



Universiteit
Leiden
The Netherlands

The 'war on terror' and International Law

Duffy, H.

Citation

Duffy, H. (2013, December 18). *The 'war on terror' and International Law*. Meijers-reeks. E.M. Meijers Instituut, Instituut voor Rechtswetenschappelijk Onderzoek, Leiden. Retrieved from <https://hdl.handle.net/1887/22937>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/22937>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/22937> holds various files of this Leiden University dissertation

Author: Duffy, H.

Title: The 'war on terror' and international law

Issue Date: 2013-12-18

Bibliography

- Abi-Saab, G., 'Introduction', Bianchi (ed.), *Enforcing International Law Norms against Terrorism*, Hart (2004).
- Akaban, P., 'Justice in the Hague, Peace in the Former Yugoslavia? A Commentary on the United Nations War Crimes Tribunal' 20 (1998) *Human Rights Quarterly* 737.
- Akande, D., 'Classification of Armed Conflicts: Relevant Legal Concepts', in Wilms-hurst, *International Law and the Classification of Conflicts* (2012).
- Akehurst, M., 'Custom as a Source of International Law', 47 (1974–75) *BYIL* 1.
- Aldrich, G., 'The Laws of War on Land', 94 (2000) *AJIL* 42.
- Aleni, L. 'Distinguishing Terrorism from Wars of National Liberation in the Light of International Law: A View from Italian Courts', *J. of Int'l. Crim. Just.* 2008 6(3): 525–39.
- Alexander, J.C., 'John Yoo's War Powers: The Law Review and the World', 100 (2012) *Calif. L. Rev.* 331.
- Alvarez, J.E., 'Judging the Security Council', 90 (1996) *AJIL* 1.
- Alvarez, J.E., 'Hegemonic International Law Revisited', 97 *AJIL* 873, 874 (2003).
- Ambos, K., 'Article 25. Individual Criminal Responsibility', in O. Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden, 1999), p. 475.
- Ambos, Kai., *La Parte General de Derecho Penal Internacional*, (2010).
- Ambos, K. 'Judicial Creativity at the Special Tribunal for Lebanon: Is there a Crime of Terrorism under International Law?', 24 *Leiden Journal of Int. Law* 655 (2011).
- Amnesty International, 'Universal Jurisdiction: The Duty of States to Enact and Implement Legislation', AI Index: IOR 53/002/2001.
- Anderson, D. and Statford, J., 'Joint Opinion on Proposed Derogation from Article 5 of the European Convention on Human Rights; Anti-Terrorism, Crime and Security Bill, Clauses 21–32', on file with author.
- Anderson, K., 'Targeted Killing and Drone Warfare: How We Came to Debate Whether there Is a Legal Geography of War', *Hoover Institution Online Volume Essay 'Future Challenges'*, forthcoming, SSRN Working Paper Version 26 April 2011, pp. 3–15.
- Arend, A.C. and Beck, R.J., *International Law and the Use of Force* (New York, 2001).
- Ashworth, A., (2006) 'Four threats to the presumption of innocence', (2006) 10 *The International Journal of Evidence & Proof* 4, pp. 241–78.
- Ashworth, A., *Principles of Criminal Law*, 3rd ed. (Oxford, 1999).
- Baker, R., 'Customary International Law in the 21st Century: Old Challenges and New Debates', *EJIL*, Volume 21, Issue 1, Pp. 173.

- Baldwin Jr. F.N., and Koslosky, D.R., 'Mission Creep in National Security Law', 14 (2012) W. Va. L. Rev. 669.
- Balikowa, D.O., 'The Anti-Terrorism Act 2002: The Media and Free Speech', 8.1 (2003) *The Defender* 6.
- Bantekas, I., Nash, M. and Mackarel, S., *International Criminal Law* (London, 2001).
- Barendt, E., 'Threats to Freedom of Speech in the United Kingdom?', (2005) 28 *University of New South Wales Law Review* 895.
- Bassiouni, M.C., 'Crimes Against Humanity', in Bassiouni, *International Criminal Law*, vol. I, 2nd ed. (New York, 1999), 522.
- Bassiouni, M.C., 'International Terrorism', in Bassiouni (ed.), *International Criminal Law*, vol. I, 2nd ed. (New York, 1999), p. 765.
- Bassiouni, M.C. (ed.), *International Criminal Law*, vol. I, 2nd ed. (New York, 1999).
- Bassiouni, M.C., *Introduction to International Criminal Law* (Brill Academic Publishers, 2003).
- Bassiouni, M.C., 'International Recognition of Victims' Rights', 6 *Human Rights Law Review* 203, 218 (2006).
- Baxter, R., 'Multilateral Treaties as Evidence of Customary International Law', 41 (1965–66) *BYIL* 275.
- Beck, R.J. and Arend, A.C., 'Don't Tread on Us: International Law and Forcible State Responses to Terrorism', 12 (1994) *Wisconsin International Law Journal* 153.
- Becker, S.W., 'The Princeton Principles on Universal Jurisdiction', 14. 1 (2002) *INTERIGHTS Bulletin* 15.
- Becker, T., *Terrorism and the State: Rethinking the Rules of State Responsibility* (Hart, 2006).
- Ben-Naftali, O. and Michaeli, K.R., '"We Must Not Make a Scarecrow of the Law": A Legal Analysis of the Israeli Policy of Targeted Killings', 36 (2003) *Cornell International Law Journal* 233.
- Bennoun, K., '"Sovereignty vs. Suffering"? Re-Examining Sovereignty and Human Rights through the Lens of Iraq', 13 (2002) *EJIL* 243.
- Bennoun, K., 'All Necessary Measures?: Reconciling International Legal Regimes Governing Peace and Security and the Protection of Persons in the Realm of Counter-terrorism', in L. van den Herik and N. Schrijver (eds.), *Counterterrorism Strategies in a Fragmented International Legal Order: Meeting the Challenges* (Cambridge: Cambridge University Press, 2013) (forthcoming).
- Berdal, M., 'The "New Wars" Thesis Revisited', in H Strachan and S. Scheipers (eds.), *The Changing Character of War* (Oxford, 2011).
- Bergen, P., *Manhunt: The Ten-Year Search for Bin Laden—from 9/11 to Abbottabad* (New York: Crown Publishers, 2012).
- Beruto, G.L. and Ravasi, G. (eds.), *27th Round Table on Current Problems of International Humanitarian Law (Sanremo, 4–6 September 2003): International Humanitarian and other Legal Regimes: Interplay in Situations of Violence* (Milan, forthcoming).
- Bevans, C., and Sibley, J., *Contemporary Practice of the United States Relating to International Law*, 62 (1968) *AJIL* 754.
- Bethlehem, D., 'Self Defence against an Imminent or Actual Armed Attack by nonstate Actors', 106 *AJIL* 769 (2012).
- Bianchi, A., 'Security Council's anti-terror resolutions and their implementation by Member States', 4 (2006) *Journal of Int'l Crim. Justice* 5, p. 1062.

- Bianchi, A., and Naqvi, Y., *International Humanitarian Law and Terrorism* (Hart, 2011).
- Bianchi, A., 'Human Rights and the Magic of Jus Cogens', 19 *Eur. J. Int'l Law* 3 (2008), pp. 491.
- Boelaert-Suominen, S., 'Repression of War Crimes through International Tribunals', *International Institute of Humanitarian Law, 77th Military Course* (1999) (on file with author).
- Boelaert-Suominen, S., 'The Yugoslavia Tribunal and the Common Core of International Humanitarian Law applicable to All Armed Conflict', 13 (2000) *LJIL* 619.
- Boothby, B., "'And for Such Time As': The Time Dimension to Direct Participation in Hostilities", 42 *N.Y.U. J. Int'l L. & Pol.* 741 (2010).
- Borelli, S., 'The Treatment of Terrorist Suspects Captured Abroad: Human Rights and Humanitarian Law', in A. Bianchi (ed.), *Enforcing International Law Norms Against Terrorism*, Oxford (2004).
- Bossuyt, M.J., *Guide to the 'travaux préparatoires' of the International Covenant on Civil and Political Rights* (Dordrecht, 1987).
- Bothe, M., 'Terrorism and the Legality of Preemptive Force', 14 (2003) *EJIL* 227.
- Bowden, M., *The Finish: The Killing Of Osama Bin Laden*, (New York: Atlantic Books, 2012).
- Bowett, D.W., 'Reprisals Involving Recourse to Armed Force', 66 (1972) *AJIL* 1.
- Bowett, D.W., *Self Defence in International Law* (New York, 1958).
- Bridge, S.T., 'Russia's New Counteracting Terrorism Law: The Legal Implications of Pursuing Terrorists Beyond the Borders of the Russian Federation', 3 (2009) *Colum. J. E. Eur. L.* 1.
- Brody, R. and Duffy, H., 'Prosecuting Torture Internationally: Hissène Habré, Africa's Pinochet?', in H. Fischer, C. Kreß and S.R. Lüder, *International and National Prosecution of Crimes Under International Law* (Berlin, 2001), pp. 817 ff.
- Brody, R. The Road to Abu Ghraib, in 'Torture', New Press (2005).
- Brownlie, I., *International Law and the Use of Force by States* (Oxford, 1981).
- Brownlie, I., *Principles of Public International Law*, 7th ed. (Oxford, 2008).
- Brunnee, J. and Toope, S. J., The Responsibility to Protect and the Use of Force: Building Legality? (February 11, 2010). *Global Responsibility to Protect*.
- Bush, G. W., *Decision Points* (Random House, 2010).
- Byers, M., 'Terrorism, the Use of Force and International Law after September 11', 51 (2002) *ICLQ* 401.
- Byers, M., 'The Shifting Foundations of International Law: A Decade of Forceful Measures Against Iraq', 13 (2002) *EJIL* 21.
- Byers, M., 'A decade of Forceful Measures against Iraq', *EJIL* 13 2002 21-41.
- Byers, M., and Chesterman, S., "'You, the People": Pro-democratic Intervention in International Law', in G.H. Fox and B.R. Roth, *Democratic Governance and International Law* (Cambridge, 2000).
- Campbell, C., 'Beyond Radicalization: Towards and Integrated Anti-Violence Rule of Law Strategy', in A. Salinas de Frías, K. Samuel, and N. White (eds.), *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012), pp. 255.
- Campbell, L.M., 'Defending Against Terrorism: A Legal Analysis of the Decision to Strike Sudan and Afghanistan', 74 (2000) *Tulane Law Review* 1067.

