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I am submitting herewith a thesis written by Erik Leigh Dutkiewicz entitled “Examining the Laws of War and the Necessity of Evolving Legal Principles to Counter Terrorism.” I have examined the final electronic copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Science, with a major in Criminal Justice.

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We have read this thesis and
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Dean of the Graduate School

EXAMINING THE LAWS OF WAR AND THE NECESSITY OF EVOLVING LEGAL PRINCIPLES TO COUNTER TERRORISM

A Thesis
Presented for the
Master of Science
Degree
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Erik Leigh Dutkiewicz
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DEDICATION

This thesis is dedicated to my daughter, in the hope that it, and works like it, will encourage the global community to achieve new heights in international cooperation to ensure a safer environment for our future generations.

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Most importantly, I would like to thank my family, whose advice and encouragement made this work possible. This work is a major milestone and a reflection of their years of support and guidance.

ABSTRACT

The purpose of this thesis is to highlight the dilemma surrounding the quest for an internationally binding legal solution to countering terrorism. It examines the evolution of international laws of war and the definition of terrorism, and the shortcomings of these laws and principles in the classification and adjudication of acts of international terrorism. In doing so, it examines the applicable treaties on the laws of war, including the Geneva Conventions of 1949, various multilateral and regional treaties, and various domestic laws. Recommendations include a proposed definition of terrorism for use in the revision of international laws and a proposed course of action for the design, implementation, and enforcement of a comprehensive, multilateral treaty to counter terrorism within the framework of the United Nations and the International Criminal Court.

TABLE OF CONTENTS

CHAPTER I
INTRODUCTION

This thesis examines the evolution of the classification of legal entities involved in and affected by hostilities and the classification of their specific actions under the laws of war. It further explores the definition of terrorism and the inability of current international laws to sufficiently address this evolving type of crime. In the absence of an internationally accepted method of classifying and adjudicating these acts, several nations have either incorporated prohibitions against acts of terrorism in domestic penal codes or through the passage of specific counter-terrorism legislation, which are then adjudicated under various legal procedures. This thesis examines the policies of these nations and analyzes their similarities and differences in terms of their potential support for the definition of terrorism and procedure for the establishment and implementation of a comprehensive international treaty to counter terrorism proposed by this thesis.

In order to understand the current policies on counter-terrorism, it is first necessary to understand these acts in terms of the international laws of war. To this extent, Chapter II analyzes the classification and legal definitions surrounding particular groups under the laws of war beginning in 1899 and progressing through the Geneva Conventions of 1949 and their additional protocols. As these documents do not provide a definition (and as such a classification) for terrorism or terrorists, it was necessary to examine the definitions utilized by various treaties and domestic laws. While similar in some respects, the definitions discussed in Chapter III vary in their inclusion of events, actors, and targets, and as such are at best a starting point for a comprehensive definition required for inclusion in a multilateral treaty to counter terrorism.

In light of the absence of prohibitions under international law and the varied global definitions of terrorism, this thesis proposes a definition of terrorism for use in the drafting of a comprehensive treaty for countering terrorism. Based on this definition, a procedure is outlined for the drafting, implementation, and enforcement of such a treaty. As a basis for potential international support of the proposed definition and the legal procedures proposed for inclusion in said treaty, an analysis of current classification and adjudication procedures is provided in Chapter IV. This analysis includes an outline of current international endeavors, as well as legal provisions and procedures under various domestic policies, including rulings of recent United States courts as pertaining to alleged terrorist detainees.

Chapter V of this thesis stresses the importance of swift measures to ensure international acceptance of a universal definition of terrorism, recommends a course of action to meet this demand, and proposes measures for speeding these efforts. Additionally, examples of specific items for inclusion in a comprehensive treaty to counter terrorism are provided, including elements of each violation, considerations for rights of the accused, and for jurisdictional matters. As the proposed measures to ensure swift implementation include the application of political and economic instruments of power over other nations, the policy implications of these steps are explored. In conclusion, an examination of the potential alignment of nations in favor and opposed to such a treaty is provided.

CHAPTER II
RELATION OF INTERNATIONAL LAW TO TERRORISM

Pre-Geneva Conventions of 1949

As there is currently no official, internationally accepted definition of what acts constitute terrorism, perhaps it is best to begin by describing what, under international law, terrorism is not. As multilateral treaties serve as a foundation for international law, especially in terms of treaties on the laws of war, this exploration identifies the varied legal entities and actions recognized and regulated by international law beginning with the ratification of the Second Hague Convention of 1899 and continuing through the inception of the United Nations and adoption of the 1949 Geneva Conventions and their subsequent additional protocols. By enumerating these entities and actions, it becomes possible to differentiate them from the more undefined in search of an internationally acceptable definition of terrorism.

Convention with Respect to the Laws and Customs of War on Land, 1899

In 1899, 25 nations became signatories to the Convention with Respect to the Laws and Customs of War on Land, and between 1900 and 1978, 25 more nations ratified the treaty (Schindler & Toman, 1988). In doing so, these 50 nations agreed to the terms of the treaty, including its definition of belligerents and the delineation between combatants and non-combatants, although these entities were not specifically defined. Of some importance is the fact that the terms of the treaty were binding only on the contracting parties in the event of war between two or more of them, and were invalidated when a non-contracting party joined a belligerent contracting party in a war (Convention with Respect to the Laws and Customs of War on Land, 1899). The 1899

convention further enumerated the qualifications for belligerent and prisoner of war status in the event of a war between contracting parties. As stated by the convention, the laws of war applied to armies, militia, and volunteers and it reserved belligerent status for those who met certain qualifications. To be considered belligerents under the 1899 convention, forces must be commanded by a person responsible for their subordinates, have a fixed, distinctive emblem recognizable from a distance, carry arms openly, and must conduct operations in accordance with the laws of war. Additionally, citizenry of an unoccupied territory who spontaneously took up arms upon the enemy's approach would be granted belligerent status despite not meeting the previously outlined qualifications, so long as they adhered to the laws of war. Furthermore, the 1899 convention stated that the armed forces of belligerent parties might contain combatants and non-combatants, both of which should be granted prisoner of war status if captured by the enemy. While this convention did not define prisoners of war, the Project of an International Declaration concerning the Laws and Customs of War (1874), also known as the Brussels Declaration of 1874 and upon which the Convention with Respect to the Laws and Customs of War on Land of 1899 was based, defined a prisoner of war as a lawful and disarmed captured enemy. This being the case, and as it was not specifically addressed by the 1899 convention, it is logical to infer that the definition remained the same under the terms of the laws of war. These laws of war remained in effect until revised by the Convention Respecting the Laws and Customs of War on Land in 1907.

Convention Respecting the Laws and Customs of War on Land, 1907

Similar to the 1899 convention, the Convention Respecting the Laws and Customs of War on Land (1907) applied only between the 50 contracting nations

(Schindler & Toman, 1988). Moreover, signatories to the 1899 convention who did not ratify the 1907 convention were still bound by the laws of war outlined in the 1899 convention. Despite many revisions, the qualifications of belligerents and prisoners of war remained unchanged by the 1907 convention. The 1929 Convention between the United States of America and Other Powers Relating to Prisoners of War entered into by the United States and 46 other nations expanded the definition of a prisoner of war from the 1907 convention. Under the 1929 convention, prisoners of war were persons belonging to the armed forces of belligerent parties captured by the enemy in the course of military operations at sea or in the air. The 1929 convention also made a strict departure from those before it in terms of application. Whereas earlier conventions ceased to apply should a non-contracting party engage in a war between two or more contracting parties, the 1929 convention would continue to apply to the contracting parties despite the involvement of belligerents of non-contracting parties (Convention between the United States of America and Other Powers Relating to Prisoners of War, 1929).

Geneva Conventions and Additional Protocols

The laws of war as set forth by the 1907 and 1929 conventions remained in effect until the Third and Fourth Geneva Conventions entered into force in 1949. The Third Geneva Convention of 1949, otherwise known as the Convention Relative to the Treatment of Prisoners of War, revised and refined the definitions of specific legal entities and actions outlined by previous conventions.

The Third Geneva Convention

The Third Geneva Convention has been ratified or acceded to by 194 nations (see Appendix A for a list of nations) and replaced the provisions of the 1929 convention between contracting parties (International Committee of the Red Cross, 2008). Its provisions apply in all cases of declared war and any other armed conflict between two or more contracting parties, even if a state of war is not recognized by one of the parties. It also applies in all cases of partial or total occupation of the territory of a contracting party regardless of any armed resistance or lack thereof (Convention Relative to the Treatment of Prisoners of War, 1949). If one of the powers to a conflict is not bound by the convention, the contracting parties remain bound by it in regards to one another, and will become bound by it in regards to the non-contracting power, if that power accepts and applies the provisions of the convention. In a departure from previous conventions, the Third Geneva Convention of 1949 enumerates minimum provisions to bind the contracting parties in the case of armed conflict of a non-international nature (e.g., an armed conflict within the territory of only one contracting party). One of the main revisions made by the Third Geneva Convention to the 1929 convention was to the definition of qualifications for prisoner of war status. Under the 1949 convention, prisoners of war are persons of specific enumerated categories who fall into the power of the enemy. These categories consist of the following: (1) members of the armed forces of a party to the conflict, including militia and volunteer corps forming part of the armed forces; (2) members of other militias and other volunteer corps, including organized resistance forces, belonging to a party to the conflict, provided that these forces are commanded by a person responsible for their subordinates, have a fixed, distinctive

symbol recognizable at a distance, carry arms openly, and conduct their operations in accordance with the laws and customs of war; (3) members of the armed forces who profess allegiance to a government or an authority not recognized by the detaining party; (4) persons who accompany the armed forces (e.g., civilian members of military aircraft crews, war correspondents, and supply contractors) provided they have authorization and recognized identity cards from the armed forces which they accompany; (5) members of crews of the merchant marines and crews of civil aircraft of the parties to the conflict who do not fall under protecting provisions of other international laws; and (6) inhabitants of a non-occupied territory who spontaneously take up arms to resist invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war. Prisoner of war status is also conferred upon those persons belonging, or having belonged, to the armed forces of the occupied country who have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons for internment, and to persons belonging to one of the previous categories who have been received by neutral parties on their territory who are required by law to intern said persons (Convention Relative to the Treatment of Prisoners of War, 1949). While all of the previous conventions focused on the definition and rights afforded to belligerents and prisoners of war, the Fourth Geneva Convention of 1949 defined and provided protection for a new legal entity.

