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; Attacks; Terrorism and terrorists; Internationalized internal armed conflict; Combatants; Civilians; Unlawful combatants; Unprivileged belligerent; Internment;

### OUTLINE

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

### DOCUMENTS

United States, Closure of Guantanamo Detention Facilities

United States, Treatment and Interrogation in Detention

ICRC, International humanitarian law and the challenges of contemporary armed conflicts in 2011

### CASES

ICRC, The Challenges of Contemporary Armed Conflicts

United States, Status and Treatment of Detainees Held in Guantanamo Naval Base [Part IV]

United States, President’s Military Order

United States, Hamdan v. Rumsfeld
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]

USA, Jawad v. Gates [31]

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Suggested readings:

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RONA Gabor, “A Bull in a China Shop: The War on Terror and International


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