- Canestaro, N., 'American Law and Policy on Assassinations of Foreign Leaders: The Practicality of Maintaining the *Status Quo*', 26 (2003) *Boston College International and Comparative Law Review* 1.
- Capaldo, G.Z., 'Providing a Right of Self Defense Against Large Scale Attacks by Irregular Forces: The Israeli-Hezbollah Conflict' 48 (2007) *Harvard International Law Journal* 101.
- Cassese, A., *International Criminal Law* (Oxford, 2003).
- Cassese, A., *International Law* (Oxford, 2001).
- Cassese, A., 'On the Current Trend towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law', 9 (1998) *EJIL* 2.
- Cassese, A., 'The International Community's "Legal" Response to Terrorism', 38 (1989) *ICLQ* 589.
- Cassese, A., 'Terrorism is Also Disrupting Some Crucial Legal Categories of International Law', 9(5) *EJIL* 2001, 993.
- Cassese, A., Gaeta, P. and Jones, J. (eds.), *The Rome Statute of the International Criminal Court: A Commentary*, 3 vols. (Oxford, 2002).
- Cassin, R., 'La déclaration universelle et la mise en oeuvre des droits de l'homme' in *Recueil des cours* (1951-II) Académie de droit international, vol. 79.
- Cerone, J., 'Status of Detainees in Non-International Armed Conflict, and Their Protection in the Course of Criminal Proceedings: The Case of Hamdan v. Rumsfeld', *American Society for International Law (ASIL)*, Volume 10, Issue 17, 26 February 2009.
- Charlesworth, H. and Chinkin, C., *The Boundaries of International Law: A Feminist Analysis* (Manchester, 2000).
- Charney, J., 'Universal International Law', 87 (1993) *AJIL* 529.
- Cheney, D., *In My Time: A Personal and Political Memoir*, 2nd ed. (Threshold Editions, 2012).
- Chesney, R., 'Who May Be Killed? Anwar al-Awlaki as a Case study in the International Legal Regulation of Lethal Force', 2 February 2011, *Yearbook of International Humanitarian Law*, Vol. 13, M. N. Schmitt et al, eds., 2010, p. 32.
- Chesney, R., 'Who May Be Held? Military Detention Through the Habeas Lens', 52 *B.C. L. Rev.* 769, 770 (2011).
- Chesterman, S., *Just War or Just Peace. Humanitarian Intervention and International Law* (Oxford, 2001).
- Clapham, A., 'Human Rights, Sovereignty and Immunity in the Recent Work of the International Court of Justice', 14.1 (2002) *INTERIGHTS Bulletin* 29.
- Clapham, A., 'Peace, the Security Council and Human Rights', in Y. Danieli, E. Stamatopoulou and C.J. Dias (eds.), *The Universal Declaration of Human Rights: Fifty Years and Beyond* (New York, 1998), pp. 375 ff.
- Clapham, A., 'Non-state Actors', in D. Moeckli, S. Shah, et. al. (eds.), *International Human Rights Law* (Oxford, 2010).
- Cobain, I., *Cruel Britannia: A Secret History of Torture*, (Portobello Books Ltd., 2012).
- Cole, A., 'Legal Issues in Forming the Coalition', in M. Schmitt (ed.), *The War in Afghanistan: A Legal Analysis*, (2009) Vol. 85, *US Naval War College International Law Studies*, p. 146;.

- Cole, D., 'Military Commissions and the Paradigm of Prevention', in O. Gross, and F. Ni Aolain (eds.), *Guantanamo and Beyond: Exceptional Courts and Military Commissions and Policy Perspectives* (Cambridge, 2013) (forthcoming).
- Cole, D., *The Torture Memos: Rationalizing the Unthinkable* (The New Press, 2009).
- Cole, D., 'Out of the Shadows, Preventative Detention, Suspected Terrorist and War', 97 *Cal. L. Rev.* 693, 727 (2009).
- Cole D., 'Military Commissions and the Paradigm of Prevention', in O. Gross, and F. Ni Aolain (eds.), *Guantanamo and Beyond: Exceptional Courts and Military Commissions and Policy Perspectives* (Cambridge: Cambridge University, 2013).
- Combacau, J. and Alland, D., '"Primary" and "Secondary" Rules in the Law of State Responsibility: Categorizing International Obligations', 16 (1985) *NYIL* 81.
- Conetta, C., 'Strange Victory: A Critical Appraisal of Operation Enduring Freedom and the Afghanistan War', Project on Defense Alternatives, Research Monograph No. 6, 30 January 2002, available at <http://www.comw.org/pda>.
- Cortright, D. and Lopez, G.A., *The Sanctions Decade: Assessing UN Strategies in the 1990s* (London, 2000).
- Cortright D and de Wet E., *Human Rights Standards for Targeted Sanctions*, Report by the Sanctions and Security Research Program, Policy Brief SSRP 1001-01 (2010).
- Cottier, M., 'Did NATO Forces Commit War Crimes during the Kosovo Conflict? Reflections on the Prosecutor's Report of 13 June 2000', in H. Fischer, C. Kreß and S.R. Lüder (eds.), *International and National Prosecution of Crimes under International Law: Current Developments* (Berlin, 2001), p. 505.
- Cottier, M., 'What Relationship Between the Exercise of Universal and Territorial Jurisdiction? The Decision of 13 December 2000 of the Spanish National Court Shelving the Proceedings Against Guatemalan Nationals Accused of Genocide', in H. Fischer, C. Kreß and S. R. Lüder, *International and National Prosecution of Crimes Under International Law: Current Developments* (Berlin, 2001), pp. 843 ff.
- Craven, M., 'Humanitarianism and the Quest for Smarter Sanctions', 13 (2002) *EJIL* 43.
- Crawford, J., 'Democracy and International Law', 44 (1993) *BYIL* 113.
- Crawford, J., *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries* (Cambridge, 2002).
- Crawford, J., Sands, P. and Wilde, R., 'Joint Legal Opinion on bilateral agreements sought by the United States under 98(2) of the ICC Statute' at <http://www.iccnw.org/documents/otherissuesimpunityagreem.html>.
- Crawford, J., Pellet, A., and Olleson, S., (eds.), *The Law of International Responsibility: Oxford Commentaries on International Law* (Oxford, 2010).
- Creegan, E., 'A Permanent Hybrid Court for Terrorism', 26 (2011) *American Univ. Int'l Law Rev.* 2, p. 237.
- Cryer, R., Friman, H., et al., *An Introduction to International Criminal Law and Procedure*, (Cambridge, 2010).
- D'Amato, A., 'The Invasion of Panama was a Lawful Response to Tyranny', 84 (1990) *AJIL* 516.
- David, E., *Éléments de droit pénal international – Titre II, le contenu des infractions internationales*, 8th ed. (Brussels 1999).
- Deeks, A., 'Pakistan's Sovereignty and the Killing of Osama bin Laden', *ASIL Insights*, 5 May 2011, Vol. 5, Iss. 11, p. 2.

- Deeks, A., 'Unwilling or Unable': Toward a Normative Framework for Extraterritorial Self-Defense, *V.J.I.L.* Vol 52.3. p.483.
- Denbeaux M. and J. 'The Guantanamo Detainees: The Government's Story', Report on Guantanamo Detainees: A Profile of 517 Detainees through Analysis of Department of Defense Data.
- M. Denbeaux M. and J. et al., 'No Hearing Hearings: CSRT, The Modern Habeas Corpus? An Analysis of the Proceedings of the Government's Combatant Status Review Tribunals at Guantánamo' (hereinafter 'Seton Hall CSRT Report') (2006).
- M. Denbeaux, 'No Hearing Habeas: D.C. Circuit Restricts Meaningful Review' (hereinafter 'Seton Hall Habeas Report'), Seton Law School, 2012, p. 1, available at: <http://law.shu.edu/ProgramsCenters/PublicIntGovServ/policyresearch/upload/hearing-habeas.pdf>.
- Dennis, M.J., 'Current Developments: The Fifty-Seventh Session of the UN Commission on Human Rights', 96 (2002) *AJIL* 181.
- Dershowitz, A., 'Tortured Reasoning', in S. Levinson, 'Torture: A Collection' (Oxford, 2006).
- Dershowitz A., 'The Case for Torture Warrants', 2002.
- Dervan, L., 'The Surprising Lessons from Plea Bargaining in the Shadow of Terror', (2010), 27(2) *Georgia State University Law Review*, p. 239.
- Dezynhaus and Thwaites, 'The Judiciary in a Time of Terror', in *Law and Liberty*, Lynch Mac Donald and Williams, (eds) (The Federation Press, 2007).
- Di Filippo, M. 'Terrorist crimes and international co-operation: critical remarks on the definition and inclusion of terrorism in the category of international crimes', *E.J.I.L.* 2008, 19(3), 533–70.
- Dinstein, Y., *War, Aggression and Self Defence* (CUP, 2011).
- Dinstein, Y. 'Terrorism as an International Crime', 19 *Israel Yearbook on Human Rights* 1971 (1989).
- Dinstein, Y., *The Conduct of Hostilities under the Law of International Armed Conflict*, 2nd ed., (Cambridge, 2010).
- Dixon, R., 'Article 7. Crimes Against Humanity', in O. Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden, 1999), pp. 121 ff.
- Doswald-Beck, L., 'The Value of the 1977 Geneva Protocols for the Protection of Civilians', in M.A. Meyer (ed.), *Armed Conflict and the New Law. Aspects of the 1977 Geneva Protocols and the 1981 Weapons Convention* (London, 1989), pp. 137 ff.
- Doswald-Beck, L., 'The right to life in armed conflict: does international humanitarian law provide all the answers?', 88(64) (2006) *International Review of the Red Cross*, pp. 881.
- Drumbl, M.A., 'Judging the September 11 Terrorist Attack', 24 (2002) *HRQ* 323.
- Drumbl, M.A., 'The Expressive Value of Prosecuting and Punishing Terrorists: Hamdan, the Geneva Conventions, and International Criminal Law', 75 (2007) *G.W.L.R.* 1165.
- Drumbl, M.A. *Transnational Terrorist Financing, Criminal and Civil Perspective*, German Law Journal 2008.
- Duffy, H., 'National Constitutional Compatibility and the International Criminal Court', 11 (2001) *Duke Journal of Comparative and International Law* 5.