The Fourth Geneva Convention

The Fourth Geneva Convention, ratified or acceded to by 194 nations (see Appendix A for a list of nations), outlines provisions regarding civilians in the time of

war, and in doing so introduced a new legal entity, in terms of the laws of war, which not only requires protection, but also requires contracting parties to hold responsible anyone who violates the terms of the convention (International Committee of the Red Cross, 2008; Convention Relative to the Protection of Civilian Persons in Time of War, 1949). Although holding transgressors responsible for violations of a convention's provisions was not a new requirement, this was the first time parties were required to consider their treatment of civilian populations. The Fourth Geneva Convention applies in the same cases and under the same conditions as the Third Geneva Convention, but states that all persons granted protection by the Third Geneva Convention are ineligible for protection under the Fourth Geneva Convention. This distinction is important as it delineates civilians from all previously outlined legal entities. Under the Fourth Geneva Convention, civilians (otherwise referred to as protected persons in terms of the Fourth Convention) are persons who, at any moment and in any manner under the enumerated cases, fall into in the hands of a party to the conflict of which they are not nationals. Furthermore, the Fourth Geneva Convention makes distinctions as to the protection of certain persons stating that nationals of belligerent non-contracting parties are not protected by it, and that nationals of neutral parties who are within the territory of a belligerent party, and nationals of co-belligerent parties, are not protected by it, so long as their nation has normal diplomatic relations with the party whose control they fall under. While previous conventions enumerated prohibited acts of each legal entity, the Fourth Geneva Convention was the first to outline the manner in which a legal entity (in this case a civilian) could lose entitlement to their protected status. Under its provisions, a civilian who is definitely suspected of or who has engaged in hostile activities toward the

security of a belligerent contracting party, shall not be entitled to the protection of the convention, if such protection is prejudicial to the security of that party. The terms of the Third and Fourth Geneva Conventions remained unchanged until supplemented by the First and Second Additional Protocols to the Geneva Conventions in 1977.

The First Additional Protocol

The First Additional Protocol to the Geneva Conventions, otherwise known as the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (1977), enumerated provisions for the protection of war victims in the specific cases outlined by the Third and Fourth Geneva Conventions and has been ratified or acceded to by 168 nations (International Committee of the Red Cross, 2008; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, 1977; see Appendix A for a list of nations). In addition, the First Additional Protocol applies to situations where people are fighting against colonial domination, occupation, and racist regimes in the exercise of their right of self-determination. More specifically, it revised the definitions and qualifications of belligerents, prisoners of war, and civilians, and likened belligerents to combatants and civilians to non-combatants.

Furthermore, the First Additional Protocol (1949) defines mercenaries as a new legal entity and acknowledges (although it does not specifically define) another legal entity, represented by a person who has taken part in hostilities and is not entitled to prisoner of war status. This distinction is important as it underlies the concept of the unprivileged combatant, which will be discussed later. This additional protocol revised the definition of armed forces to include all organized armed forces, whose groups and

units fall under a command responsible for the conduct of its subordinates to a belligerent party, even if that party is represented by a government or authority not recognized by an adverse party. The armed forces must also maintain an internal disciplinary system, which enforces compliance with the applicable international laws of armed conflict, including over any paramilitary or armed law enforcement agency incorporated into the armed forces. More importantly is the distinction made in this additional protocol that members of the armed forces of a party to a conflict are combatants (i.e., they have the right to participate directly in hostilities). This distinction is important as through the course of international law, the term belligerent and combatant are often used interchangeably.

The First Additional Protocol (1949) also revised the definition of a prisoner of war, stating that any combatant, as defined above, who falls under the control of an enemy party shall be considered a prisoner of war. While this protocol acknowledges the potential for military necessity to require members of the armed forces to operate at times without distinction from the civilian populace, it specifically states that these exceptions do not generally release a party from its obligation to ensure its armed forces wear distinctive uniforms throughout the course of their regular duties and operations in order to remain distinguishable from the civilian populace. Civilians, under this additional protocol, are any persons not categorized as belligerents or combatants under the Third Geneva Convention or the First Additional Protocol, and are provided protection by the additional protocol unless they directly engage in hostile activities.

Furthermore, the First Additional Protocol (1949) defines mercenaries as a new legal entity. A mercenary is defined as any person who: (1) is specially recruited in order

to fight in an armed conflict or engage in direct hostilities; (2) is motivated essentially by the desire for private gain and is promised, by or on behalf of a belligerent party, material compensation which substantially exceeds that paid to combatants of similar ranks and functions; (3) is neither a national of a belligerent party nor a resident of territory controlled by a belligerent party; (4) is not a member of the armed forces; and (5) has not been sent by a nation which is not a belligerent party on official duty as a member of its armed forces. An important distinction made by this protocol is that mercenaries are not granted the right to be combatants or prisoners of war. Like the Fourth Geneva Convention, the First Additional Protocol enumerates specific prohibited acts despite legal classification of the acting entity of a party and, for the first time, states that any such breach will be considered a war crime to which the party is liable. This is significant as it gives credibility to the need for a comprehensive system for prosecuting violators of the laws of war. While many of the provisions outlined in the 1949 Geneva Conventions and the First Additional Protocol of 1977 remain current in terms of international armed conflict, the Second Additional Protocol of 1977 outlines provisions for non-international armed conflict.

The Second Additional Protocol

The Second Additional Protocol, ratified or acceded to by 164 nations (see Appendix A for a list of nations), applies to all armed conflicts not covered by the First Additional Protocol which take place within the sovereign territory of a contracting party between its regular armed forces and dissident armed forces or other organized armed groups, so long as they operate under a responsible command structure, and exercise control over a part of the party's territory in order to carry out sustained military

operations (International Committee of the Red Cross, 2008; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, 1977). The Second Additional Protocol of 1977 does not apply to internal disturbances such as riots, isolated or sporadic acts of violence, and other acts not deemed armed conflicts. While this protocol did not revise the definitions of any particular legal entity described by previous conventions or protocols, it did specifically prohibit acts of terrorism against persons not engaged in direct hostilities. Although the protocol did not specifically define terrorism, this was the first time a multilateral treaty prohibited terrorist acts, and along with the inclusion of the prohibition of war crimes in the First Additional Protocol, lead to the inception of the Rome Statute establishing the International Criminal Court (ICC), which will be discussed in the next section.

Although the conventions and protocols previously outlined provide a basic description of the legal entities concerned with the laws of war, referrals are often made to entities of a similar nature using multiple variants. For example, the International Committee of the Red Cross (ICRC) recognizes three additional terms as pertaining to combatant status (International Committee of the Red Cross, 2005). The ICRC uses combatant and belligerent interchangeably, and denotes unlawful or unprivileged combatants as civilians who take part in direct hostilities, in line with the entity acknowledged by the First Additional Protocol as a person who has taken part in hostilities and is not entitled to prisoner of war status (Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, 1977). In addition, the ICRC describes an enemy

combatant, whether lawful or unlawful, in the same terms as a combatant under the above-mentioned conventions and protocols in either international or non-international armed combat. A further distinction made by the ICRC relates to captured individuals, and states that those captured outside of an armed conflict, who are thus not protected by international law, are subject to domestic and humanitarian law. It is imperative to note that the classification of a group as combatant, noncombatant, etc., for purposes of determining eligibility for prisoner of war status, does not necessarily result in the classification of their activities as lawful acts of armed conflict, war crimes, or terrorism. For example, although organized resistance forces, often referred to as guerrilla forces, are granted prisoner of war status if captured, the lawfulness of their activities is dependent upon the target(s) of their activities. If organized resistance forces are engaged in armed conflict between belligerent forces as outlined in the Geneva Conventions, they will likely be considered combatants performing lawful acts of armed conflict; however, if their activities are conducted outside these requirements, they will likely be considered a non-combatant group, or unlawful or unprivileged combatants, engaged in acts of terrorism. A thorough depiction of the various legal entities outlined above and the classification of their activities in light of this document's proposals (outlined in later chapters) is provided in Appendix B. Given the various legal entities and prohibited conduct identified by the Geneva Conventions and their additional protocols, the creation of an entity whose charter included the responsibilities of enforcing the laws of war and for the settlement of grievances between contracting parties, namely the ICC, is readily understood.

International Criminal Court

The Rome Statute of the International Criminal Court entered into force in 2002 and has been ratified or acceded to by 109 nations (International Criminal Court, 2007; see Appendix A for a list of nations). Similar to previous conventions, the Rome Statute is binding only upon nations that agree to be bound by its provisions (Rome Statute of the International Criminal Court, 2002). As breaches of the prohibitions of the aforementioned conventions and additional protocols constitute war crimes, the ICC listed these crimes as one of the categories of the most serious crimes of concern to the international community, and as such maintains jurisdiction over such crimes as committed between contracting parties to the Rome Statute. The Rome Statute established the ICC as an equivalent of a national criminal jurisdiction, and the ICC applies established principles of the international law of armed conflict in the execution of its duties as to these crimes. While no case regarding terrorism has been brought before the ICC, given the terminology contained in the First and Second Additional Protocols to the 1949 Geneva Conventions, and the jurisdiction granted to the ICC by the Rome Statute, it is logical that a case involving a terrorist act between contracting parties could arise before the ICC.

