of typologies and surveys a wide range of theories of terrorism Additional chapters survey terrorist databases and provide a guide to available resources on terrorism in libraries and on the Internet It also includes the most comprehensive World Directory of Extremist Terrorist and other Organizations associated with Guerrilla Warfare Political Violence Protest and Organized and Cyber Crime The Routledge Handbook of Terrorism Research will be an essential work of reference for students and researchers of terrorism and political violence security studies criminology political science and international relations and of great interest to policymakers and professionals in the field of counter terrorism

Just War and Terrorism Wim Smit, 2005 With the new wave of terrorism scholars politicians members of the military and even ordinary people all of whom have been startled by the extreme kind of violence have raised many questions With an interesting spectrum of viewpoints this text covers many challenging themes

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

Special Bibliography Series ,1957 The Interception of Vessels on the High Seas Efthymios

Papastavridis,2014-08-28 The principal aim of this book is to address the international legal questions arising from the right of visit on the high seas in the twenty first century This right is considered the most significant exception to the fundamental principle of the freedom of the high seas the freedom in peacetime to remain free of interference by ships of another flag It is this freedom that has been challenged by a recent significant increase in interceptions to counter the threats of international terrorism and WMD proliferation or to suppress transnational organised crime at sea particularly the trafficking of narcotics and smuggling of migrants The author questions whether the principle of non interference has been so significantly curtailed as to have lost its relevance in the contemporary legal order of the oceans The book begins with an historical and theoretical examination of the framework underlying interception This historical survey informs the remainder of the work which then looks at the legal framework of the right of visit contemporary challenges to the traditional right interference on the high seas for the maintenance of international peace and security interferences to maintain the bon usage of the oceans navigation and fishing piracy j ure gentium and current counter piracy operations off the coast of Somalia the problems posed by illegal unregulated and unreported fishing interdiction operations to counter drug and people trafficking and recent interception operations in the Mediterranean Sea organised by FRONTEX **Anticipatory Action in Self-Defence** Kinga

Tibori Szabó,2011-08-22 The legality of preemptive strikes is one of the most controversial questions of contemporary international law At the core of this controversy stands the temporal dimension of self defence when and for how long can a state defend itself against an armed attack Can it resort to armed force before such an attack occurs Is anticipatory action covered by the rules of self defence or should it be treated as a different concept This book examines whether anticipatory

action in self defence is part of customary international law and if so under what conditions The pre Charter concept of anticipatory action is demarcated and then assessed against post Charter state practice Several instances of self defence both anticipatory and remedial are examined to elucidate the rules governing the temporal dimension of the right The Six Day War 1967 the Israeli bombing of an Iraqi reactor 1981 the US invasion of Iraq 2003 and other instances of state practice are given thorough attention

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Table of Contents Terrorism And The Military International Legal Implications

1. Understanding the eBook Terrorism And The Military International Legal Implications
 - The Rise of Digital Reading Terrorism And The Military International Legal Implications
 - Advantages of eBooks Over Traditional Books
2. Identifying Terrorism And The Military International Legal Implications
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Terrorism And The Military International Legal Implications
 - User-Friendly Interface
4. Exploring eBook Recommendations from Terrorism And The Military International Legal Implications
 - Personalized Recommendations
 - Terrorism And The Military International Legal Implications User Reviews and Ratings
 - Terrorism And The Military International Legal Implications and Bestseller Lists
5. Accessing Terrorism And The Military International Legal Implications Free and Paid eBooks

- Terrorism And The Military International Legal Implications Public Domain eBooks
- Terrorism And The Military International Legal Implications eBook Subscription Services
- Terrorism And The Military International Legal Implications Budget-Friendly Options
- 6. Navigating Terrorism And The Military International Legal Implications eBook Formats
 - ePub, PDF, MOBI, and More
 - Terrorism And The Military International Legal Implications Compatibility with Devices
 - Terrorism And The Military International Legal Implications Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Terrorism And The Military International Legal Implications
 - Highlighting and Note-Taking Terrorism And The Military International Legal Implications
 - Interactive Elements Terrorism And The Military International Legal Implications
- 8. Staying Engaged with Terrorism And The Military International Legal Implications
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Terrorism And The Military International Legal Implications
- 9. Balancing eBooks and Physical Books Terrorism And The Military International Legal Implications
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Terrorism And The Military International Legal Implications
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Terrorism And The Military International Legal Implications
 - Setting Reading Goals Terrorism And The Military International Legal Implications
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Terrorism And The Military International Legal Implications
 - Fact-Checking eBook Content of Terrorism And The Military International Legal Implications
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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