- Duffy, H., 'Human Rights Litigation and the "war on terror"', 90 (2008) *International Review of the Red Cross* 871.
- Duffy, H., 'Human rights cases in sub-regional African courts: towards justice for victims or just more fragmentation?', in L. van den Herik and C. Stahn (eds.), *The Diversification and Fragmentation of International Criminal Law* (Martinus Nijhoff Publishers, 2012).
- Duffy, H., 'Harmony or Conflict? The Interplay between Human Rights and Humanitarian Law in the Fight Against Terrorism', in L. van den Herik and N. Schrijver (eds.), *Counterterrorism Strategies in a Fragmented International Legal Order: Meeting the Challenges* (Cambridge: Cambridge University Press, 2013) (forthcoming).
- Dugard, J., 'Criminal Responsibility of States', in Bassiouni (ed.), *International Criminal Law*, vol. I, 2nd ed. (New York, 1999), pp. 239 ff.
- Dugard, J., 'The Problem of the Definition of Terrorism in International Law', conference paper, Sussex University, 21 March 2003 (on file with author).
- Dugard, J. and Van den Wyngaert, C., 'Reconciling Extradition with Human Rights', 92 (1998) *AJIL* 188.
- Dumitriu, E., 'The EU's Definition of Terrorism: the Council Framework Decision on Combating Terrorism', 5 *German Law Journal* 587.
- Dunlap, B., 'State Failure and the Use of Force in the Age of Global Terror', 27 (2004) *Boston College International and Comparative Law Review* 453.
- Dupuy, P.-M., 'Due Diligence in the International Law of State Responsibility', in *Legal Aspects of Transfrontier Pollution* (Paris, 1977), pp. 369 ff.
- Dworkin, A., 'Beyond the War on Terror: Towards a New Transatlantic Framework for Counterterrorism', *European Council on Foreign Relations*, May 2009.
- Dworkin, A., 'Drones and Targeted Killing: Defining a European Position', *ECFR/84* July 2013.
- Eckert, J., 'Legal Roots of Human Dignity in German Law', in D. Kretzmer and E. Klein (eds.), *The Concept of Human Dignity in Human Rights Discourse* (Leiden: Martinus Nijhoff, 2002).
- Ekaratne, S.C., 'Redundant Restriction: The U.K.'s Offense of Glorifying Terrorism', (2010) 23(1) *Harvard Law School Human Rights Journal*, 205.
- Ellmann, S., 'Racial Profiling and Terrorism', 46 (2002–2003) *New York Law School Law Review* 675.
- Erickson, R.J., *Legitimate Use of Military Force Against State-Sponsored International Terrorism* (Maxwell Air Force Base, 1989).
- R. Falk, 'NATO intervention in Libya: Acting beyond the UN mandate', *Third World Resurgence*, <http://www.twinside.org.sg/title2/resurgence/2011/253/world1.htm>.
- Fenrick, W.J., 'A First Attempt to Adjudicate Conduct of Hostilities Offences: Comments on Aspects of the ICTY Trial Decision in the *Prosecutor v. Tihomir Blaskic*', 13 (2000) *LJIL* 931.
- Fenrick, W.J., 'Article 8. War Crimes', in O. Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden, 1999), 173.
- Fenrick, W.J., 'Attacking the Enemy Civilian as a Punishable Offence', 7 (1997) *Duke Journal of Comparative and International Law* 539.

- Fenrick, W. J., 'A First Attempt to Adjudicate Conduct of Hostilities Offences: Comments on Aspects of the ICTY Trial Decision in *Prosecutor v. Tihomir Blaskic*', 13 (2000) LJIL 931.
- Ferdinandusse, W., 'The Prosecution of Grave Breaches in National Courts' (2009) 7(4) *Journal of International Criminal Justice* 723.
- Fillipo, M.D., 'Terrorist Crimes and International Co-operation: Critical Remarks on the Definition and Inclusion of Terrorism in the Category of International Crimes', (2008) 19 EJIL, 533.
- Fischer, H., 'Protection of Prisoners of War', in D. Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford, 1995), 321.
- Fischer, H., Kreß, C. and Lüder, S.R. (eds.), *International and National Prosecution of Crimes under International Law: Current Developments* (Berlin, 2001).
- Fitzpatrick, J., *Human Rights in Crisis. The International System for Protecting Rights During States of Emergency* (Washington, 1994).
- Fitzpatrick, J., 'Speaking Law to Power: The War Against Terrorism and Human Rights', 14 (2003) EJIL 241.
- Fleck, D., 'Non-International Armed Conflict: Legal Qualifications and Parties to the Conflict', paper presented at the 27th Round Table on Current Problems of International Humanitarian Law (Sanremo, 4–6 September 2003), proceedings to be published in G.L. Beruto and G. Ravasi (eds.), *27th Round Table on Current Problems of International Humanitarian Law: International Humanitarian and other Legal Regimes: Interplay in Situations of Violence* (Milan, forthcoming).
- Fleck, D. (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford, 1995).
- Fletcher, G.P., *Rethinking Criminal Law* (Oxford, 2000).
- Foss, I. 'Is there Something Rotten in the State of Jus ad Bellum? State Responses to Terrorism and the Jus ad Bellum', 2010.
- Franck, T.M., *Recourse to Force. State Action Against Threats and Armed Attacks* (Cambridge, 2002).
- Franck, T.M. 'When, If Ever, May States Deploy Military Force without Prior Security Council Authorization?' 5 (2001) *Washington University Journal of Law and Policy* 51.
- Fulton, S., 'Cooperation with the enemy of mankind; can states simply turn a blind eye to torture?' 16(5) (2012) *Int'l J. of Human Rights*, 773.
- Galli, F., 'Developments in the construction of criminal legislation – *R. v Zafar and Others*', (2008) 172(33) *Justice of the Peace* 532.
- Ganesalingam, V.S., 'Case study of custodial torture survivors' *Beyond the Wall: Home for Human Rights Quarterly Journal on Human Rights News and Views*, Colombo, Sri Lanka, January-March 2005, at 21.
- Gardam, J., 'Proportionality and Force in International Law', 87 (1993) *AJIL* 391.
- Gardella, A. The Fight against the Financing of Terrorism between judicial and Regulatory Control, in A Bianchi (ed), *Enforcing International Law Norms against Terrorism*, (Oxford, UK: Hart Publishing, 2004), p.415.
- Garraway & Dinstein, 'The Manual on the Law of Non-International Armed Conflict: With Commentary', 36 (2006) *International Institute of Humanitarian Law*, pp. 71.
- Garrison, A.H., 'The Role of the OLC in Providing Legal Advice to the Commander-in-Chief After September 11th: The Choices Made by the Bush Administration

- Office of Legal Counsel', J. of the Nat'l Assoc. of the Administrative L. Judiciary, Fall 2012.
- Gasser, H.P., 'International Humanitarian Law: An Introduction', in H. Haug, *Humanity for All* (Berne, 1993), pp. 22 ff.
- Gasser, H.P., 'Protection of the Civilian Population', in D. Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford, 1995), pp. 209 ff.
- Ghamidi, J.A., *Customs and Behavioral Laws* (Lahore: Daru'l-Ishraq, 2001).
- Gilbert, G., *Aspects of Extradition Law* (Dordrecht, 1991).
- Gil, A.G., 'The Flaws of the Scilingo Judgment', (2005) 3 *Journal of International Criminal Justice* 1082).
- Glahn, G.v. *Law Among Nations*, 6th ed. (New York, 1986).
- Goodman, R., and Jinks, D., 'The ICRC Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law: An Introduction to the Forum', 42 *N.Y.U. J. Int'l L. & Pol.* 637 (2010).
- Goodman, R., 'The Detention of Civilians in Armed Conflict', 103(2009) *American Journal of International Law* 48.
- Goodman, R., 'The Power to Kill or Capture Enemy Combatants', *EJIL*, Vol. 24, 2013.
- Goodman, R. 'Humanitarian Intervention and Pretexts for War', 100 (2006) *AJIL* 107.
- Goy, B., 'Individual criminal responsibility before the International Criminal Court. A Comparison with the Ad Hoc Tribunals' (2012) 12(1) *International Criminal Law Review* 1.
- Granqvist, H., *Muslim Death and Burial* (Helsinki, 1965).
- Gray, C., 'From Unity to Polarisation: International Law and Use of Force against Iraq', 13 (2001) *EJIL* 1.
- Gray, C., *International Law and the Use of Force* (Oxford, 2000).
- Gray, C., *Judicial Remedies in International Law* (Oxford, 1987).
- Gray, C., 'The US National Security Strategy and the New 'Bush Doctrine' on Preemptive Self Defense', 2 (2002) *Chinese Journal of International Law* 440.
- Greenwood, C., 'International Law and the Pre-emptive Use of Force: Afghanistan, Al-Qaida, and Iraq', 4 (2003) *San Diego International Law Journal* 7.
- Greenwood, C., 'International Law and the "War against Terrorism"', 78 (2002) *International Affairs* 301.
- Greenwood, C., 'Scope of Application of Humanitarian Law', in D. Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford, 1995), pp. 39 ff.
- Greenwood, C., 'International Law and the United States' Air Operation against Libya', (1987) 89 *West Virginia Law Review* 933.
- Gross, E., 'Thwarting Terrorist Attacks by Attacking the Perpetrators or Their Commanders as an Act of Self Defence: Human Rights Versus the State's Duty to Protect its Citizens', 15 (2001) *Temple International and Comparative Law Journal* 195.
- Grotius, H., *On Laws of War and Peace* (Paris, 1625).
- Guariglia, F., 'The Rules of Procedure and Evidence for the International Criminal Court: A New Development in International Adjudication of Individual Criminal Responsibility', in A. Cassese, P. Gaeta and J. Jones (eds.), *The Rome Statute of the International Criminal Court: A Commentary* (Oxford, 2002), pp. 1111 ff.