In the search for an internationally acceptable definition of terrorism, it is imperative to compare acts enumerated by the laws of war contained in the Geneva Conventions and their additional protocols to those that may be deemed acts of terrorism. Keeping the aforementioned definitions in mind, world events can be analyzed for their adherence to, or departure from, the established laws of war. Perhaps then, rules that are

more applicable may be drafted as a means of categorizing and prosecuting acts of terrorism.

CHAPTER III

DEFINITIONS OF TERRORISM

Definitions in Multilateral Treaties

While the previous chapter sought to define the legal entities protected by and the acts prohibited by international law, this chapter focuses on the various definitions of terrorism utilized in the international arena. As mentioned previously, multilateral treaties serve as a basis for international law and as such, this chapter will analyze various treaties entered into force through the United Nations to depict the historic development of the term terrorism in international law. In addition, this chapter analyzes the definition of terrorism included in the 2006 United Nations Global Counter-Terrorism Strategy, as well as the legal definitions of terrorism used in Australia, Canada, the European Union, the United Kingdom, the United States, the Arab Convention for the Suppression of Terrorism, the Islamic Conference on Combating International Terrorism, and the Organization of African Unity's Convention on the Prevention and Combating of Terrorism. In doing so, this analysis provides insight into a consensus on the definition of terrorism despite the lack of an official, internationally accepted and legally binding definition. Finally, this chapter proposes a definition of terrorism to be utilized in constructing a multilateral, comprehensive treaty prohibiting acts of terrorism.

United Nations Resolutions

Although the first mention of terrorism in international law occurred in 1977 in the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, this additional protocol

to the Geneva Conventions of 1949 did not define terrorism, but merely prohibited acts of terrorism. This prohibition was in fact based upon General Assembly Resolution 3034, which defined terrorism as an act "which endangers or takes innocent human lives or jeopardizes fundamental freedoms" (United Nations General Assembly Resolution 3034, 1972, p. 119). From 1972 to 2006, the United Nations General Assembly and Security Council have passed 43 and 33 resolutions respectively, which address terrorism or acts now considered acts of terrorism; however, these resolutions are not multilateral treaties and thus not binding under international law. Although there are 13 treaties, other than the Geneva Conventions, considered to apply to terrorism, only two include actual definitions of terrorism rather than classifying particular acts as acts of terrorism (Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988; International Convention for the Suppression of Terrorist Bombings, 1997). In addition, all 13 of these treaties merely require member parties to make particular acts an offense under domestic law and do not address acts of terrorism as a collective offense under international law. For example, although the United Nations considers the taking of hostages to be an act of terrorism, parties to the 1979 International Convention against the Taking of Hostages are only required to make the taking of hostages a punishable offense under their domestic law, rather than charging the accused with an act of terrorism under international law. Despite this shortfall, an analysis of the definitions provided by the two United Nations treaties in 1988 and 1997 provides a roadmap to the definition crafted for the 2006 United Nations Global Counter-Terrorism Strategy (United Nations General Assembly Resolution 60/288, 2006), which although

not a treaty, was the first resolution on terrorism agreed to by all member parties of the United Nations to include a definition of terrorism.

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

It is first important to note that neither of the following treaties redefined terrorism, but rather reaffirmed the previous definition and added additional clauses to include additional offenses. The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation built upon the definition offered by General Assembly Resolution 3034 by adding the clause "and seriously impair the dignity of human beings" (Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, p. 222). While not significantly different from the definition in General Assembly Resolution 3034, this was the first inclusion of an actual definition of terrorism, rather than merely a prohibition of terrorism, in a multilateral treaty.

International Convention for the Suppression of Terrorist Bombings

The next update to the definition of terrorism under international law came in 1997 under the International Convention for the Suppression of Terrorist Bombings. This treaty reiterated the definition included in United Nations General Assembly Resolution 51/210 (1996) that terrorist acts included any act "intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes" (p. 2) and included acts that jeopardized friendly relations between states and peoples or that threatened the territorial integrity and security of a state (International Convention for the Suppression of Terrorist Bombings, 1997). Although these are the only two definitions included in multilateral treaties, several United Nations resolutions

have included various definitions of terrorism since the initial definition offered by General Assembly Resolution 3034 in 1972. This evolution, along with the aforementioned treaties, led to the definition provided by the 2006 United Nations Global Counter-Terrorism Strategy, which while not a multilateral treaty is the first resolution agreed to by all United Nations member parties concerning terrorism (United Nations General Assembly Resolution 60/288, 2006).

United Nations Global Counter-Terrorism Strategy

United Nations General Assembly Resolution 60/288, otherwise known as the 2006 United Nations Global Counter-Terrorism Strategy reaffirms previous definitions, but refines the definition of terrorism to include any activity aimed at the destruction of human rights, fundamental freedoms, and democracy, which threaten the territorial integrity and security of states and destabilizes legitimate governments. This resolution also states that terrorism should not be associated with any particular religion, ethnic group, nationality, or civilization (United Nations General Assembly Resolution 60/288, 2006). While this definition utilizes only general terms, it is more specific than previous definitions, especially considering the specific prohibition of particular acts of terrorism (e.g., hijacking, terrorist bombings, and financing of terrorism) included in previous treaties. What is potentially most important about this resolution is the fact that every member party of the United Nations has ratified this resolution, showing at least an acknowledgement of the definition. While this is a step in the right direction for the development of an official definition under international law, many nations have entered into regional treaties or enacted specific domestic laws against terrorism within their territorial domain.

Definitions in Regional Treaties

Beginning in 1971, several nations entered into regional conventions or passed domestic laws relating to terrorism. Although these are not multilateral treaties, they do provide a glimpse of the difficulty in arriving at a general international consensus of the definition of terrorism.

Organization of American States

The earliest to do so was the Organization of American States (OAS) in the Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance (1971). This convention between Costa Rica, the Dominican Republic, El Salvador, Guatemala, Mexico, Nicaragua, the United States, Uruguay, and Venezuela did not specifically use the term terrorism in its definition of crimes. However, the parties agreed that acts of kidnapping, murder, and assault against the life or personal integrity of persons protected by the state under international laws, including extortion in connection with any of these crimes, were to be considered common crimes of international significance (Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, 1971). A second convention between the OAS, the Inter-American Convention Against Terrorism (2002), was signed to include all offenses covered by the 13 multilateral treaties on deposit at the United Nations as offenses of terrorism.

South Asian Association for Regional Cooperation

In 1987, the South Asian Association for Regional Cooperation (SAARC), consisting of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka,

agreed that terrorism included acts considered offenses under the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (i.e., hijacking and the taking of hostages), acts of murder, manslaughter, assault, kidnapping, and offenses related to firearms, weapons, explosives, and dangerous substances used to perpetrate violence against persons or serious damage to property (South Asian Association for Regional Cooperation Regional Convention for the Suppression of Terrorism, 1987).

Arab Convention on the Suppression of Terrorism

In 1998, the League of Arab States consisting of Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, and Yemen signed the Arab Convention on the Suppression of Terrorism. This convention defined terrorism as any act or threat of violence, regardless of motive, that advances an individual or collective criminal agenda which seeks to instill panic among people, causes fear by harming them, places their lives, liberty, or security in danger, seeks to cause damage to the environment or to public or private installations or property, or to occupy or seize such property, or that seeks to jeopardize national resources (Arab Convention on the Suppression of Terrorism, 1998).

Three conventions entered into force in 1999; the Convention of the Organization of the Islamic Conference on Combating International Terrorism, the Organization of African Unity Convention on the Prevention and Combating of Terrorism, and the Treaty

on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism.

Convention of the Organization of the Islamic Conference

The Convention of the Organization of the Islamic Conference on Combating International Terrorism (1999) defines terrorism as any act of violence or threat of violence, regardless of intentions, committed to carry out an individual or collective criminal plan to terrorize people, or that threatens to harm them or that imperils their lives, honor, freedoms, security or rights, or exposes the environment or any facility, or public or private property to hazards, including occupying or seizing them, or that endangers national resources or international facilities, or that threatens the stability, territorial integrity, political unity, or sovereignty of independent states (see Appendix C for a list of member nations).

Convention of the Organization of African Unity

The Organization of African Unity Convention on the Prevention and Combating of Terrorism (1999) defines terrorism as any act which may endanger the life, physical integrity, or freedom of, or cause serious injury or death to, any person, or group of persons, or that causes or may cause damage to public or private property, natural resources, environmental or cultural heritage that is intended to intimidate or coerce any government, institution, or the general public, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or that disrupt any public service, the delivery of any essential service to the public or creates a public emergency, or general insurrection in a state (see Appendix D for a list of member nations). This definition also includes any act that promotes, sponsors, contributes to,

commands, aids, incites, encourages, attempts, threatens, conspires, organizes, or procures persons with the intent to commit any act outlined above (Organization of African Unity Convention on the Prevention and Combating of Terrorism, 1999).

Treaty on Cooperation among Members of the Commonwealth of Independent States

Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Uzbekistan, and Ukraine entered into the Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism (1999) which defines terrorism as an illegal act punishable under criminal law committed for the purpose of undermining public safety, influencing decision-making by the authorities or terrorizing the population, including violence or the threat of violence against persons, destruction of property, use of nuclear, radiological, chemical or biological weapons, or their components or other substances harmful to human health, including the seizure or destruction of nuclear, chemical, or other facilities.

