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]

BIBLIOGRAPHIC RESOURCES

Suggested readings:

BELLAMY Alex J., “No Pain, No Gain? Torture and Ethics in the War on Terror”, in International Affairs, Vol. 82, No. 1, January 2006, pp. 121-146.

BOGAR Thomas, “Unlawful Combatant or Innocent Civilian? A Call to Change the Current Means for Determining Status of Prisoners in the Global War on Terror”, in Florida Journal of International Law, Vol. 21, No. 1, April 2009, pp. 29-


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


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


VIERUCCI Luisa, “Prisoners of War or Protected Persons qua Unlawful


Source URL: https://casebook.icrc.org/glossary/war-terror

Links
[8] https://casebook.icrc.org/glossary/civilians
[10] https://casebook.icrc.org/glossary/detention
[15] https://casebook.icrc.org/law/fundamentals-ihl#b_iii_1_C_e
contemporary-armed-conflicts-in-2011.htm
[22] https://casebook.icrc.org/case-study/united-states-hamdan-v-rumsfeld
[31] https://casebook.icrc.org/case-study/usa-jawad-v-gates