- Guariglia, F., 'Los límites de la impunidad: la sentencia de la Corte Interamericana de Derechos Humanos en el caso Barrios Altos' in *Nueva Doctrina Penal*, 2001/A (Editorial del Puerto, Buenos Aires 2001).
- Guzman, F.A., *Fuero Militar y Derecho Internacional* (International Commission of Jurists, Bogotá, 2003).
- Guzman, F.A., *Terrorism and Human Rights No. 1* (International Commission of Jurists, Geneva, 2002).
- Guzman, F.A., *Terrorism and Human Rights No. 2* (International Commission of Jurists, Geneva, 2003).
- Habib, M., and Collingwood, J., *My Story: The Tale of a Terrorist Who Wasn't* (Scribe Publications Pty Ltd., 2009).
- Hall, C.K., 'Universal Jurisdiction: Challenges to Implementation since Pinochet I', 14.1 (2002) *INTERIGHTS Bulletin* 3.
- Hall CK and H. deRelva, *Universal Jurisdiction: Updated preliminary survey*, Amnesty International, (IOR 53/019/2012).
- Hampson, F., 'The Relationship between International Humanitarian Law and Human Rights Law from the Perspective of a Human Rights Treaty Body', 90 (871) (2008) *International Review of the Red Cross*, p. 549–72.
- Hannikainen, L., *Peremptory Norms (Jus Cogens) in International Law: Historical Development, Criteria, Present Status* (Helsinki, 1988).
- Happold, M., 'Security Council Resolution 1373 and the Constitution of the United Nations' (2003) 16 *Leiden Journal of Int'l Law* 593.
- Harris, D.J., *Cases and Materials on International Law*, 5th ed. (London, 1998).
- Haug, H. (ed.), *Humanity for All: the International Red Cross and Red Crescent Movement* (ICRC, Geneva, 1993).
- Henckaerts, J.M., 'Binding Armed Opposition Groups through Humanitarian Treaty Law and Customary Law', 27 (2003) *Collegium* 123, available at <http://www.coleurop.be/collegium/Collegium27.pdf>.
- Henckaerts JM and Doswald-Beck, L. *Customary International Humanitarian Law*, Vol. 1: Rules, ICRC (2005), pp. 8–10. See also the STL Interlocutory Decision, *supra* note 8 and.
- Henkin, L., 'The Universal Declaration at 50 and the Challenge of Global Markets', 25 (1999) *Brooklyn Journal of International Law*, 25.
- Henkin, L., 'Use of Force: Law and US Policy', in Henkin *et al.*, *Right v. Might: International Law and the Use of Force* (New York, 1991), pp. 37 ff.
- Herik, L.v.d., and Schrijver, N., (eds.), *Counterterrorism Strategies in a Fragmented International Legal Order: Meeting the Challenges* (Cambridge: Cambridge University Press, 2013) (forthcoming).
- Herik, L.v.d., and Schrijver, N., 'Leiden Policy Recommendations on Counterterrorism and International Law', Grotius Centre for International Legal Studies, 1 April 2010.
- Herold, M., 'A Dossier on Civilian Victims of United States' Aerial Bombing of Afghanistan: A Comprehensive Accounting', most recent edition available at <http://pubpages.unh.edu/%7Emwherold>.
- Higgins, R., 'Derogations under Human Rights Treaties', 48 (1976–77) *BYIL* 281.

- Higgins, R., 'International Law in a Changing International System', 58 (1999) *Cambridge Law Journal* 78.
- Higgins, R., *Problems and Process: International Law and How We Use It* (Oxford, 1994).
- Higgins, R., 'The General International Law of Terrorism', in R. Higgins and M. Flory, *International Law and Terrorism* (London, 1997).
- Hirai-Braun, N., 'Country Report on Japan', Conference on 'Terrorism as a Challenge for National and International Law', Max Planck Institute for Comparative Public Law and International Law, Heidelberg, 24–25 January 2003, at www.edoc.mphil.de/conference-on-terrorism/country.cfm.
- M. Hmoud, 'Negotiating the Draft Comprehensive Convention on International Terrorism. Major Bones of Contention', 4 *J Int'l Crim. Just.* (2006) 1031.
- Hoffman, P., 'Civil Liberties in the United States after September 11', available at <http://www.frontlinedefenders.com/en/papersweb/p3en.doc>.
- Hoffman, P. (ed.), *ACLU International Civil Liberties Report 2003*, available at http://sdshh.com/ICLR/ICLR_2003/ICLR2003.html.
- Hoppe, C., 'Passing the Buck: State Responsibility for Private Military Companies' 19 (2008) *EJIL* 989.
- Hughes, E., 'In (Hot) Pursuit of Justice? The Legality of Kenyan Military Operations in Somalia', 20 (2012) *African Journal of International and Comparative Law* 471.
- ICRC, Report on 'International Humanitarian Law and the Challenges of Contemporary Armed Conflict' (Geneva, 2003).
- ICRC, 'International Humanitarian Law and Terrorism: Questions and Answers', 1 January 2011.
- Ivanov, E., 'The Case for Establishing an International Tribunal for International Terrorist Organizations' Working Paper, Internaitonal Institute for counter-terrorism (2013).
- Jennings, R.Y. and Watts, A. (eds.), *Oppenheim's International Law*, vol. I, 9th ed. (London, 2008).
- Jinks, D., 'September 11 and the Laws of War', 28 (2003) *Yale Journal of International Law* 1.
- Jinks, D., 'State Responsibility for Acts of Private Armed Groups', 4 (2003) *Chicago Journal of International Law* 83.
- Jones, O., 'Implausible Deniability: State Responsibility for the Acts of Private Military Firms', 24 (2009) *Connecticut J. of Int'l Law* 239.
- Juwana, H., 'Indonesia's Anti Terrorism Law', in V. Ramraj, M. Hor, et al., *Global Anti-Terrorism Law and Policy* (Cambridge: Cambridge University Press, 2005).
- Kalshoven, F., and Zegveld, L., *Constraints on the Waging of War: An Introduction to International Humanitarian Law*, ICRC, (Cambridge, 2011).
- Kant, E., *Fondements de la métaphysique des moeurs* (1785), Paris, Libr. Delagrave, 1999.
- Kapferer, S., 'Ends and Means in Politics: International Law as Framework for Political Decision-Making', 15 (2002) *Revue québécoise de droit international* 101.
- Keith, K. Deconstructing Terrorism as a War Crime: The Charles Taylor Case, *J.I.C.J.* 11 (2013), 813.
- Keller, H., and Fischer, A., 'The UN Anti-terror Sanctions Regime Under Pressure', 9(2) (2009) *H.R.L.Rev.* 257.

- Kirgis, F.L., 'Some Proportionality Issues Raised by Israel's Use of Armed Force in Lebanon', 10 (2006) *American Society of International Law* 20.
- Koskinniemi M, 'What is International Law For?' in M. Evans, *International Law*, 3rd ed. (Oxford: Oxford University Press, 2010).
- Kost, T., 'Mounir El Motassadeq – A Missed Chance for Weltinnenpolitik?', *German Law Journal*, (2007) Vol. 08 No. 04.
- Kress, C. and Lattanzi, F. (eds.), *The Rome Statute and Domestic Legal Orders: Volume 1* (Baden-Baden, 2000).
- Kress, C., 'Witnesses in Proceedings Before the International Criminal Court', in H. Fischer, C. Kreß and S.R. Lüder (eds.), *International and National Prosecution of Crimes under International Law: Current Developments* (Berlin, 2001), pp. 375 ff.
- Kress, C., 'Some Reflections on the International Legal Framework Governing Transnational Armed Conflicts', *Journal of Conflict & Security Law*, Vol. 15, No. 2, 15 July 2010, 8.
- Kress, C., 'On the Outer Limits of Crimes against Humanity: The Concept of Organization within the Policy Requirement: Some Reflections on the March 2010 ICC Kenya Decision', *Leiden Journal of International Law*, 23 (2010) 855.
- Kress, C., 'Universal Jurisdiction over International Crimes and the Institut de droit international', (2006) 4 JICJ 561.
- Kretzmer, D., 'Use of Lethal Force Against Terrorist Suspects', in A. Salinas de Frías, K. Samuel, and N. White (eds.), *Counter-Terrorism, International Law and Practice* (Oxford, 2012).
- Kretzmer, D., 'Rethinking the Application of International Humanitarian Law in Non-International Armed Conflicts', (2009) 42 *Israel Law Review* 1.
- Krisch, N., 'The Rise and Fall of Collective Security: Terrorism, US Hegemony and the Plight of the Security Council', in Walter et al. (eds.), *Terrorism as a Challenge for National and International Law: Security versus Liberty?* (Berlin-Heidelberg, 2003).
- Ku, T., and Yoo, J., 'Hamdan v. Rumsfeld: The Functional Case for Foreign Affairs Deference to the Executive Branch', *Constitutional Commentary*, Vol. 23, 2006, 111.
- Lamb, S., 'Legal Limits to UN Security Council Powers', in G. Goodwin-Gill and S. Talmon (eds.), *The Reality of International Law: Essays in Honour of Ian Brownlie* (Oxford, 1999), pp. 361 ff.
- Landa, C., 'Executive Power and the Use of the State of Emergency', in A. Salinas de Frías, K. Samuel, and N. White (eds.), *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012).
- Lattanzi, F., 'Crimes against Humanity in the Jurisprudence of the International Criminal Tribunals for the Former Yugoslavia and Rwanda', in H. Fischer, C. Kreß and S.R. Lüder (eds.), *International and National Prosecution of Crimes under International Law: Current Developments* (Berlin, 2001), pp. 480 ff.
- Lavitt, J., 'The Crime of Conviction of John Choon Yoo: The Actual Criminality in the OLC During the Bush Administration', 62 (2010) *Me. L. Rev.* 155.
- Lehto, M., *Indirect Responsibility for Terrorism Acts: Redefinition of the Concept of Terrorism Beyond Violent Acts* (Koninklijke Brill NV, 2010).
- Lehto, M., 'War on Terror – Armed Conflict with Al Qaeda?', *Nordic Journal of Int'l Law*, Vol. 78, No. 4, 2009, 508.