The Shanghai Convention

The Republic of Kazakhstan, the People's Republic of China, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan, and the Republic of Uzbekistan signed the Shanghai Convention on Combating Terrorism, Separatism and Extremism in 2006. This convention defined terrorism as any act intended to cause death or serious bodily injury to a civilian or any other person not actively participating in the hostilities of an armed conflict, any act causing major damage to any material facility, and the organizing, planning, or aiding any such act, with the intent to intimidate a population, violate public security, or to compel authorities or an international

organization to do or to abstain from doing any act (Shanghai Convention on Combating Terrorism, Separatism and Extremism, 2006).

Definitions in Domestic Laws

In addition to the above-mentioned regional treaties, several nations have passed domestic laws, including the definition of terrorism, which further illuminate the difficulty in constructing an internationally acceptable definition.

The United Kingdom

The definition used by the United Kingdom in the Terrorism Act (of) 2000 stated that terrorism was the use or threat of action involving: serious violence against a person; serious damage to property; the endangerment of a person's life; the creation of a serious risk to the health or safety of the public; or serious interference with an electronic system. Furthermore, these acts must be designed to influence the government or an international governmental organization or to intimidate the public with the intent of advancing a political, religious, or an ideological cause (Terrorism Act 2000, 2000).

Canada

In 2001, Canada defined terrorism as any act committed for a political, religious, or an ideological purpose, with the intention of intimidating the public, with regard to its security, or compelling a person, a government, or organization to do or refrain from doing any act, that intentionally causes death or serious bodily harm to a person, endangers a person's life, causes a serious risk to the health or safety of the public, causes substantial property damage, or causes serious disruption of essential services, facilities, or systems other than as a result of advocacy, protest, dissent, or stoppage of work. The Canadian definition also includes acts of conspiracy, attempts, or threats to commit any

such act, being an accessory after the fact, or providing counseling in relation to any such act (Bill C-36, 2001).

The European Union

The European Union drafted a framework for combating terrorism in 2002 and recommended member nations draft domestic laws in accordance with its provisions. The definition of terrorism included acts involving: attacks upon a person's life or upon the physical integrity of a person; kidnapping or hostage taking; causing of extensive destruction to a government or public facility, transport system, or an infrastructure facility likely to endanger human life or result in major economic loss; the seizure of aircraft, ships, or other means of transport; the manufacture, possession, acquisition, transport, supply, or use of weapons, explosives, or of nuclear, biological, or chemical weapons, as well as research into, and development of these weapons; the release of dangerous substances, or causing fires, floods, or explosions in attempt to endanger human life; the interfering with or disruption of the water or power supply or any other fundamental natural resource with intent to endanger human life; or the threat to commit any of these acts (Bray, 2002).

The United States

In Title 18 of the United States Code, international terrorism is defined as activities that involve violent acts or acts dangerous to human life that are a violation of criminal laws, or that would be a criminal violation if committed within the jurisdiction of the United States or of any state, and are intended to intimidate a civilian population, to influence government policy through intimidation or coercion, or to affect the conduct of government through mass destruction, assassination, or kidnapping that take place

outside the territorial jurisdiction of the United States. Domestic terrorism carries the same definition for offenses that occur within the territorial jurisdiction of the United States (Crimes and Criminal Procedure, 2006). In addition, the United States Military Commissions Act of 2006 defines terrorism as the intentional killing or infliction of great bodily harm on one or more protected persons, or the intentional engagement in an act displaying a wanton disregard for human life, in order to influence or affect the conduct of government or the civilian population by intimidation or coercion, or in retaliation against government conduct (S. Res. 3930, 2006).

As can be seen through the various definitions utilized in multilateral and regional treaties and the domestic laws of various nations, there is no one definition for terrorism; however, there is a consensus as to what acts constitute terrorism. This consensus includes, acts or threats of action against civilian populations intended to invoke fear or to coerce government agencies to act in the will of the offender. Although some nations have included various other offenses, including targeting infrastructure, the financing and organizing of terrorist activities, and motivations including religious and political goals, there has been no inclusion of a majority of these concerns in multilateral treaties and thus international law. For this reason, and with many nations calling for a united stand against terrorism, it is necessary to develop a definition to be used in a multilateral, comprehensive treaty that the international community can agree upon and enforce.

Proposed Definition

In order to encompass all that terrorism seems to include, as well as to secure wide international acceptance, a broad yet specific definition is necessary. In order to capture the main ideals contained throughout the international community, the following

definition of terrorism is proposed: any intentional act committed in the furtherance of the organization, instigation, facilitation, financing, or encouragement of the preparation or training for acts of aggression, to include the actual preparation or training for acts of aggression, the commission of an act of aggression or the threat of aggression, intended to intimidate, influence, or provoke a sense of panic or fear in an audience for the purpose of securing or maintaining control over that audience in support of political, social, or economic ideals, or to destroy the political, social, or economic foundations of a society, which is not otherwise subject to the regulations or jurisdiction of domestic or international laws.

To ensure terms are not construed beyond their intended meaning, it is necessary to explain certain aspects of this definition. For instance, the term intentional is used so that a person who donates monetary funds to an organization, which unbeknownst to them funnels money to terrorist activities, will not be guilty of an act of terrorism; or, for example, so a person cannot be charged with terrorism if a lawful protest causes fear in a group of individuals. The term aggression is used to encompass all acts of violence and intimidation as these are regular tools of terrorists rather than resorting to listing every type of violence that may be committed by an offender. Considering the various international actions to counter and prevent terrorism, it is obvious that a definition of terrorism should include as offenses, acts that provide support for and financing of terrorist activities in order to move from resorting to armed conflict to combat terrorism toward prosecuting terrorism at all levels, including the support functions that are fundamental to their success. Religion was not included as a motivation, as even those groups who profess a religious basis for their actions are actually seeking some political,

social, or economic goal or remedy. Likewise, this definition does not focus on the actor or target, as these are superfluous if an act is carried out in a manner incongruous with the standards of international law and the laws of war. The final clause is included to allow for states and individual or group actors to follow domestic and international laws and the laws of war in their efforts. It is imperative to include this concept in any definition of terrorism posed for international acceptance as it must not infringe upon the concept of self-determination, and as long as efforts toward self-determination are committed in accordance with international law and the laws of war, this definition would not apply to such acts. As the proposition of a definition of terrorism alone is not sufficient to describe an international plan of action for the evolution of legal principles to counter terrorism, the next chapter will address current policies and practices for dealing with terrorists and those accused of terrorist activity.

CHAPTER IV
CURRENT CLASSIFICATION AND ADJUDICATION OF TERRORISM

Classification and Adjudication through Standing Domestic Penal Codes

As stated in the previous chapter, there is a lack of international consensus on the definition of terrorism, a factor that obviously contributes to the fact that a multilateral treaty ensuring legal recourse against terrorists and those accused of terrorist activity also does not exist. Given the absence of a single policy for classifying acts of terrorism or those detained for terrorist activity and for adjudicating these acts through legal proceedings, many nations have crafted internal policies to classify and prosecute those accused of these activities. This was an imperative step as these perpetrators and their activities, as enumerated by previous chapters, do not fit into categories of protected persons or lawful activities under international law. While some nations have modified domestic criminal codes to align terrorist activities under preexisting violations such as acts of conspiracy, murder, or production of biological weapons which are prosecuted by their domestic justice systems, other nations have developed comprehensive acts of legislation defining terrorism and terrorist activities, as well as procedures for detaining and prosecuting perpetrators of these acts against society.

France

France is one such nation that prohibits acts of terrorism through domestic penal codes, including willful attacks on life, design of biological weapons, and the production of explosives (Penal Code, 2005). France's Code of Criminal Procedure (2006) allows for pre-trial detention for terrorist offenses, other than conspiracy, for a period of two years for crimes punishable by 10 years imprisonment and four years for crimes punishable by

more than 10 years imprisonment. In addition, initial custody for acts of terrorism, and pre-trial detention for acts of conspiracy, are limited to an initial 48-hour period, with two 24-hour extensions allowed if authorized by a judge.

Germany

Germany is another nation that prohibits acts of terrorism through domestic criminal codes. Germany's Criminal Code (1998) prohibits the formation of terrorist groups, as well as acts of terrorism, including murder, conspiracy, and causing explosions. Under provisions of Germany's Criminal Procedure Code (1998), detainees must be brought before a judge within 48 hours to determine their continued detention or release during the investigative period before trial. Continued detention must be reviewed by the judge upon the detainees request or at a maximum of 6-month intervals. The Criminal Procedure Code requires that prosecuting authorities present satisfactory evidence warranting further detention at each of these reviews.

Classification and Adjudication through Specific Domestic Legislation

In contrast to these nations, Australia, the United Kingdom, and the United States are among those nations to enact specific legislation prohibiting acts of terrorism. For example, the Australian Security Intelligence Organisation Act of 1979 and the Security Legislation Amendment Act of 2002 outline criminal acts of terrorism, which are then prosecuted under their domestic legal system.

Australia

The Security Legislation Amendment Act (2002) provides a definition of terrorism, as well as outlines crimes considered acts of terrorism, including being a member of a terrorist organization, receiving training connected with terrorist acts, and

making funds available to terrorist organizations. The Australian Security Intelligence Organisation Act (1979) also allows for questioning of those accused of these crimes and individuals suspected of having information related to acts of terrorism for a total of 24 hours, or 48 hours if an interpreter is needed, and to detain them for a maximum of 168 hours, if specified by the warrant issued for their questioning. An individual with judicial experience must supervise this questioning and the person being questioned has a right to have a lawyer present, to complain to the Inspector General, and to seek remedies in federal court (Australian Security Intelligence Organisation Act, 1979). Individuals detained for suspicion of participation in a terrorist offense can initially be questioned for only four hours, although this may be extended to 24 hours through application to a magistrate, after which they must be formally charged or released (Security Legislation Amendment Act, 2002).

