The “war on terror” was a term employed by the U. S. administration under President George W. Bush to describe the armed conflict [1] it launched against Al-Qaeda and associated groups following the 11 September 2001 terrorist attacks [2] against the U. S. It comprised of a military campaign against Afghanistan (which, at the time, was under the government of the Taliban, who were accused of harbouring Al-Qaeda leaders) and of attacks against or arrests of suspected Al-Qaeda members or other terrorists [3] elsewhere in the world.

The Bush administration determined that its “war on terror” was neither an international [4] nor a non-international armed conflict [5] because Al-Qaeda was not a State party to the Geneva Conventions [6] and the conflict went beyond the territory of one State. Furthermore, it held that its enemies in the conflict were neither combatants [7] nor civilians [8] but unlawful combatants [9] who could be attacked at any time and detained indefinitely [10] without trial.

However, this approach was rejected by the US Supreme Court which ruled in the case Hamdan v. Rumsfeld that every armed conflict which “does not involve a clash between nations” is “not of an international character”. The U.S., under the Obama administration, has abandoned the term “war on terror”.

See Armed conflict [1]; Direct participation in hostilities [11]; International armed conflict [4]; Non-international armed conflict
Geneva Conventions [6]; Attacks [2]; Terrorism and terrorists [3]; Internationalized internal armed conflict [12]; Combatants [7]; Civilians [8]; Unlawful combatants [9]; Unprivileged belligerent [13]; Internment [14];

## OUTLINE

Chapter 2, III. 1. e) The global war on terror [15]

## DOCUMENTS

- United States, Closure of Guantanamo Detention Facilities [16]
- United States, Treatment and Interrogation in Detention [17]
- ICRC, International humanitarian law and the challenges of contemporary armed conflicts in 2011 [18]

## CASES

- ICRC, The Challenges of Contemporary Armed Conflicts [19]
- United States, Status and Treatment of Detainees Held in Guantanamo Naval Base [Part IV] [20]
- United States, President’s Military Order [21]
- United States, Hamdan v. Rumsfeld [22]
United States, Military Commissions [23]

United States, Habeas Corpus for Guantanamo Detainees [24]

United States, The Obama Administration’s Internment Standards [25]

United States of America, The Death of Osama bin Laden [26]

ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 [27] (Paras. 80-83 [28])

United States, Jurisprudence Related to the Bombing of the U.S.S. Cole [29]

USA, Guantánamo, End of "Active Hostilities" in Afghanistan [30]

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**Suggested readings:**


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TIGROUDJA Hélène, “Quel(s) droit(s) applicable(s) à la ‘guerre au terrorisme’ ?”, in *AFDI*, Vol. 48, 2002, pp. 81-102.


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