- Levitt, G., 'Is 'Terrorism' Worth Defining?' 13 (1986) *Ohio Northern University Law Review* 97.
- Lewis, M., 'The Boundaries of the Battlefield', *Opinio Juris*, 15 May 2011.
- Lietzau, W.K., 'Combating Terrorism: Law Enforcement or War?', in M.N. Schmitt and G.L. Beruto (eds.), *Terrorism and International Law, Challenges and Responses* (Sanremo, 2003), pp. 75 ff.
- Lieven, A., 'The Roots of Terrorism, and a Strategy Against It', 68 (2001) *Prospect Magazine* 13.
- Lillich, R.B., 'Civil Rights', in T. Meron (ed.), *Human Rights in International Law. Legal and Policy Issues* (Oxford, 1984), pp. 116 ff.
- Lillich, R.B., 'Current Development: The Paris Minimum Standards of Human Rights Norms in a State of Emergency', 79 (1985) *AJIL* 1072.
- Lillich, R.B., *Humanitarian Intervention and the United Nations* (Charlottesville, 1973).
- Lindroos, 'Addressing Norm Conflicts in a Fragmented Legal System: The Doctrine of *Lex Specialis*' (2005) 74 *Nordic Journal of International Law* 27.
- Londras, F.de., 'Privatized Sovereign Performance: Regulating in the "Gap" between Security and Human Rights?', 38 (2011) *Journal of Law and Society* 96.
- Lowe, V., 'The Iraq Crisis: What Now?', 52 (2003) *ICLQ* 859.
- Luban, 'Liberalism, Torture, and the Ticking Bomb', 91 *Virginia L. Rev.* 1425 (2005).
- Lubell, N., 'Classification of Conflicts', in Wilmschurst, *International Law and the Classification of Conflicts* 2nd ed., (Oxford, 2013), forthcoming.
- Lubell, N., *Extraterritorial Use of Force against Non-State Actors* (Oxford, 2010).
- Lutz, E. and Sikkink, K., 'International Human Rights Law in Practice. The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America', 2 (2001) *Chicago Journal of International Law* 1.
- MacDonald, A. and Singh, R. 'Legality of use of force against Iraq', Opinion for Peacerights, 10 September 2002, <http://www.lcnp.org/global/IraqOpinion10.9.02.pdf>.
- Macedo, S., (ed.), *Universal Jurisdiction: National Courts and the Prosecution of Serious Crimes Under International Law* (Philadelphia, 2006)].
- Mackintosh K. and Duplat, P., 'Study of the Impact of Donor Counter-Terrorism Measures on Principled Humanitarian Action,' (ODHA and the Norwegian Refugee Council) 2013.
- Maier, J.B.J., *Derecho Procesal Penal. Tomo I* (Buenos Aires, 1996).
- Mallison, W.T. and Mallison, S.V., 'The Juridical Status of Combatants Under the Geneva Protocol of 1977 Concerning International Conflicts', 42 (1978) *Law and Contemporary Problems* 4.
- Margulies, P., 'Foreward: Risk, Deliberation, and Professional Responsibility', 1 (2005) *J. Nat'l Sec. L. & Pol'y* 357.
- Martin, C. Terrorism, in van den Herik and Schrijver (eds.), 2013.
- Martin, F., 'Using International Human Rights Law for Establishing a Unified Use of Force Rule in the Law of Armed Conflict', 64 (2001) *Saskatchewan Law Review* 347.
- Matheson, M.J., 'Remarks at panel on the United States Position on the Relation of Customary International Law to 1977 Protocols Additional to the 1949 Geneva Conventions', at the Sixth Annual American Red Cross-Washington College of

- Law Conference on International Humanitarian Law, 2 (1987) *American University Journal of International Law and Policy* 415.
- Mazzeschi, R., 'Reparation Claims by Individuals for State Breaches of Humanitarian Law and Human Rights: An Overview', 1 *Journal of International Criminal Justice* 339, 347 (2003).
- McBride, J., 'Study on the principles governing the application of the ECHR during armed conflicts and internal disturbances and tensions', *Council of Europe, Steering Committee for Human Rights CDDH*, *Committee of Experts for the Development of Human Rights (DH-DEV)*, DH-DEV (2003)001.
- McCoubrey, H., *International Humanitarian Law: The Regulation of Armed Conflict* (Dartmouth, 1990).
- McDonnell, T. M., 'Sow What You Reap? Using Predator and Reaper Drones to Carry Out Assassinations or Targeted Killings of Suspected Islamic Terrorists', 44 *Geo. Wash. Int'l L. Rev.* 243, 253 (2012).
- Mégret F., and Hoffman, F., 'The United Nations as a human rights violator? Some reflections on the United Nations changing human rights responsibilities', *Human Rights Quarterly*, vol. 25, No. 2 (May 2003), p. 317.
- Melzer, N., *Targeted Killing in International Law* (Oxford, 2008).
- Melzer, N., 'Keeping the Balance between Military Necessity and Humanity: A Response to Four Critiques of the ICRC's Interpretive Guidance on the Notion of Direct Participation in Hostilities', 42 *N.Y.U. J. Int'l L. & Pol.* 831 (2010).
- Mendel, T., 'Consequences for Freedom of Statement of the Terrorist Attacks of September 11', paper presented at the Symposium on Terrorism and Human Rights, Cairo, 26–28 January 2002, available at www.cihhr.org.
- Meron, T., 'Classification of Armed Conflict in the Former Yugoslavia: Nicaragua's Fallout', 92 (1998) *AJIL* 236.
- Meron, T., *Human Rights and Humanitarian Law as International Customary Norms* (Oxford, 1991).
- Meron, T., *Human Rights in Internal Strife: Their Protection* (Cambridge, 1987).
- Meron, T., 'On a Hierarchy of International Human Rights', 80 (1986) *AJIL* 1.
- Meron, T., 'The Geneva Conventions as Customary Law', 81 (1987) *AJIL* 348.
- Meron, T., 'The Humanization of Humanitarian Law', 94 (2000) *AJIL* 239.
- Meron, T. (ed.), *Human Rights in International Law* (Oxford, 1988).
- Meron, T. and Rosas, A., 'Current Developments: A Declaration of Minimum Humanitarian Standards', 85 (1991) *AJIL* 375.
- Messineo, F., '"Extraordinary Renditions" and State Obligations to Criminalize and Prosecute Torture in the Light of the Abu Omar Case in Italy', 7 (2009) *Journal of International Criminal Justice* 1023.
- Mettraux, G., 'Crimes Against Humanity in the Jurisprudence of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda', (2002) 43 *Harvard Journal of International Law*, at 237–316.
- Mettraux, G., *The Law of Command Responsibility* (OUP, Oxford 2009).
- Meyer, M. and Studds, K., 'Upholding Human Dignity and the Geneva Conventions: the Roles of the Media in Protecting Prisoners of War and Civilian Security Internees against Insults and Public Curiosity', ICRC, 14 July 2006.
- Michaelsen M. 'The Proportionality Principle, Counter-terrorism Laws and Human Rights: A German–Australian Comparison' [2010] *UNSWLRS* 35.

- Milanoviæ, M., 'Lessons for human rights and humanitarian law in the war on terror: comparing *Hamdan* and the Israeli *Targeted Killings* Case' (2007) 89(866) *International Review of the Red Cross* 373.
- Moeckli, D., 'Anti-Terrorism Laws, Terrorist Profiling, and the Right to Non-Discrimination', in A. Salinas de Frías, K. Samuel, and N. White (eds.), *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012).
- Moeckli, D., 'The Emergence of Terrorism as a Distinct Category of International Law', *Texas International Law Journal*, Vol 44:157 (2008).
- Moir, L., 'Towards the Unification of International Humanitarian Law' in Burchill R., White, N.D., Morris, J. (Eds.), *International Conflict and Security Law*, (Cambridge, 2005), 108.
- Mole, N., 'Restricted Immigration Procedures in National Security Cases and the Rule of Law: an Uncomfortable Relationship', in A. Salinas de Frías, K. Samuel, and N. White (eds.), *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012), p. 738.
- Mundis, D.A., 'Agora: Military Commissions: The Use of Military Commissions to Prosecute Individuals Accused of Terrorist Acts', 96 (2002) *AJIL* 320.
- Murphy, J., 'International Law and the War on Terrorism: The Road Ahead', 32 (2002) *Israel Yearbook on Human Rights* 117.
- Murphy, S., 'U.S. Abuse of Iraqi Detainees at Abu Ghraib Prison', 98 *Am. J. Int'l L.* 3, July 2004, p. 591.
- Murphy, S., 'Legal Regulation of the Use of Force', 93 (1999) *AJIL* 628.
- Murphy, S.D. (ed.), 'Contemporary Practice of the United States Relating to International Law Contemporary Practice', 96 (2002) *AJIL* 237.
- Murphy, S., 'Self-Defense and the Israeli Wall Opinion: An Ipse Dixit from the ICJ?', 99 (2005) *AJIL* 62.
- Myjer, E.P.J. and White, N.D., 'The Twin Towers Attack: An Unlimited Right to Self-Defence?', 7 (2002) *Journal of Conflict and Security Law* 5.
- Neier, N., 'Unjust, Unwise, Unamerican', *The Economist*, 12 July 2003.
- Nesbitt, N., Note, Meeting Boumediene's Challenge: The Emergence of an Effective Habeas Jurisprudence and Obsolescence of New Detention Legislation, *Minnesota Law Review* 2012.
- Neuman, G.L., 'Humanitarian Law and Counterterrorist Force', 14 (2003) *EJIL* 283.
- Neuman, G.L., 'Surveying Law and Borders: Anomalous Zones', 48 (1996) *Stanford Law Review* 1197.
- Nicholls, P.B., Montgomery, C. and Knowles, J., *The Law of Extradition and Mutual Assistance. International Criminal Law: Practice and Procedure* (London, 2002).
- Nollkaemper A., 'A Shared Responsibility Trap: Supplying Weapons to the Syrian Opposition', *EJIL Chat* 17 June 2013.
- Nollkaemper A., 'Concurrence between Individual Responsibility and State Responsibility in International Law', *ICLQ*, 52, pp 615-640.
- Norberg, N., 'Terrorism and International Criminal Justice: Dim Prospects for a Future Together', 8 *Santa Clara J. Int'l L.* 11 (2010). p. 35.
- Nowak, M., *UN Covenant on Civil and Political Rights: CCPR Commentary* (Kehl am Rhein, 1993).