The United Kingdom

Similarly, the United Kingdom's Terrorism Act (of) 2006 outlines offenses and legal procedures concerning acts of terrorism. The Terrorism Act (of) 2006 includes prohibitions against encouraging terrorism, training for terrorist activities, and the making of radioactive devices. A person suspected of terrorist activity may be arrested without a warrant and detained for a period of 48 hours from their arrest or from the beginning of their interrogation (Terrorism Act 2000, 2000). If an application for a warrant is then approved, the detention period may be extended for up to 28 days upon approval of judicial authority, which may be renewed for additional time-periods not to exceed one-year maximum detentions. Alleged offenders are then prosecuted in the Crown Court if

judicial authorities have presented convincing evidence warranting a trial (Terrorism Act 2006, 2006).

The United States

The United States has also enacted specific legislation prohibiting acts of terrorism, although for various reasons, its policies have become the subject of widespread global criticism. Chapter 113B of Title 18 of the United States Code prohibits multiple acts of terrorism, including homicide, the use of weapons of mass destruction, and providing material support to terrorists, as well as the criminal sanctions for parties found guilty of these crimes in a United States court (Crime and Criminal Procedures, 1990). Several other pieces of legislation enacted since 2001 include provisions for the criminalization of acts of terrorism and procedures for adjudication of these activities. House Resolution 3162 (2002), the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, otherwise known as the USA PATRIOT Act, outlines additional offenses and their penalties not covered in Title 18, as well as makes the distinction between domestic and international terrorism. Like violations of Chapter 113B of Title 18 of the United States Code, violations of House Resolution 3162 are also adjudicated through United States courts.

Unlike the two previous statutes, House Resolution 2863 (2005), also referred to as the Department of Defense Appropriations Act, 2006, includes provisions for the Detainee Treatment Act of 2005, which outlines procedures for processing detainees accused of terrorist activity captured during armed conflict whose actions are not addressed by provisions of Title 18 or House Resolution 3162. Additionally, provisions of House Resolution 2863 attempt to account for the classification dilemma posed by

these detainees as to whether they are entitled to protections under the Geneva Conventions, as discussed previously in Chapter 2. House Resolution 2863 (2005) authorized judicial review of detainee classification determinations by the United States Court of Appeals for the District of Columbia Circuit, but prohibited judicial consideration of a writ of habeas corpus filed by or on the behalf of an alien detained by the Department of Defense at Guantanamo Bay, Cuba (H. Res. 2863, 2005). House Resolution 2863 also prohibited review of any other actions relating to any aspect of detention of an alien by the Department of Defense who was currently either in military custody or had been determined by the United States Court of Appeals for the District of Columbia Circuit to have been appropriately classified as an enemy combatant by a Combatant Status Review Tribunal (CSRT). Combatant Status Review Tribunals were established by the office of the Deputy Secretary of Defense in July 2004 in order for foreign nationals detained by the Department of Defense at the Guantanamo Bay Naval Base, Cuba to contest their designation as enemy combatants (Order Establishing Combatant Status Review Tribunal, 2004). Each CSRT is comprised of three neutral commissioned officers of the United States Armed Forces who were not involved in the apprehension, detention, interrogation, or previous status determination of the detainee. The Order Establishing Combatant Status Review Tribunal (2004) outlines the procedures for the tribunal to include allowances for detainee legal representation, interpreters, detainee attendance at all proceedings, and standards for rules of evidence.

Furthermore, the Military Commissions Act (MCA) of 2006 (S. Res. 3930, 2006) established procedures for the trial of alien unlawful enemy combatants engaged in hostilities against the United States for violations of the laws of war. Obviously, this is

very different from the procedures of the previously mentioned nations, as the United States has authorized military tribunals to adjudicate cases of suspected terrorist activity by alien detainees. The MCA of 2006, in essence, established legal procedures for cases involving alien detainees suspected of acts of terrorism in cases where their classification did not meet the requirements of any level of protected person or lawful combatant as defined in provisions of international law, the Geneva Conventions, or relevant domestic laws. In attempt to provide a classification determination for these detainees, the MCA of 2006 defined an unlawful enemy combatant as:

> A person who has engaged in hostilities or has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense (p. 3).

This distinction is important as the unlawful enemy combatant as described is a nonexistent legal entity under international law, yet was utilized as these detainees did not qualify for classification as any of the legal entities outlined by international law or the Geneva Conventions. Rulings of the tribunals can be appealed to the Court of Military Commission Review or to the United States Court of Appeals for the District of Columbia Circuit. Although the Convention Relative to the Treatment of Prisoners of War (1949) states that when the status of a detainee who has engaged in belligerent

activities is in question they are to be treated and protected in accordance with its provisions until a tribunal may rule otherwise, the provisions of the MCA of 2006 provide a foundation for the treatment of detainees given the necessities of intelligence and security in the global war on terrorism which could not have been conceived given the nature of warfare in 1949. As the provisions of the MCA of 2006 and the CSRT apply only to detainees of the United States, there is an obvious need for the revision of international law to provide new legal measures for dealing with detainees whose classification and legal status are not currently addressed.

Recent United States Court Cases

In addition to the separate trial system used in the United States, what is particularly interesting in relation to procedures in the United States is that they do not provide for any limitation of the length of detention of those suspected of terrorist acts. This has led to numerous court cases filed in United States federal court system questioning the legality of these statutes and their provisions. Decisions rendered in three cases since the enactment of the MCA of 2006 have challenged the authority of the military to try detainees suspected of terrorist activity, as well as their ability to detain them indefinitely without allowing the filling of writs of habeas corpus.

Boumediene v. Bush

In *Boumediene v. Bush* (2008), the United States Supreme Court ruled that the procedures outlined in the MCA of 2006 did not formally suspend the writ of habeas corpus as required by Article 1, Section 9, Clause 2 of the United States Constitution. This ruling reversed the decision of the appellate court stating that Boumediene, although an alien detainee in custody of the Department of Defense, had the right to challenge his

detention in federal court. This was a landmark case in that it paved the way for additional detainees to challenge their detention at Guantanamo Bay, Cuba.

Parhat v. Gates and Hamdan v. Gates

Following the Boumediene decision, the United States Court of Appeals for the District of Columbia Circuit ruled in *Parhat v. Gates* (2008) that Parhat should either receive a new Combatant Status Review Tribunal to reevaluate his classification as an enemy combatant, be transferred, or be released from the military detention facility. The appellate court found that the evidence presented to classify Parhat as an enemy combatant was not sufficient and ruled that his release, transfer, or receipt of a new Combatant Status Review Tribunal should not interfere with his right to file a writ of habeas corpus, as provided by the Boumediene decision. Surprisingly, following the Parhat decision, the United States Court of Appeals for the District of Columbia Circuit ruled in *Hamdan v. Gates* (2008) that Hamdan, allegedly a driver for Osama bin Laden, could petition for a writ of habeas corpus only after completion of his trial under the provisions MCA of 2006.

While it would have seemed that the Boumediene ruling would have postponed the military tribunals, the recent ruling in *Hamdan v. Gates* (2008) represents the disparities that exist in the search for standard procedures for adjudicating cases involving detainees accused of participation in terrorist activities. Although each of the nations outlined above vary in their procedures for adjudicating cases involving detainees, their definitions of crimes and apparent agreement on the classification of detainees outside of provisions of the Geneva Convention hint at the possibility that there

might be support for a revision to international laws and policies aimed at ensuring all acts of terrorism are handled similarly.

CHAPTER V
PROPOSED CLASSIFICATION AND ADJUDICATION OF TERRORISM

International Acceptance of Proposed Definition of Terrorism

As previous chapters have outlined, while individual nations have enacted policies regarding terrorism and suspected terrorist detainees, the multinational treaties currently in force regarding the laws of war and terrorism do not adequately reflect an internationally accepted definition of which acts constitute terrorism, nor do they provide provisions for the classification of detainees, or a means for the prosecution of their transnational activities. While rapid globalization necessitates increased international cooperation, relations remain strained due, in part, to criticism over domestic policies for dealing with terrorism, which were enacted to overcome the restraints of outdated treaties in the face of an emerging threat.

In order to overcome these obstacles, the international community must agree upon a universal definition of terrorism so that appropriate steps may be taken to codify, through multilateral treaty, legal guidance on procedures for countering international terrorism. International acceptance of the following definition of terrorism would serve as a foundation for a multilateral treaty aimed at countering terrorism. As outlined previously, terrorism should be defined as: any intentional act committed in the furtherance of the organization, instigation, facilitation, financing, or encouragement of the preparation or training for acts of aggression, to include the actual preparation or training for acts of aggression, the commission of an act of aggression or the threat of aggression, intended to intimidate, influence, or provoke a sense of panic or fear in an audience for the purpose of securing or maintaining control over that audience in support

of political, social, or economic ideals, or to destroy the political, social, or economic foundations of a society, which is not otherwise subject to the regulations or jurisdiction of domestic or international laws. With this definition as a baseline, the international community can progress beyond statements of condemnation, revise current treaties on the laws of war, and develop a comprehensive treaty detailing procedures for countering international terrorism.

