



## Terrorism in International Law

Ahmad Kazem Muhebes <sup>1, \*</sup>

<sup>1</sup> Law Department – Imam Kazem College (PBUH), Baghdad, Iraq

<sup>\*</sup> Corresponding author: [hicnas.2024@hiac.edu.iq](mailto:hicnas.2024@hiac.edu.iq)

**Abstract.** Numerous countries around the world have made exceptional efforts to combat terrorism. Many of these efforts have been undertaken individually and outside the scope of the United Nations, despite its charter designating it as the authority responsible for addressing issues of international peace and security through the Security Council. Describing these efforts, they represent the endeavors of states directly affected by terrorism. However, this does not imply that the United Nations, as the institution under which the international community operates, has been distant from this highly significant matter. On the contrary, the diplomatic history of the issue of terrorism found its primary arena within the United Nations. Legal discussions began within the framework of UN bodies and agencies. Mechanisms ensuring the international community's response to combating terrorism were appropriately developed within UN agencies. Additionally, the executive mechanisms can be found in the organization's efforts. Moreover, the international legal confrontation of terrorism was fundamentally organized through the United Nations. Reports, resolutions, treaty formulations, and conferences were significantly conducted within the premises of the international organization. The United Nations also served as the primary sponsor of other international conferences closely examining issues directly related to international terrorism, attempting to blend statements and recommendations in a manner consistent with the accepted concept of terrorism, achieving widely acceptable results among all member states. Regarding individual state activities, efforts to combat terrorism legally and materially vary according to the interests of those states and their concept of terrorism, which often does not align with the concept upheld by other countries. Therefore, this study will explore the concept of terrorism in the first section, address the legal obstacles to combating terrorism in the second section, and finally, discuss the international efforts to confront it in the third section.

**Keywords:** International Law, Terrorism.

### RESEARCH PROBLEM

A careful examination of international law rules might raise the issue of whether terrorism is considered a distinct subject within international law. The debate persists on whether there is truly an international law specifically addressing terrorism, or if what actually exists is an international law concerning terrorism.

This brings us to the primary issue: whether the study in this context pertains to examining a substantive issue governed by law, or if it is an attempt to explore the applicability of international law rules to a contemporary problem that lacks clear legal organization. Alternatively, it could be a matter of determining whether a collection of fragmented and unrelated legal rules, subject to the varying interpretations of states based on their individual definitions of terrorism, govern the issue.

# Terrorism And International Law

**Ben Saul**



## **Terrorism And International Law:**

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

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

**Counter-Terrorism** Ana Salinas de Frías, Katja Samuel, Nigel White, Nigel D. White, 2012-01-19 The response of governments to terrorism is one of the most controversial issues of the twenty first century Balancing the desire to achieve security with the safeguarding of human rights has proved to be highly contentious This book analyzes the international rule of law framework in which counter terrorism responses occur namely those of international human rights humanitarian criminal and refugee law It focuses on some of the most pressing emerging and or under researched issues and tensions including the policy choices associated with meeting security imperatives the tensions between the criminal justice approach to counter terrorism and the military approach the identification of lacunae within existing legal frameworks and tensions between executive judicial and legislative responses It addresses a wide range of issues such as an analysis of key legal principles emergency and executive measures radicalization governmental impunity classification administration and treatment of battlefield detainees extrajudicial and targeted killings forms of and treatment in detention non refoulement diplomatic assurances interrogation versus torture extraordinary rendition discrimination reparations for victims of terrorist attacks and security responses mis use of military and immigration tribunals judicial and institutional developed and emerging rule of law norms on terrorism non judicial oversight by means of democratic accountability significance of rule of law principles to non legal counter terrorist policy and the identification and analysis of best practices Drawing together an impressive spectrum of legal and non legal national and institutional practitioner policy and academic expertise this book is an unmissable reference work on all aspects of counter terrorism policy

*International Law Documents Relating to Terrorism* Omer Yousif Elagab, Jeehaan Elagab, 2007 Since 9 11

terrorism has been at the forefront of global politics and international relations This edition brings this comprehensive compilation of international law documents relating to terrorism up to date

**Terrorism and International Law** Maurice Flory, Rosalyn Higgins, 2002-05-03 The first book to address in one volume the wide variety of responses in law to terrorism as they exist in both domestic and international contexts There are contributions from 13 recognised authorities in UK French and international law

**Terrorism in International Law** Thomas Moodie Kuhn, 1980 *International Law* Malcolm N. Shaw, 2021-07-22 An authoritative and engaging work combining straightforward exposition with extensive footnotes for further research