- O'Connell, M.E., 'Debating the Law of Sanctions', 13 (2002) EJIL 63.
- O'Connell, M. E., 'Unlawful Killing with Combat Drones; A Case Study of Pakistan, 2004-2009', in S. Bronitt (ed.), *Shooting to Kill: The Law Governing Lethal Force in Context* (Hart, forthcoming).
- O'Donnell, T., 'Naming and Shaming: The Sorry Tale of Security Council Resolution 1530', 17 (2004) *The European Journal of Int'l Law* 5, 945.
- Obote-Odora, A., 'Defining International Terrorism', 6.1 (1999) *E Law – Murdoch University Electronic Journal of Law*, available at <http://pandora.nla.gov.au/parchiv/2001/Z2001-Feb-26/www.murdoch.edu.au/elaw/issues/v6n1/obote-odora61.html>.
- Oellers-Frahm, K., 'Country Report on Italy', Conference on 'Terrorism as a Challenge for National and International Law', Max Planck Institute for Comparative Public Law and International Law, Heidelberg, 24–25 January 2003, at www.edoc.mpiil.de/conference-on-terrorism/country.cfm.
- Oeter, S., 'Methods and Means of Combat', in D. Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford, 1995), 105.
- Oppenheim's International Law* (9th ed., Oxford, 2008).
- Orentlicher, D., 'Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime', 100 (1991) *Yale Law Journal* 2537.
- Owen, M., and Maurer, K., *No Easy Day: The Firsthand Account of the Mission That Killed Osama Bin Laden* (Dutton Adult, 2012).
- Parks, W.H., 'Air War and the Law of War', 32 (1990) *Air Force Law Review* 1.
- Parks, W. H., 'Part IX of the ICRC "Direct Participation in Hostilities" Study: No Mandate, No Expertise, and Legally Incorrect', 42 *N.Y.U. J. Int'l L. & Pol.* 769 (2010).
- Paust, J., 'Addendum: Prosecution of Mr. bin Laden *et al.* for Violations of International Law and Civil Lawsuits by Various Victims', *ASIL Insights* No. 77, 21 September 2001, at www.asil.org.
- Paust, J., 'Antiterrorism Military Commissions: Courting Illegality', 23 (2002) *Michigan Journal of International Law* 1.
- Paust, J., 'Antiterrorism Military Commissions: The Ad Hoc DOD Rules of Procedure', 23 (2002) *Michigan Journal of International Law* 677.
- Paust, J., 'Legal Responses to International Terrorism', 22 (1999) *Houston Journal of International Law* 17.
- Paust, J., 'There is No Need to Revise the Laws of War in Light of September 11th', November 2001, available at <http://www.asil.org/taskforce/paust.pdf>.
- Paust, J., 'Use of Armed Force against Terrorists in Afghanistan, Iraq and Beyond', 35 (2002) *Cornell International Law Journal* 533.
- Paust, J., 'Above the Law: Unlawful Executive Authorizations Regarding Detainee Treatment, Secret Renditions, Domestic Spying, and Claims Unchecked Executive Power', 2007 *Utah L. Rev.* 345 (2007).
- Paust, J., 'The UN Is Bound by Human Rights: Understanding the Full Reach of Human Rights, Remedies and Nonimmunity: Responding to Tom Dannenbaum, Translating the Standard of Effective Control Into a System of Effective Accountability', (2010) 51 *Harvard Int'l Law Journal* 301.

- Pejic, J., 'Conflict Classification and the Law Applicable to Detention and the Use of Force', ICRC, in E. Wilmschurst (ed.), *International Law and the Classification of Conflicts* (Oxford, 2012) (forthcoming).
- Pejic, J., 'Armed Conflict and Terrorism: There is a (Big) Difference', in A. Salinas de Frias, K. Samuel, and N. White (eds.), *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012).
- Pejic, J., 'Conflict Classification and the Law Applicable to Detention and the Use of Force', ICRC, in Wilmschurst, *International Law and the Classification of Conflicts* (Oxford, 2012).
- Pejic, J., 'The protective scope of Common Article 3: more than meets the eye', ICRC, Vol. 93, No. 881, March 2011, p. 195.
- Pejic, J., 'Procedural Principles and Safeguards for Internment/Administrative Detention in Armed Conflict and Other Situations of Violence' (2005) 87(858) *International Review of the Red Cross* 375.
- Pejic, J., "'Unlawful/Enemy Combatants": Interpretations and Consequences', in M. Schmitt and Pejic (eds.) *International Law and Armed Conflict: Exploring the Faultlines* (Koninklijke Brill, 2007), p. 341.
- Pejic, J., 'The European Court of Human Rights' Al-Jedda judgment: the oversight of international humanitarian law', 93(883) 2011 *International Review of the Red Cross* 837.
- Pejic, J., and Droege, C., 'The Legal Regime Governing Treatment and Procedural Guarantees for Persons Detained in the Fight against Terrorism', in L. van den Herik and N. Schrijver (eds.), *Counterterrorism Strategies in a Fragmented International Legal Order: Meeting the Challenges* (Cambridge, 2013), forthcoming.
- Piazza, 'Incubators of Terror: Do Failed and Failing States Promote Transnational Terrorism?', 52 (2008) *International Studies Quarterly* 469.
- Pisillo Mazzeschi, R., 'The "Due Diligence Rule" and the Nature of International Responsibility of States', 35 (1992) *GYIL* 9.
- Plachta, M., '(Non-) Extradition of Nationals: A Neverending Story?', 13 (1999) *Emory International Law Review* 77.
- Plessis, A.d., and Ewi, M., 'Criminal Justice Responses to Terrorism in Africa: The Role of the African Union and Sub-Regional Organizations', in A. Salinas de Frias, K. Samuel, and N. White (eds.), *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012).
- Plessis, A.d., 'A Snapshot of International Criminal Justice Cooperation in the Fight against Terrorism,' pp. 111–14, in L. van den Herik and N. Schrijver (eds.), *Counterterrorism Strategies in a Fragmented International Legal Order: Meeting the Challenges* (Cambridge: Cambridge University Press, 2013) (forthcoming).
- Plessis, M.D., 'Terrorism and National Security: The Role of the Judiciary in a Democratic Society', 4 (2007) *European Human Rights Law Review*, 327.
- Plessis, M.D., 'Removals, Terrorism and Human Rights – Reflections on Rashid', (2009) 25 *SAJHR*.
- 'Private Security Companies and Local Populations: An exploratory study of Afghanistan and Angola' in Joras, U., and Schuster, A., (eds.) *Swisspeace* (2008).
- Pronto, A.N., 'Terrorist Attacks on the World Trade Center and the Pentagon. Comment', *ASIL Insights* No. 77, 21 September 2001, available at www.asil.org.

- Prost, K., 'The Need for a Multilateral Cooperative Framework for Mutual Legal Assistance,' in L. van den Herik and N. Schrijver (eds.), *Counterterrorism Strategies in a Fragmented International Legal Order: Meeting the Challenges* (Cambridge, 2013) (forthcoming).
- Pyle, C.H., *Extradition Politics and Human Rights* (Philadelphia, 2001).
- Rabus, W., 'Protection of the Wounded, Sick and Shipwrecked,' in Fleck, *Handbook of Humanitarian Law*.
- Raimundo, F., *General Principles of Law in the Decisions of International Criminal Courts and Tribunals*, (Martinus Nijhoff, 2008).
- Randelzhofer, A., 'Article 2(4),' in B. Simma *et al.* (eds.), *The Charter of the United Nations. A Commentary*, 2nd ed. (Oxford, 2002).
- Ratner, M., 'The Trial of Donald Rumsfeld: A Prosecution by Book', (The New Press, 2008).
- Ratner, S.R. and Abrams, J.S., *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (Oxford, 1998).
- Ratner, S., 'The Meaning of Armed Attack,' in L. van den Herik and N. Schrijver (eds.), *Counterterrorism Strategies in a Fragmented International Legal Order: Meeting the Challenges*, (Cambridge, 2013) (forthcoming).
- Ratner, S., 'Jus ad Bellum and Jus in Bello after September 11', 96 (2002) AJIL 905.
- Reisman, W.M., 'Coercion and Self Determination: Construing Charter Article 2(4)', 78 (1984) AJIL 64.
- Reisman, W.M., 'International Legal Responses to Terrorism', 22 (1999) *Houston Journal of International Law* 3.
- Resnik, J., 'Detention, the War on Terror, and the Federal Courts' (2010) 110 *Columbia Law Review* 579.
- Resnik, J., 'War, Terror, and the Federal Courts, Ten Years After 9/11 Conference', Association of American Law Schools, Section on Federal Courts program, 2012 AALS Annual Meeting, Washington, D.C., 7 January 2012.
- Reydam, L., 'Prosecuting Crimes Under International Law on the Basis of Universal Jurisdiction: The Experience of Belgium', in H. Fischer, C. Kreß and S.R. Lüder (eds.), *International and National Prosecution of Crimes under International Law: Current Developments* (Berlin, 2001), p. 799.
- Roach, K., 'The Criminal Law and Terrorism' in V. Ramraj, M. Hor, et al., *Global Anti-Terrorism Law and Policy* (Cambridge, 2005).
- Roach, 'The Case for Defining Terrorism With Restraint and Without Reference to Political or Religious Motive', and Saul, 'The Curious Element of Motive in Definitions of Terrorism: Essential Ingredient or Criminalising Thought', in *Law and Liberty in the War and Terror*, A. Lynch, G. Williams, and E. MacDonald (eds.), (Annandale: The Federation Press, 2007), p. 45.
- Robinson, D., 'Developments in International Criminal Law: Defining "Crimes against Humanity" at the Rome Conference', 93 (1999) AJIL 43.
- Robinson, D., 'Crimes against Humanity' in R. Cryer, H. Friman, et al., *An Introduction to International Criminal Law and Procedure*, 2nd ed. (Cambridge: Cambridge University Press, 2010).
- Rodley, N.S., 'Detention as a Response to Terrorism', in Salinas de Frias, Samuel and White (eds.), *Counter-terrorism: International Law and Practice* (Oxford, 2012).