Revision of Geneva Conventions and Establishment of Comprehensive Treaty

Upon acceptance of this definition of terrorism, the provisions of the Geneva Conventions must be revised in order to include procedures for the classification of detainees suspected of terrorism. This is necessary to avoid confusion over their belligerent status and to enumerate appropriate measures to ensure a balance between intelligence gathering, legal prosecution, and human rights, as these individuals pose a specific threat to non-combatants that the current provisions cannot prevent. Although a necessary step, the specific nature of these provisions is not the focus of this document. A multilateral, comprehensive treaty must then be drafted and entered into force in order to counter terrorist activities.

Current Endeavors

Although the United Nations General Assembly Resolution 51/210 (1996) established an Ad Hoc Committee to the Sixth Committee (United Nations Legal Committee) tasked with drafting a comprehensive convention for dealing with international terrorism, they have yet, after 12 years, to deliver a final product although there is a draft version that remains under debate. Obviously, this is an enormous undertaking given the divisive nature of the subject; however, a plan must be in place to

counter international terrorism that allows nations to pursue legal prosecution of suspects rather than engaging in belligerent activities, especially given the nature of non-state sponsored terrorism. While the Ad Hoc Committee established by General Assembly Resolution 51/210 includes representatives from each of the member nations of the United Nations Security Council with veto power (China, France, Germany, the Russian Federation, and the United States), it has been unable to arrive at an agreement among the 76 other member nations of the committee as to a comprehensive plan to counter terrorism (United Nations General Assembly AC.252/2000/INF/1, 2000). Given their substantial means of influence, these five nations must take the lead in ensuring an acceptable treaty is implemented in an expeditious manner, as well as exerting their various instruments of power (i.e., diplomatic, economic, etc.) to ensure all nations adhere to its provisions.

Recommended Course of Action

In order to complete work on a comprehensive counter-terrorism treaty, the United Nations General Assembly should task the Security Council's Counter-Terrorism Committee, a smaller committee of the 15 member states of the Security Council with completing the comprehensive counter-terrorism treaty to include the aforementioned universal definition of terrorism (United Nations Security Council Resolution 1373, 2001). Furthermore, this committee should work with the Ad Hoc Committee to the Sixth Committee, as well as the United Nations Counter-Terrorism Implementation Task Force (see Appendix E for a list of representatives) to ensure provisions are included that outline the elements of every activity considered a crime under the proposed definition, punishments for violations, as well as rights due to the accused and procedures for legal

prosecution. This is the most direct means by which to arrive at a final version of a counter-terrorism treaty as the members of Security Council have the greatest ability to exert their influence and instruments of power on other nations.

Considerations for Comprehensive Treaty

In detailing the elements of, and punishments for, each crime under the proposed definition, the comprehensive treaty to counter international terrorism should include, at a minimum, the following activities: providing financing to a terrorist organization; providing or participating in training for terrorist activities; conspiring to engage in terrorist activities; inciting or encouraging membership in terrorist groups or participation in terrorist activities; providing safe-haven, equipment, or intelligence to terrorists; and engagement in threats, or actual acts, of aggression (including bombings, hijackings, assassinations, murder, kidnapping, cyber-terrorism, etc.). Furthermore, the treaty must enumerate the rights of the accused to include rights during intelligence gathering and criminal interrogations, as well as during pre-trial, trial, and post-trial stages of the prosecution. As referred to previously, the deterrence of terrorist activity, because of its threat to non-combatant populations and targets, requires specific provisions for intelligence gathering (to prevent attacks), as well as for prosecution (for alleged activities that have already occurred). While the treaty must address the concerns for intelligence gathering, these provisions are beyond the scope of this document.

Rights of the Accused

By enumerating the rights of the accused during criminal interrogation and the various stages of prosecution, the treaty can lay the foundation for a universal means of prosecution of international terrorism as opposed to the varied domestic means currently

employed by various nations as discussed previously. These rights should include a limit on detention periods prior to the leveling of formal charges, provisions for the disposition of the convicted upon the completion of their sentence (e.g., extradition to host nation, granting of asylum, etc.), and at a minimum: the right to council; the right to humanitarian treatment (as per the requirements of international humanitarian law); the right against self-incrimination; the right to examine prosecutorial evidence, as well as to present evidence in their defense; the right to cross-examine witnesses; and the right to an appeal process.

Jurisdictional Considerations

In addition to these items, the treaty must also outline the procedures for prosecuting those accused of acts of international terrorism. For acts of international terrorism, it is proposed that cases be tried through the International Criminal Court. Just as breaches of the prohibitions of the aforementioned multilateral treaties constitute war crimes, and as such are tried at the ICC, breaches of the comprehensive treaty on counter-terrorism should also fall within the jurisdiction of the ICC. The ICC would apply the previously mentioned principles established by the revision of the international law of armed conflict and by the comprehensive treaty to counter terrorism in the execution of its duties as to these crimes. However, revisions to the Rome Statute may be necessary to ensure international acceptance of the jurisdiction of the ICC especially in terms of individual protections and legal rights. As this is no small undertaking, especially given the reluctance of some nations to ratify the original Rome Statue, efforts to ensure the success of this type of program, as well as the adoption of the previous proposals must be discussed.

Application of Instruments of Power

The terrorist threat and acts of terrorism continue to pose significant risks to the international community and the efforts to bring these individuals to justice remain a drain on the militaries, justice systems, and economies of the world. Although there have certainly been significant steps to counter terrorism in the 12 years since the United Nations tasked the Ad Hoc Committee to the Sixth Committee with drafting a multilateral treaty, the nature of the terrorist threat demands swift resolution as to the development of a comprehensive treaty to counter terrorism.

In order to expedite the development and implementation of a multilateral treaty to counter terrorism the members of the Security Council's Counter-Terrorism Committee should use the various instruments of power available to their national governments to influence the drafting of the treaty, its ratification by a majority of, if not all, members of the United Nations, and its enforcement. By using diplomatic or economic instruments of power, influence could be wielded to ensure a swift outcome through withholding aid packages, refusal of trade packages, or through promises of diplomatic cooperation on unrelated programs or initiatives. Although these types of political leveraging are not without risk, they are a more appealing option than the alternative of having to commit military resources to curb the activities of the numerous terrorist groups throughout the global community, which, at a minimum, includes 41 organizations (see Appendix F for a list of organizations) designated as Foreign Terrorist Organizations by the United States Department of State (United States Department of State, 2008b).

For illustrative purposes, the following example of the application of the economic instrument of power by the United States in order to secure support for, ratification of, and enforcement of, a comprehensive counter-terrorism treaty is provided. It is imperative that this be regarded as an example of the application of power only and not necessarily interpreted as a recommended course of action. This example assumes a lack of support by the Russian Federation, a member of the United Nations Security Council with veto power, and the Democratic People's Republic of Korea for the proposed comprehensive treaty to counter terrorism, and that the Russian Federation provides federal assistance to the Democratic People's Republic of Korea. In order to secure support from the Russian Federation and the Democratic People's Republic of Korea, the United States could impose economic sanctions on each, citing provisions of The Foreign Assistance Act of 1961 (2003) and the Antiterrorism and Effective Death Penalty Act of 1996 (S. Res. 735, 1996) as legal justification for this type of action.

The Foreign Assistance Act of 1961 (2003) prohibits aid to Democratic People's Republic of Korea, as a communist nation, without specific justification for waiver provided by the President of the United States to Congress. In addition, the Antiterrorism and Effective Death Penalty Act of 1996 (S. Res. 735, 1996) states that the President of the United States can withhold assistance from the government of any country that provides assistance to the government of any other country determined by the Secretary of State to have "repeatedly provided support for acts of international terrorism" (The Foreign Assistance Act of 1961, 2003, p. 310). As the Department of State considers the Democratic People's Republic of Korea to be a state sponsor of terrorism (United States Department of State, 2008a), aid could be withheld from the Russian Federation under

the Antiterrorism and Effective Death Penalty Act of 1996. In order to fully understand the ramifications of this course of action, it is important to examine its fiscal impact.

The Russian Federation's estimated Gross Domestic Product (GDP) in 2007 was $2,088,000,000,000 (Central Intelligence Agency, 2008b). In 2006, the United States provided $84,285,000 in foreign assistance to the Russian Federation under the Food for Peace Title II program, the FREEDOM Support Act, and the Child Survival and Health Programs Fund (United States Agency for International Development, 2006). Additional United States aid, in the amount of $1,443,000, was provided to the Russian Federation under the International Military Education and Training program and the Nonproliferation, Anti-Terrorism, Demining, and Related Programs fund (Congressional Budget Justification for Foreign Operations, 2007). Although only 0.004% of their GDP, certainly the withholding of $85,728,000 would have a substantial impact on the Russian Federation's economy, as well as on its military and social initiatives.

The estimated GDP of the Democratic People's Republic of Korea in 2007 was $40,000,000,000 (Central Intelligence Agency, 2008a). Despite the provisions of the Foreign Assistance Act of 1961 (2003), the United States provided $9,629,000 in foreign assistance to the Democratic People's Republic of Korea under the Food for Peace Title II program (United States Agency for International Development, 2006). Again, while only 0.024% of their GDP, it is certain that the withholding of $9,629,000 would have a substantial impact on the Democratic People's Republic of Korea, as the entirety of this amount provided essential commodities for their population.

By withholding federal assistance, the United States could convince the Russian Federation to not only support the comprehensive treaty, but also to exert its influence

over the Democratic People's Republic of Korea to gain their support. Although the Democratic People's Republic of Korea may resist, capitulation is likely in the absence of assistance from the United States, as well as from the Russian Federation, as it would likely discontinue its aid to the Democratic People's Republic of Korea, requiring those funds for domestic use in the absence of assistance from the United States. Obviously, these measures and their domino effect could be applied to many nations to secure support for the comprehensive treaty, especially by the United States, as its $19,000,000,000 in foreign assistance in 2004 far out-paced Japan, the next leading provider, which contributed only $8,860,000,000 (Nowles, 2005).

