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**Title:** The ‘war on terror’ and international law

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1. Terrorism is a term of acute significance and yet uncertain content; it is not defined under treaty or customary international law.

2. There is no dearth of applicable international law on terrorism and counter-terrorism but extreme selectivity of application.

3. There have not been seismic shifts in international law post 9/11 but pockets of legal development and areas where controversy may herald future legal evolution.

4. There is no ‘war’ on terror nor, in any legal sense, an armed conflict of global reach with al Qaeda and unidentified ‘associates.’

5. ‘Preventive’ self defence against terrorist threats anywhere in the world finds no basis in the current international legal framework.

6. The war on terror has been a multi-dimensional exercise in exceptionalism. Exceptional laws, policies and procedures have crept outwards, broadening their reach, and downwards, taking root and normalising.

7. The rule of law potential of invigorated recourse to criminal law is jeopardized by a shift towards a ‘law of the enemy.’

8. In a spiraling paradox, lawlessness on 9/11 has spawned lawless responses, which in turn have been relied upon to justify further lawlessness by copycat states and extremists, while undermining lawful responses.

9. The ‘enemy’ has been dehumanized, while broadly defined to embrace human rights defenders, humanitarian organisations, journalists, political opponents and others.
10. The ultimate impact of the war on terror on international standards is curtailed by reactions to it; the responsive role of the courts has been crucial.

11. Accountability and reparation, firmly enshrined in the legal framework and increasingly recognized in relation to victims of terrorism, are glaringly absent in response to counter-terrorism.

12. "Justice" is a term oft invoked, and much defiled, in the war on terror.