- Rodriguez, J., *Hard Measures: How Aggressive CIA Actions After 9/11 Saved American Lives* (Threshold Editions, 2012).
- Rogers, A.P.V., 'Terrorism and the Laws of War: September 11 and its Aftermath', 21 September 2001, available at <http://www.crimesofwar.org/expert/attack-apv.html>.
- Rona, G., 'Interesting Times for International Humanitarian Law: Challenges from the "War on Terror"', in the Fletcher Forum of World Affairs, vol. 27:2, Summer/Fall 2003, p. 64.
- Rosas, A., 'Counter-Terrorism and the Rule of Law: Issues of Judicial Control', in: A-M Salinas de Frias, KHL Samuel and ND White, eds., *Counter-Terrorism: International Law and Practice* (Oxford, Oxford University Press 2011).
- Ruys, T., *'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice* (Cambridge, 2010).
- Sadat, L., 'Terrorism and the Rule of Law', 3 (2004) *Washington University Global Studies Law Review* 135.
- Sadat, L.N., 'Ghost Prisoners and Black Sites: Extraordinary Rendition Under International Law', 309 (2006) *Case Western Reserve Journal of International Law* 320.
- Sadat, L.N., 'Extraordinary Rendition, Torture, and Other Nightmares from the War on Terror', 75 (2007) *George Washington Law Review* 1211.
- Safferling, C., 'Terror and Law: German Responses to 9/11', (2006) 4 *Journal of Int'l Criminal Justice* 1152.
- Salinas de Frias, A.M., Samuel, K., and White, N., (eds.), *Counter-terrorism: International Law and Practice* (Oxford, 2012).
- Samuel, K., 'The Rule of Law Framework and Its Lacunae: Normative, Interpretative, and/or Policy Created?' in Salinas de Frias, Samuel and White, *Counter-terrorism International Law and Practice* (Oxford, 2012).
- Sandoz, Y., 'Mechanisms of Implementation under International Humanitarian Law, International Human Rights Law and Refugee Law', paper presented at the 27th Round Table on Current Problems of International Humanitarian Law (Sanremo, 4–6 September 2003), proceedings to be published in G.L. Beruto and G. Ravasi (eds.), *27th Round Table on Current Problems of International Humanitarian Law: International Humanitarian and other Legal Regimes: Interplay in Situations of Violence* (Milan, forthcoming).
- Sandoz, Y., *The International Committee of the Red Cross as Guardian of International Humanitarian Law* (Geneva, 1998).
- Sands, P., *Torture Team: Deception, Cruelty and the Compromise of Law* (Allen Lane, 2008).
- Sands, P., *Torture Team: Rumsfeld's Memo and the Betrayal of American Values* (Palgrave MacMillan, 2009).
- Sassòli, M., 'Non-International Armed Conflict: Qualification of the Conflict and Its Parties', paper presented at the 27th Round Table on Current Problems of International Humanitarian Law (Sanremo, 4–6 September 2003), proceedings to be published in G.L. Beruto and G. Ravasi (eds.), *27th Round Table on Current Problems of International Humanitarian Law: International Humanitarian and other Legal Regimes: Interplay in Situations of Violence* (Milan, forthcoming).

- Sassòli, M., 'State Responsibility for Violations of International Humanitarian Law', 84 (2002) *IRRC* 401.
- Sassòli and Olson, 'The relationship between international humanitarian and human rights law where it matters: admissible killing and internment of fighters in non-international armed conflicts', 90 (2008) *International Review of the Red Cross*, 599.
- Sassòli, M., 'Transnational Armed Groups and International Humanitarian Law', *HPCR Occasional Paper Series*, Winter 2006, No. 6, 10.
- Satterthwaite, M., 'Rendered Meaningless: Extraordinary Rendition and the Rule of Law', 75 (2007) *George Washington Law Review* 1333.
- Satterthwaite, M., and Fisher, A., 'Tortured Logic: Renditions to Justice, Extraordinary Rendition, and Human Rights Law', 6 (2006) *The Long Term View* 4, 52.
- Saul, 'Defining 'Terrorism' to Protect Human Rights' (October, 29 2008) in *Interrogating the War on Terror: Interdisciplinary Perspective*, D. Staines, ed., pp. 190-210 (UK: Cambridge Scholars Publishing (2007).
- Saul, B., *Defining Terrorism in International Law* (New York City: Oxford University Press, 2006).
- Saul, B. 'Defending 'Terrorism': Justifications and Excuses for Terrorism in International Criminal Law', (2006) *Australian Yearbook of International Law* 25.
- Saul, B., 'Legislating from a Radical Hague: The United Nations Special Tribunal for Lebanon Invents an International Crime of Transnational Terrorism', (2011) 24(3) *Leiden J. of Int'l Law* 677.
- Saul, B., 'Criminality and Terrorism', in A. Salinas de Frías, K. Samuel, and N. White (eds.), *Counter-Terrorism: International Law and Practice* (Oxford, 2012).
- Schabas, W., 'State Policy as an Element of International Crimes', 98 *J. of Crim. L. and Criminology* 3.
- Schabas, W.A., 'Punishment of Non-State Actors in Non-International Armed Conflict', 26 (2003) *Fordham International Law Journal* 907.
- Schabas, W., 'Prosecuting Dr Strangelove, Goldfinger, and the Joker at the International Criminal Court: Closing the Loopholes', 23 (4) (2010) *Leiden Journal of International Law* 847.
- Schachter, O., *International Law in Theory and Practice* (Dordrecht, 1991).
- Schachter, O., 'The Lawful Use of Force by a State Against Terrorists in Another Country', reprinted in H. H. Han (ed.), *Terrorism and Political Violence: Limits and Possibilities of Legal Control* (New York, 1993).
- Schachter, O., 'The Right of States to Use Armed Force', 82 (1984) *Michigan Law Review* 1620.
- Schachter, O., 'The Quasi-Judicial Role of the Security Council and the General Assembly', 58 (1964) *The American Journal of International Law* 4, pp. 960.
- Scharf, M., 'Application of Treaty Based Universal Jurisdiction to Nationals of Non-Party States', 35 (2001) *New England Law Review* 363.
- Scharf, M.P., 'The Torture Lawyers', 20 (2010) *Duke J. Comp. & Int'l L.* 389.
- Scheinin, M., 'Terrorism', in Moeckli et. al. (eds.) *International Human Rights Law* (Oxford, 2010).
- Scheinin, M. and Vermeulen M., 'Unilateral Exceptions to International Law: Systematic Legal Analysis and Critique of Doctrines that Seek to Deny or Reduce the Applicability of Human Rights Norms in the Fight against Terrorism', *EUI Working Papers*, 2010.

- Schiedeman, S., 'Standards of Proof in Forcible Responses to Terrorism', 50 (2000) *Syracuse Law Review* 249.
- Schindler, D., 'The Different Types of Armed Conflicts according to the Geneva Conventions and Protocols', 163 (1979-II) RdC 117.
- Schmahl, S. 'Specific Methods of Prosecuting Terrorists in National Law', in *Terrorism as a Challenge for National and International Law: Security versus Liberty?*, Walter, Schorkopf, et al. (eds.), (Berlin: Max-Planck-Gesellschaft, 2004).
- Smith J.W. 'A Few Good Scapegoats: The Abu Ghraib Courts-Martial and the Failure of the Military Justice System', 27 *Whittier L. Rev.* 671, 677, 693 (2006). Schmitt, M.N., 'State Sponsored Assassination in International and Domestic Law', 17 (1992) *Yale Journal of International Law* 609.
- Schmitt, M.N. and Beruto, G.L. (eds.), *Terrorism and International Law, Challenges and Responses* (Sanremo, 2003).
- Schmitt, M., *Essays on Law and War at the Fault Lines* (The Hague: T.M.C. Asser Press, 2011).
- Schmitt, M., 'Deconstructing Direct Participation in Hostilities: The Constitutive Elements', 42 *N.Y.U. J. Int'l L. & Pol.* 697 (2010).
- Schmitt, M., 'Direct Participation in Hostilities and 21st Century Armed Conflict', in H. Fischer, et al eds., *Crisis Management and Humanitarian Protection: Festschrift für Dieter Fleck* (Berlin: BWV, 2004).
- Schmitt, M., *International Law and Armed Conflict: Exploring the Faultlines* (Martinus Nijhoff, 2007).
- Schmitt, M., 'Responding to Transnational Terrorism under the Jus Ad Bellum: A Normative Framework', 56 (2008) *Naval Law Review* 1.
- Schrijver, N., 'Reforming the UN Security Council in Pursuance of Collective Security', *Journal of Conflict & Security Law* (2007), Vol. 12 No. 1, 127–138. Schrijver, N., *The Security Council and the use of force: theory and reality: a need for change?*, with N.M. Blokker eds., Martinus Nijhoff Publishers, 2005.
- Schrijver, N., "Responding to International Terrorism: Moving the Frontiers of International Law for 'Enduring Freedom'?", in *Netherlands International Law Review* 48, nr. 3 (2001), pp. 271-291.
- Schrijver, N., 'September 11th and Challenges to International Law', in J. Boulden and T.G. Weiss (eds), *Terrorism and the UN: Before and After September 11*, Bloomington: Indiana University Press, 2004, pp. 55-73. Scobbie, I., 'Lebanon 2006', in Wilms-hurst, *International Law and the Classification of Conflicts* (Oxford, 2012).
- Shah, S. "From Westminster to Strasbourg: A and others v United Kingdom", *Human Rights Law Review* (2009) 9 (3).
- Shamir-Borer, E., 'Revisiting *Hamdan v. Rumsfeld*'s Analysis of the Laws of Armed Conflict', 21 *Emory Int'l L. Rev.* 601, 607–08 (2007).
- Shearer, I. A. (ed.), *Starke's International Law*, 11th ed. (Sydney, 1994).
- Shelton, D., 'Private Violence, Public Wrongs, and the Responsibility of States', 13 (1990) *Fordham International Law Journal* 1.
- Simma, B., (ed.), *The Charter of the United Nations, A Commentary*, 2nd ed. (Oxford, 2002).
- Simpson, G., *Great Powers and Outlaw States: Unequal Sovereigns in the International legal Order*, (Cambridge, 2004).
- Sloan, J., *The Militarisation of Peacekeeping in the Twenty First Century* (Hart, 2012).