As mentioned previously, numerous actions can be taken under any one, or a combination of, the various instruments of power to secure support for, ratification of, and enforcement of the proposed comprehensive treaty to counter terrorism. The above outlined example should be considered a simplified example for purposes of illustration of this point. Furthermore, it is necessary to consider the implications the adoption of such a treaty would have on both current domestic and international policies.

Policy Implications

As the recommended courses of action are a departure from current endeavors and the standing domestic and international policies of various nations, there are numerous policy implications that arise from the enactment of a multilateral, comprehensive treaty to counter terrorism. As stated previously, the Geneva Conventions of 1949 and their additional protocols would need to be revised. In addition, each of the regional treaties would need to be dissolved, or more conveniently, listed as superseded by the text of the comprehensive treaty. Furthermore, the domestic penal codes and terrorism legislation

would need to be amended or repealed in order to account for terms of the treaty. Of course, as the treaty would apply only to acts of international terrorism, nations could maintain domestic laws and terrorism legislation to account for the adjudication of acts of domestic terrorism. Perhaps the most significant changes would occur within the United States in terms of what would then be the superseded provisions of the Detainee Treatment Act of 2005 and the MCA of 2006. Despite the wide variety of definitions used by and provisions of the various existing treaties and laws on counter-terrorism, it is apparent that a relative level of agreement exists as to what constitutes terrorism. For this reason, it is likely that many nations will support the proposals outlined by this document, as well as the specifications enumerated by the comprehensive treaty. There will, however, be those who oppose any such endeavor.

Possible Alignment of Proponents and Opponents to a Comprehensive Treaty

Given the unanimous approval of the United Nations Global Counter-Terrorism Strategy, one would assume that all member states would support a comprehensive treaty; however, given that one has not been approved in the last 12 years, perhaps this is an altruistic goal. Rather, it is more likely that nations will align themselves as either proponents or opponents of the treaty based upon their political commitments to each other. It is likely that nations considered state sponsors of terrorism, such as, Cuba, Iran, the Democratic People's Republic of Korea, Sudan, and Syria (United States Department of State, 2008a), as well as those nations who share political, cultural, or economic ties with these nations, including China, France, Lebanon, and the Russian Federation, will potentially oppose a comprehensive treaty to counter terrorism (see Bajoria, 2008; Bryant, 2008; Meyer, 2008; Pan, 2005 for alignment of socio-political and economic

ties). In addition, although the United States has yet to ratify the original Rome Statute, it is likely that it may concede jurisdiction to the ICC for cases of international terrorism in order to avoid costly military campaigns in the future. Of course, this likely depends on the ability of the United States to play a major role in crafting the treaty, especially in terms of the provisions regarding adjudication and legal rights and procedures. However, assuming these provisions meet the approval of the United States, it will likely align with the majority of nations who will favor approval of a comprehensive counter-terrorism treaty. These nations are likely to include the United Kingdom and a majority of the European Union, Australia, Canada, and many Central and South American, African, and Asian nations, a majority of whom have ratified the existing Rome Statute and are signatories to the current United Nations Global Counter-Terrorism Strategy (see International Criminal Court, 2007; United Nations General Assembly Resolution 60/288, 2006; United Nations Member States, 2008 for alignment of nations under these documents).

CHAPTER VI
CONCLUSION

Through the discussion of the evolution of internationally recognized legal entities, the classification of their actions, the various definitions of terrorism, and the numerous treaties and domestic laws prohibiting terrorism, the intent of this thesis was to highlight the dilemma surrounding the institution of a comprehensive international treaty aimed at countering terrorism. The main purpose of this thesis, however, was to propose a universal definition of terrorism for use in drafting a multilateral treaty to counter acts of international terrorism. Without an internationally accepted definition of terrorism, it is impossible to create a comprehensive policy on counter-terrorism as nations must agree as to what constitutes terrorism in order to classify and adjudicate these acts as international crimes. As this analysis has shown, current international laws, including multilateral treaties governing the laws of war, do not adequately provide nations with legal recourse in countering terrorism. As such, nations continue to resort to military and police actions to reduce the risk of attack and pursue perpetrators of these illegal acts. While undertaken to protect the sovereignty of their nations from terroristic transgressions, these countermeasures continue to strain international relations, especially given the transnational nature of conducting military operations within another nation.

The result is a direct contradiction between the goals of domestic security policies and the pursuit of increased political and economic ties between nations in the interest of the ever-expanding global marketplace and environment. For example, while the United States National Security Strategy includes provisions to Strengthen Alliances to Defeat Global Terrorism and Work to Prevent Attacks Against Us and Our Friends, it also

includes provisions to: Ignite a New Era of Global Economic Growth through Free Markets and Free Trade, Expand the Circle of Development by Opening Societies and Building the Infrastructure of Democracy, and to Engage the Opportunities and Confront the Challenges of Globalization (The National Security Strategy of the United States of America, 2006). In the case of the United States then, the objective of defeating global terrorism, if pursued through military operations, has the potential to inhibit the objectives of igniting economic growth, expanding democracy, and confronting challenges of globalization.

The acceptance of the proposed definition and recommended courses of action will enable greater international political cooperation in efforts to counter terrorism while potentially minimizing the impact of these actions on other domestic and international policy goals. Indeed, given the vast costs of military counter-terrorism operations, an estimated 3,000 military personnel killed in action, 25,000 wounded in action, and expenditures in excess of $502,000,000,000 as of the end of fiscal year 2006 in the United States alone (The Global War on Terror (GWOT), 2007), the acceptance of the proposed recommendations offers alternatives that will potentially result in socio-economic and political impacts that will likely be more favorable than those of present policies.

In the absence of a comprehensive, multilateral treaty to counter terrorism, nations will continue to struggle either independently or within the confines of their regional partners or allies to counter the threat of terrorism. Continued political polarization in regards to the issue of international terrorism can result in nothing more than a hindrance to the global marketplace, a lack of international cooperation on the

various challenges that face our ever-shrinking geographic boundaries, and the prevention of global contributions to heightened cultural understanding.

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APPENDICES

Appendix A

State Parties to the Third and Fourth Geneva Conventions, the First and Second Additional Protocols, and the Rome Statue

Nation	Geneva III	Geneva IV	1st Protocol	2nd Protocol	Rome Statute
Afghanistan	X	X			X
Albania	X	X	X	X	X
Algeria	X	X	X	X	
Andorra	X	X			X
Angola	X	X	X		
Antigua/Barbuda	X	X	X	X	X
Argentina	X	X	X	X	X
Armenia	X	X	X	X	
Australia	X	X	X	X	X
Austria	X	X	X	X	X
Azerbaijan	X	X			
Bahamas	X	X	X	X	
Bahrain	X	X	X	X	
Bangladesh	X	X	X	X	
Barbados	X	X	X	X	X
Belarus	X	X	X	X	
Belgium	X	X	X	X	X
Belize	X	X	X	X	X
Benin	X	X	X	X	X
Bhutan	X	X			
Bolivia	X	X	X	X	X
Bosnia/Herzegovina	X	X	X	X	X
Botswana	X	X	X	X	X
Brazil	X	X	X	X	X
Brunei Darussalam	X	X	X	X	
Bulgaria	X	X	X	X	X
Burkina Faso	X	X	X	X	X
Burundi	X	X	X	X	X
Cambodia	X	X	X	X	X
Cameroon	X	X	X	X	
Canada	X	X	X	X	X
Cape Verde	X	X	X	X	
Central African Republic	X	X	X	X	X
Chad	X	X	X	X	X

Nation	Geneva III	Geneva IV	1st Protocol	2nd Protocol	Rome Statute
Chile	X	X	X	X	
China	X	X	X	X	
Cook Islands	X	X	X	X	X
Colombia	X	X	X	X	X
Comoros	X	X	X	X	X
Republic of the Congo	X	X	X	X	X
Costa Rica	X	X	X	X	X
Côte d'Ivoire	X	X	X	X	
Croatia	X	X	X	X	X
Cuba	X	X	X	X	
Cyprus	X	X	X	X	X
Czech Republic	X	X	X	X	
Democratic People's Republic of Korea	X	X	X		
Democratic Republic of the Congo	X	X	X	X	X
Denmark	X	X	X	X	X
Djibouti	X	X	X	X	X
Dominica	X	X	X	X	X
Dominican Republic	X	X	X	X	X
Ecuador	X	X	X	X	X
Egypt	X	X	X	X	
El Salvador	X	X	X	X	
Equatorial Guinea	X	X	X	X	
Eritrea	X	X			
Estonia	X	X	X	X	X
Ethiopia	X	X	X	X	
Fiji	X	X	X	X	X
Finland	X	X	X	X	X
France	X	X	X	X	X
Gabon	X	X	X	X	X
Gambia	X	X	X	X	X
Georgia	X	X	X	X	X
Germany	X	X	X	X	X
Ghana	X	X	X	X	X
Greece	X	X	X	X	X
Grenada	X	X	X	X	
Guatemala	X	X	X	X	
Guinea	X	X	X	X	X
Guinea-Bissau	X	X	X	X	