Enforcing International Law Norms Against Terrorism Andrea Bianchi, 2004-07-21 The scale and horror of recent terror attacks and the panic which ensued throughout the world has forced policy makers and international lawyers to re examine international legal tools available to enforce norms against terrorism The magnitude of the attacks the modalities of the operations the profiles of the terrorists and the transnational structure of some terrorist organisations all cast doubt on the adequacy of the existing political and legal framework to fight terrorism Due to this perception governments have increased the intensity of measures to combat terrorist activities such as using military force against States sponsoring terrorism freezing assets of terrorist organizations and promulgating national security measures designed to protect the State against would be terrorists This book comprehensively analyses the suitability of existing international legal tools to enforce rules prohibiting terrorism Contributions from leading experts in international law examine among others questions relating to the proper role of international law in combating terrorism the legality of covert operations against terrorism whether the law of armed conflict can be applied to the war against terror domestic anti terror laws and their compatibility with human rights standards and how to regulate the internet to prevent terrorist usage In addition the ways in which States can co operate together to more effectively investigate terrorist infrastructures and apprehend suspects is focused upon The interplay between different layers of legal authority at international regional and domestic levels is also subject to review This thorough examination of the array of legal means at the international community s disposal to enforce norms against terrorism will allow readers to appreciate the real challenges that terrorism and the responses to it pose to the international legal system

**International Law and the Use of Force** Shirley V. Scott, Anthony John Billingsley, Christopher Michaelsen, 2009-11-25 This book is a discussion of key documents that explain the development current status and relevance of the international law governing the initiation of military hostilities

**International Law and the Use of Force** A Documentary and Reference Guide brings to life a crucial body of law explaining its historical origins the core rules and principles of the regime embodied in the Charter of the United Nations and contentious aspects of that law in the contemporary world In light of the intensified interest in the question of justified or unjustified use of force this timely resource introduces and analyzes over 40 documents relating to the legality of the initiation of military hostilities The volume presents competing assessments of the legality of key uses of force and explains mainstream positions

on important issues such as national right to self defense anticipatory and preemptive self defense terrorism aggression and the role of the UN Security Council The book concludes by assessing whether the international law that seeks to limit the number of wars has in fact made the world a more peaceful place

**Defining Terrorism in International Law** Ben Saul,2006-08-31 This work explains why the international community should define and criminalise terrorism how it should define it and what it should exclude from the definition of terrorism

**Research Handbook on Extraterritoriality in International Law** Austen Parrish,Cedric Ryngaert,2023-08-14 By engaging with the ongoing discussion surrounding the scope of cross border regulation this expansive Research Handbook provides the reader with key insights into the concept of extraterritoriality It offers an incisive overview and analysis of one of the most critical components of global governance

*Finnish Yearbook of International Law, Volume 24, 2014* Tuomas Tiittala,2018-01-11 The Finnish Yearbook of International Law aspires to honour and strengthen the Finnish tradition in international legal scholarship Open to contributions from all over the world and from all persuasions the Finnish Yearbook stands out as a forum for theoretically informed high quality publications on all aspects of public international law including the international relations law of the European Union The Finnish Yearbook publishes in depth articles and shorter notes commentaries on current developments book reviews and relevant overviews of Finland s state practice While firmly grounded in traditional legal scholarship it is open for new approaches to international law and for work of an interdisciplinary nature The Finnish Yearbook is published for the Finnish Society of International Law by Hart Publishing Earlier volumes may be obtained from Martinus Nijhoff an imprint of Brill Publishers Further information may be found at [www.fsil.fi/fybil](http://www.fsil.fi/fybil)

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**Decoding International Law** Susan Tiefenbrun,2010-04-14 Violations of international law and human rights laws are the plague of the twentieth and twenty first centuries Violence and the flagrant violation of human rights have a naturally dramatic effect that inspires writers film makers artists philosophers historians and legal scholars to represent these horrors in their work In Decoding International Law Semiotics and the Humanities Professor Tiefenbrun helps readers understand international law as represented indirectly in the humanities