- Sluiter, G.K., 'Cooperation with the International Criminal Tribunal for the Former Yugoslavia', in H. Fischer, C. Kreß and S.R. Lüder (eds.), *International and National Prosecution of Crimes under International Law: Current Developments* (Berlin, 2001), p. 681.
- Smit, D.v.Z., and Ashworth, A., *Disproportionate sentences as human rights violations*, *Modern Law Review*, July 2006, Vol. 67 No.4, 541.
- Smith, A.T.H., 'Balancing Liberty and Security? A Legal Analysis of United Kingdom Anti-Terrorist Legislation' *Eur J Crim Policy Res* 13 (2007) 73.
- Soufan, A., *The Black Banners: The Inside Story of 9/11 and the War Against al-Qaeda* (W.W. Norton & Co., 2011).
- Staberock, G., 'Intelligence and Counter-Terrorism', in *Counter-Terrorism: International Law and Practice*.
- Stahn, C., 'Nicaragua is dead, long live Nicaragua', in Walter, C., Vöneky, S., Röben, V., & Schorkopf, F., (Eds.), *Terrorism as a Challenge for National and International Law: Security versus Liberty* (Springer, 2004).
- Stanbrook, I. and Stanbrook, C., *Extradition: Law and Practice* (Oxford, 2000).
- Stewart, J., 'The UN Commission of Inquiry on Lebanon: A Legal Appraisal', 5 (2007) *J. Int'l Crim. Just.* 1039, 1042–43.
- Steyn, J., 'Guantanamo Bay: The Legal Black Hole', 53 (2004) *Int'l Comp. Law Quarterly* 1.
- Stork, J., 'The Human Rights Crisis in the Middle East in the Aftermath of 11 September', paper presented at the Symposium on Terrorism and Human Rights, Cairo, 26–28 January 2002.
- Szasz, P.C., 'The Security Council Starts Legislating', 96 *A.J.I.L.* 901 (2001).
- Taft IV, W.H. and Buchenwald, T., 'Agora: Future Implications of the Iraq Conflict: Preemption, Iraq, and International Law', 97 (2003) *AJIL* 557.
- Takei, C., 'Terrorizing Justice: An Argument that Plea Bargains Struck Under the Threat of "Enemy Combatant" Detention Violate the Right to Due Process', (2006) 47 *Boston College Law Rev.* 3, p. 581.
- Talmon, C.S., 'The Security Council as World Legislator', *AJIL*, Vol. 99:175 (2005).
- Talmon (eds.), *The Reality of International Law: Essays in Honour of Ian Brownlie* (Oxford, 1999).
- Tams, C., 'The Use of Force against Terrorists', 20 (2009) *The European Journal of International Law* 2, p. 387.
- Tams, 'Light Treatment of a Complex Problem: The Law of Self-Defence in the Wall Case', 16 *EJIL* (2005) 963.
- Tams, C. "Necessity and Proportionality and their Practical Application to Self-Defence against Terrorists" in v.d. Herik and Schrijver, *Counterterrorism Strategies in a Fragmented International Legal Order* (Cambridge: Cambridge University Press, 2013) (forthcoming).
- Tejan-Cole, A., 'The Special Court for Sierra Leone', 14.1 (2002) *INTERIGHTS Bulletin* 37.
- Teson, F., *Humanitarian Intervention: An Inquiry into Law and Morality*, 2nd ed. (New York, 1997).
- 'The Spanish Indictment of High-Ranking Rwandan Officials', (2008) 6(5) *Journal of International Criminal Justice* 1003).

- Thienel, T. 'Nada v. Switzerland: The ECHR Does Not Pull a Kadi (But Mandates It for Domestic Law)', *Weblog of the Netherlands School of Human Rights Research*, 12 September 2012.
- Tomuschat, "Case note: R (on the application of Al-Jedda) v Secretary of State for Defence. Human Rights in a multi-level system of governance and the internment of suspected terrorists". *Melbourne Journal of International Law*, Vol. 9.
- Tondini, M., 'Beyond the Law of the Enemy: Recovering from the Failures of the Global War on Terrorism through (Criminal) Law', in *Processi Storici e Politiche di Pace / Historical Processes and Peace Politics*, Vol. 3, No. 5, 2008, pp. 59.
- Trapp, K. N., 'Holding States Responsible for Terrorism before the International Court of Justice', 3(2) (2012) *J Int. Disp. Settlement* 279.
- Trapp, K. N., *State Responsibility for International Terrorism* (OUP, 2011).
- Travalio, G.M., 'Terrorism, International Law and the Use of Military Force', 18 (2000) *Wisconsin International Law Journal* 145.
- Triffterer, O. (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden, 1999).
- Tsagourias, N., 'Necessity and the Use of Force: A Special Regime', 41 (2010) *Netherlands Yearbook of International Law*, p. 25.
- 'The Proportionality Principle, Counter-terrorism Laws and Human Rights: A German-Australian Comparison' *City University of Hong Kong Law Review Volume 2:1*; [2010] *UNSWLRS* 35.
- Van den Wyngaert, C., *The Political Offense Exception to Extradition* (Dordrecht, 1980).
- Vierucci, L., 'What Judicial Treatment for the Guantanamo Detainees', 3 (2002) *German Law Review*, available at <http://www.germanlawjournal.com/article.php?id=190>.
- Vladeck, S., 'Terrorism Trials and the Article III Courts After Abu Ali', 88 (2010) *Tex. L. Rev.* 1501.
- van Zyl, Smit and Ashworth, *Disproportionate sentences as human rights violations*, *Modern Law Review*, July 2006.
- von Glahn, G., *Law Among Nations*, 6th ed. (New York, 1986).
- Waisberg, T., 'Colombia's Use of Force in Ecuador Against a Terrorist Organization: International Law and the Use of Force Against Non-State Actors', *ASIL Insights*, August 22, 2008 <<http://www.asil.org/insights080822.cfm>>.
- Waldock, C., 'The Regulation of the Use of Force by Individual States in International Law', 81 (1952) *RdC* 455.
- Walter, C., Vöneky, S., Röben, V., and Schorkopf, F., *Terrorism as a Challenge for National and International Law* (Springer, 2005).
- Warriner, W.F., 'The Unilateral Use of Coercion under International Law: A Legal Analysis of the United States Raid on Libya on April 14, 1986', 37 (1988) *Naval Law Review* 49.
- Watkin, K., 'Opportunity Lost: Organized Armed Groups and the ICRC "Direct Participation in Hostilities" Interpretive Guidance', 42 *N.Y.U. J. Int'l L. & Pol.* 641 (2010);.
- Wedgwood, R., 'Responding to Terrorism: The Strikes against Bin Laden', 24 (1999) *Yale Journal of International Law* 559.

- Weich, R., 'Upsetting Checks and Balances: Congressional Hostility Towards the Courts in Times of Crisis', in *Report of the American Civil Liberties Union*, November 2001, available at <http://www.aclu.org>.
- Weissbrodt, D., and Bergquist, A., 'Extraordinary Rendition: a Human Rights Analysis', 19 (2006) *Harvard Human Rights Journal* 123.
- White, N., *The Law of International Organisations* (Manchester University Press, 2005).
- Wilmschurst, E., *International Law and the Classification of Conflicts* (Oxford, 2012).
- Wilmschurst, E., 'Anticipatory Self Defence', in Herik and Schrijver, *Counterterrorism Strategies in a Fragmented International Legal Order* (Cambridge: Cambridge University Press, 2013) (forthcoming).
- Wilson, E., "'Damages or Nothing": The Post-Boumediene Constitution and Compensation for Human Rights Violations After 9/11', 41 *Seton Hall Law Review* 4, 1491.
- Wood, M., "The Interpretation of Security Council Resolutions", 2 *Max Planck Yearbook of United Nations Law* 82 (1998).
- Wouters, C., 'Reconciling National Security and Non-refoulement: Exceptions, Exclusion and Diplomatic Assurances', in A. Salinas de Frías, K. Samuel, and N. White (eds.), *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012), Ch. 22, p. 580.
- Yin, T., 'Coercion and Terrorism Prosecutions in the Shadow of Military Detention', 2006 *BYU L. Rev.* 1255.
- Yoo, J., 'Agora: Future Implications of the Iraq Conflict: International Law and the War in Iraq', 97 (2003) *AJIL* 563.
- Yoo, J., *War by Other Means: an Insider's Account of the War on Terror*, (New York: Atlantic Monthly Press, 2006).
- Yoo, J., 'Assassination or Targeted Killings After 9/11', 56 (2011) *N.Y.L. Sch. L. Rev.* 57.
- Zayas, A., 'Human rights and indefinite detention', ICRC, vol. 87, n. 857, March 2005.
- Zimmerman, A., 'Crimes within the Jurisdiction of the Court', in O. Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden, 1999), p. 98.