Nation	Geneva III	Geneva IV	1st Protocol	2nd Protocol	Rome Statute
Guyana	X	X	X	X	X
Haiti	X	X	X	X	
Holy See	X	X	X	X	
Honduras	X	X	X	X	X
Hungary	X	X	X	X	X
Iceland	X	X	X	X	X
India	X	X			
Indonesia	X	X			
Iran	X	X			
Iraq	X	X			
Ireland	X	X	X	X	X
Israel	X	X			
Italy	X	X	X	X	X
Jamaica	X	X	X	X	
Japan	X	X	X	X	X
Jordan	X	X	X	X	X
Kazakhstan	X	X	X	X	
Kenya	X	X	X	X	X
Kiribati	X	X			
Kuwait	X	X	X	X	
Kyrgyzstan	X	X	X	X	
Laos	X	X	X	X	
Latvia	X	X	X	X	X
Lebanon	X	X	X	X	
Lesotho	X	X	X	X	X
Liberia	X	X	X	X	X
Libya	X	X	X	X	
Liechtenstein	X	X	X	X	X
Lithuania	X	X	X	X	X
Luxembourg	X	X	X	X	X
Madagascar	X	X	X	X	X
Malawi	X	X	X	X	X
Malaysia	X	X			
Maldives	X	X	X	X	
Mali	X	X	X	X	X
Malta	X	X	X	X	X
Marshall Islands	X	X			X
Mauritania	X	X	X	X	

Nation	Geneva III	Geneva IV	1st Protocol	2nd Protocol	Rome Statute
Mauritius	X	X	X	X	X
Mexico	X	X	X		X
Micronesia	X	X	X	X	
Monaco	X	X	X	X	
Mongolia	X	X	X	X	X
Montenegro	X	X	X	X	X
Morocco	X	X			
Mozambique	X	X	X	X	
Myanmar	X	X			
Namibia	X	X	X	X	X
Nauru	X	X	X	X	X
Nepal	X	X			
Netherlands	X	X	X	X	X
New Zealand	X	X	X	X	X
Nicaragua	X	X	X	X	
Niger	X	X	X	X	X
Nigeria	X	X	X	X	X
Norway	X	X	X	X	X
Oman	X	X	X	X	
Pakistan	X	X			
Palau	X	X	X	X	
Panama	X	X	X	X	X
Papua New Guinea	X	X			
Paraguay	X	X	X	X	X
Peru	X	X	X	X	X
Philippines	X	X		X	
Poland	X	X	X	X	X
Portugal	X	X	X	X	X
Qatar	X	X	X	X	
Republic of Korea	X	X	X	X	X
Republic of Moldova	X	X	X	X	X
Romania	X	X	X	X	X
Russian Federation	X	X	X	X	
Rwanda	X	X	X	X	
Saint Kitts and Nevis	X	X	X	X	X
Saint Lucia	X	X	X	X	
Saint Vincent/Grenadines	X	X	X	X	X
Samoa	X	X	X	X	X

Nation	Geneva III	Geneva IV	1st Protocol	2nd Protocol	Rome Statute
San Marino	X	X	X	X	X
Sao Tome and Principe	X	X	X	X	
Saudi Arabia	X	X	X	X	
Senegal	X	X	X	X	X
Serbia	X	X	X	X	X
Seychelles	X	X	X	X	
Sierra Leone	X	X	X	X	X
Singapore	X	X			
Slovakia	X	X	X	X	X
Slovenia	X	X	X	X	X
Solomon Islands	X	X	X	X	
Somalia	X	X			
South Africa	X	X	X	X	X
Spain	X	X	X	X	X
Sri Lanka	X	X			
Sudan	X	X	X	X	
Suriname	X	X	X	X	X
Swaziland	X	X	X	X	
Sweden	X	X	X	X	X
Switzerland	X	X	X	X	X
Syrian Arab Republic	X	X	X		
Tajikistan	X	X	X	X	X
Thailand	X	X			
Macedonia	X	X	X	X	X
Timor-Leste	X	X	X	X	X
Togo	X	X	X	X	
Tonga	X	X	X	X	
Trinidad and Tobago	X	X	X	X	X
Tunisia	X	X	X	X	
Turkey	X	X			
Turkmenistan	X	X	X	X	
Tuvalu	X	X			
Uganda	X	X	X	X	X
Ukraine	X	X	X	X	
United Arab Emirates	X	X	X	X	
United Kingdom	X	X	X	X	X
Tanzania	X	X	X	X	X
United States of America	X	X			

Nation	Geneva III	Geneva IV	1st Protocol	2nd Protocol	Rome Statute
Uruguay	X	X	X	X	X
Uzbekistan	X	X	X	X	
Vanuatu	X	X	X	X	
Venezuela	X	X	X	X	X
Viet Nam	X	X	X		
Yemen	X	X	X	X	
Zambia	X	X	X	X	X
Zimbabwe	X	X	X	X	

Appendix B

Legal Entities and Classification of Acts Based Upon International Law and the Proposed Definition of Terrorism

Actor	Target	Classification of Act
Combatant(s)	Combatant	Armed Conflict
Organized Resistance Forces	Combatant	Armed Conflict
Combatant(s)	Non-combatant	War Crime
Non-combatant(s)	Combatant/Non-combatant	Terrorism
Unlawful combatant(s)	Combatant/Non-combatant	Terrorism
Mercenaries	Combatant/Non-combatant	Terrorism
Organized Resistance Forces	Non-combatant	Terrorism

Appendix C

Member States of the Organization of the Islamic Conference

Islamic State of Afghanistan
Republic of Albania
People's Democratic Republic of Algeria
Republic of Azerbaijan
Kingdom of Bahrain
People's Republic of Bangladesh
Republic of Benin
Brunei-Darussalam
Burkina-Faso
Republic of Cameroon
Republic of Chad
Union of the Comoros
Republic of Cote d'Ivoire
Republic of Djibouti
Arab Republic of Egypt
Republic of Gabon
Republic of Maldives
Republic of Mali
Islamic Republic of Mauritania
Kingdom of Morocco
Republic of Mozambique
Republic of Niger
Federal Republic of Nigeria
Sultanate of Oman
Islamic Republic of Pakistan
State of Palestine
State of Qatar
Kingdom of Saudi Arabia
Republic of Senegal
Republic of Sierra Leone
Republic of Somalia
Republic of the Sudan
Republic of Suriname
Syrian Arab Republic
Republic of Tajikistan
Republic of Togo
Republic of Tunisia
Republic of Turkey
Republic of Turkmenistan
Republic of Uganda
State of the United Arab Emirates
Republic of Uzbekistan
Republic of Yemen
Republic of Gambia
Republic of Guinea
Republic of Guinea-Bissau
Republic of Guyana
Republic of Indonesia
Republic of Iran
Republic of Iraq
Hashemite Kingdom of Jordan
Republic of Kazakhstan
State of Kuwait
Kyrgyz Republic
Republic of Lebanon
Great Socialist People's Libyan Arab Jamahiriya
Malaysia

Appendix D

Member States of the Organization of African Unity

Algeria
Angola
Benin
Botswana
Burkina Faso
Burundi
Cameroun
Cap Vert
Centrafricaine
Comores
Congo
Republique Democratique du Congo
Cote d'Ivorie
Djibouti
Egypt
Equatoriale Guinea
Eritrea
Ethiopia
Gabon
Gambia
Ghana
Guinea Bissau
Guinea
Kenya
Lesotho
Liberia
Libya
Madagascar
Malawi
Mali
Mauritania
Mauritius
Mozambique
Namibia
Niger
Nigeria
Rwanda
Republique Arabe Sahraouie Democratique
Sao Tome and Principe
Senegal
Seychelles
Sierra Leone
Somalia
South Africa
Sudan
Swaziland
Tanzania
Tchad
Togo
Tunisie
Uganda
Zambia
Zimbabwe

Appendix E

United Nations Counter-Terrorism Implementation Task Force Representatives

Counter-Terrorism Committee Executive Directorate
Department of Peacekeeping Operations
Department of Political Affairs
Department of Public Information
Department of Safety and Security
Expert Staff of the Security Council Committee established pursuant to Resolution 1540
International Atomic Energy Agency
International Civil Aviation Organization
International Maritime Organization
International Monetary Fund
International Criminal Police Organization
Monitoring Team of the Security Council Committee established pursuant to Resolution 1267
Office for Disarmament Affairs
Office of the High Commissioner for Human Rights
Office of Legal Affairs
Organization for the Prohibition of Chemical Weapons
Special Rapporteur on the promotion and protection of human rights while countering terrorism
United Nations Development Programme
United Nations Educational, Scientific and Cultural Organization
United Nations Interregional Crime and Justice Research Institute
United Nations Office on Drugs and Crime
World Customs Organization
World Bank
World Health Organization

Appendix F

Foreign Terrorist Organizations as Defined by the United States Department of State

Abu Nidal Organization
Abu Sayyaf Group
Al-Aqsa Martyrs Brigade
Ansar al-Islam
Armed Islamic Group
Asbat al-Ansar
Aum Shinrikyo
Basque Fatherland and Liberty
Communist Party of the Philippines
Continuity Irish Republican Army
Gama'a al-Islamiyya
HAMAS
Harakat ul-Mujahidin
Hizballah
Islamic Jihad Group
Islamic Movement of Uzbekistan
Jaish-e-Mohammed
Jemaah Islamiya organization
al-Jihad
Kahane Chai
Kongra-Gel
Lashkar-e Tayyiba
Lashkar i Jhangvi
Liberation Tigers of Tamil Eelam
Libyan Islamic Fighting Group
Moroccan Islamic Combatant Group
Mujahedin-e Khalq Organization
National Liberation Army
Palestine Liberation Front
Palestinian Islamic Jihad
Popular Front for the Liberation of Palestine
PFLP-General Command
Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn
al-Qa'ida
al-Qaida in the Islamic Maghreb
Real IRA
Revolutionary Armed Forces of Colombia
Revolutionary Nuclei
Revolutionary Organization 17 November
Revolutionary People's Liberation Party
Shining Path
United Self-Defense Forces of Colombia

Vita

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