**The OIC, the UN, and Counter-Terrorism Law-Making** Katja Samuel,2014-07-18 The increasingly transnational nature of terrorist activities compels the international community to strengthen the legal framework in which counter terrorism activities should occur at every level including that of intergovernmental organizations This unique timely and carefully researched monograph examines one such important yet generally under researched and poorly understood intergovernmental organization the Organization of Islamic Cooperation OIC formerly the Organization of the Islamic Conference In particular it analyses in depth its institutional counter terrorism law making practice and the relationship between resultant OIC law and comparable UN norms in furtherance of UN Global Counter Terrorism Strategy goals Furthermore it explores two common mis assumptions regarding the OIC namely whether its internal institutional weaknesses mean that its law making practice is

inconsequential at the intergovernmental level and whether its self declared Islamic objectives and nature are irrelevant to its institutional practice or are instead reflected within OIC law Where significant normative tensions are discerned between OIC law and UN law the monograph explores not only whether these may be explicable at least in part by the OIC s Islamic nature and objectives but also whether their corresponding institutional legal orders are conflicting or cooperative in nature and the resultant implications of these findings for international counter terrorism law and policy making This monograph is expected to appeal especially to national and intergovernmental counter terrorism practitioners and policy makers as well as to scholars concerned with the interaction between international and Islamic law norms From the Foreword by Professor Ben Saul The University of Sydney Dr Samuels book must be commended as an original and insightful contribution to international legal scholarship on the OIC Islamic law international law and counter terrorism It fills significant gaps in legal knowledge about the vast investment of international and regional effort that has gone into the global counter terrorism enterprise over many decades and which accelerated markedly after 9 11 The scope of the book is ambitious its subject matter is complex and its sources are many and diverse Dr Samuel has deployed an appropriate theoretical and empirical methodology harnessed an intricate knowledge of the field and brought a balanced judgement to bear to bring these issues to life

Terrorism, Criminal Law and Politics Julia Jansson, 2019-07-23 Recent atrocities have ensured that terrorism and how to deal with terrorists legally and politically has been the subject of much discussion and debate on the international stage This book presents a study of changes in the legal treatment of those perpetrating crimes of a political character over several decades It most centrally deals with the political offence exception and how it has changed The book looks at this change from an international perspective with a particular focus on the United States Interdisciplinary in approach it examines the fields of terrorism and political crime from legal political science and criminological perspectives It will be of interest to a broad range of academics and researchers as well as to policymakers involved in creating new anti terrorist policies

**Human Security, Law and the Prevention of Terrorism** Andrej Zwitter, 2010-11-23 This study examines two important questions regarding terrorism and political violence which threats to human security constitute root causes for collective violence and which adequate responses for these root causes are available to the international community The responses are examined on the basis of international law in particular human rights law and within the concept of human security with the goal of fostering a long term reduction in political violence Drawing on existing political discussions and research about the root causes of terrorism Zwitter develops a legal framework for the application of legal terrorism prevention tools This study serves as a framework of action and analysis using concepts and particularly legal frameworks which are already broadly or universally recognized to increase the applicability of the framework without having to invent new legal regimes In doing so it makes use of the concept of human security for tackling breeding grounds and other facilitators of terrorism making it universally accessible Combining social science research with legal sociology and

international law this book will be of interest to students and scholars of politics international relations security studies conflict studies and law

*The New Era of Terrorism* Gus Martin, 2004-02-27 September 11 2001 affected every sector of society in the United States In order to restore the nation's sense of well being a new Department of Homeland Security was implemented and new legislation such as the USA Patriot Act was established Internationally governments cooperated to disrupt terrorist cells as part of a global effort to break up extremist networks signifying a new era of terrorism

*The New Era of Terrorism Selected Readings* is a collection of edited articles on policy issues that have emerged since the terrorist attacks of September 11 2001 as well as relevant events that immediately preceded the attacks The compelling articles in this reader are from reputable journals and magazines such as *The Atlantic Monthly* and *The New Republic* and have been written by renowned scholars in the field of terrorism Editor Gus Martin provides an introduction to each chapter that summarizes the major issues and topics covered within the chapter

**Features of this text** Examines terrorism in the modern era and offers expert analysis of the post September 11 2001 environment Delivers a current perspective on terrorism and examines the challenges that must be dealt with by the United States and nation states around the world Develops topics logically by incrementally building upon concepts covered in previous chapters Stimulates critical thinking by presenting provocative articles and essays taken from respected publications and providing recommended readings for further discussion

*The New Era of Terrorism* is an excellent supplement to Gus Martin's *Understanding Terrorism Challenges Perspectives and Issues* 2003 or any other terrorism textbook This anthology is recommended for advanced undergraduate and graduate students studying terrorism homeland security political conflict social movements criminal justice issues and law enforcement It can be used in a wide range of courses in the fields of Administration of Justice Political Science Criminal Justice Sociology and Public Administration

*International Legal Dimension of Terrorism* Pablo Antonio Fernández Sánchez, 2009 Includes annex The Huelva Declaration for an Alliance of Civilizations against Terrorism

**Dictionary of Terrorism** John Richard Thackrah, 2013-09-05 This revised and updated second edition of a major reference work in the area contains definitions and descriptions of all aspects of terrorism and political violence

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