

Table of Contents

International Law and the War on Terrorism

FOREWORD	ix
INTRODUCTION	xi
PREFACE	xiii
I Welcoming Address <i>Rear Admiral Rodney P. Rempt</i>	1
PART I: JUS AD BELLUM	
II Counter-Terrorism and the Use of Force in International Law <i>Michael Schmitt</i>	7
III Jus Ad Bellum and International Terrorism <i>Rein Müllerson</i>	75
IV Commentary—Jus ad Bellum <i>Robert Turner</i>	129
V Commentary—Jus ad Bellum <i>William Dalton</i>	137
VI Discussion—Jus ad Bellum Application of Force to al Qaeda and Taliban Members . . .	139
Legitimacy of the Use of Force	143
Regime Change in Iraq	146
PART II: JUS IN BELLO	
VII Unlawful Combatancy <i>Yoram Dinstein</i>	151

VIII	The Laws of War in the War on Terror <i>Adam Roberts</i>	175
IX	Commentary—Jus in Bello <i>Charles Garraway</i>	231
X	Commentary—Jus in Bello <i>Leslie Green</i>	235
XI	Commentary—Jus in Bello <i>Tony Montgomery</i>	243
XII	Discussion—Jus in Bello The Overlap Between Jus ad Bellum and Jus in Bello The Power of the Security Council. The Nature of the Current Conflict in Afghanistan Shielding Military Targets with Noncombatants. The Currency of the Law of Armed Conflict. Unprivileged Combatants	247 248 249 250 251 251

PART III: MARITIME AND COALITION OPERATIONS

XIII	The Legality of Maritime Interception/Interdiction Operations Within the Framework of Operation ENDURING FREEDOM <i>Wolff von Heinegg</i>	255
XIV	The Limits of Coalition Cooperation in the War on Terrorism <i>Ivan Shearer</i>	275
XV	Commentary—Maritime and Coalition Operations <i>Kenneth O'Rourke</i>	297
XVI	Commentary—Maritime and Coalition Operations <i>Paul Cronan</i>	301
XVII	Commentary—Maritime and Coalition Operations <i>Neil Brown</i>	303
XVIII	Commentary—Maritime and Coalition Operations <i>Jean-Guy Perron</i>	309

XIX	Discussion—Maritime and Coalition Operations	
	Abduction or Extradition of Terrorists	313
	Application of the Laws of Armed Conflict	319
	Terrorism as a Criminal or International Law Problem	320

PART IV: BRINGING TERRORISTS TO JUSTICE: THE PROPER FORUM

XX	International Criminal Law Aspects of the War Against Terrorism	
	<i>Michael Newton</i>	323
XXI	Terrorism: The Proper Law and the Proper Forum?	
	<i>Christopher Greenwood</i>	353
XXII	Commentary—Bringing Terrorists to Justice	
	<i>Manuel Supervielle</i>	371
XXIII	Commentary—Terrorism and the Problem of Different Legal Regimes	
	<i>Daniel Helle</i>	375
XXIV	Discussion—Bringing Terrorists to Justice	
	The Distinction Between Armed Conflict and Armed Attack	381
	September 11th—Armed Attack, Armed Conflict or Criminal Act?	381
	Military Commissions	386
	The Challenges Associated with Defining and Addressing Terrorism	387

PART V: THE ROAD AHEAD

XXV	International Law and the War on Terrorism: The Road Ahead	
	<i>John Murphy</i>	391
XXVI	Al Qaeda And Taliban Detainees—An Examination of Legal Rights and Appropriate Treatment	
	<i>James Terry</i>	441
XXVII	Commentary—The Road Ahead in Afghanistan	
	<i>James Terry</i>	455

XXVIII	Commentary—The Road Ahead <i>Nicholas Rostow</i>	461
XXIX	Commentary—The Road Ahead <i>Michael Saalfeld</i>	467
XXX	Commentary—The Road Ahead <i>Ronald Winfrey</i>	473
XXXI	Commentary—The Road Ahead <i>Jane Dalton</i>	477
XXXII	Discussion—The Road Ahead Iraq Terrorism	483 486
	Appendix A—Contributors	491
	Index	501