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## The 21st Century Terrorist: Hostis Humani Generis?

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### ABSTRACT

Some argue that 21st century terrorism is no different from the past. This paper argues otherwise. It considers that our social response—The revulsion against the frequent violation of the sanctity of human life and the indiscriminate destruction of property death—Ought to be the most important factor in any attempt to categorise terrorists under international criminal law. Such a proper categorisation is as common enemies of mankind. Part 1 revisits the challenge of definition and of jurisdiction; Part 2 examines the current approaches to terrorism—Domestic, bilateral and international; and Part 3 concludes the argument whether the 21st century terrorist is a common enemy of mankind. The need for alternative social responses if the roots of modern terrorism are to be addressed is also examined.

### KEYWORDS

21st Century Terrorist; Common Enemies of Mankind; Definition; Jurisdiction and Punishment; Human Rights and Extradition; Terror

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### References

- [1] B. Saul, " Attempts to Define ' Terrorism' in International Law," Netherlands International Law Report, Vol. 52, No. 1, 2005, pp. 57-83.
- [2] A. Cassesse, " The Multifaceted Criminal Notion of Terrorism in International Law," Journal of International Criminal Justice, 2006, pp.1-26. doi:10.1093/jicj/mq1074
- [3] B. Saul, " Definition of ' Terrorism' in the UN Security Council: 1985-2004," Chinese Journal of International Law, Vol. 4, No. 1, 2012, pp. 141-166. doi:10.1093/chinesejil/jmi005
- [4] A. van Engeland and R. M. Rudolph, " From Terrorism to Politics," Ashgate, Hampshire, 2008.
- [5] C. J. Tams, " The Use of Force against Terrorists," European Journal of International Law, Vol. 20, No. 2, 2009, pp. 359-397. doi:10.1093/ejil/chp031
- [6] N. Rostow, " Before and after: The Changed UN Response to Terrorism since Sept 11," Cornell International Law Journal, Vol. 35 No. 35, 2001, pp. 475-481.
- [7] T. Wright, " Pakistan Criticises US raid on bin Laden," 2011. <http://online.wsj.com/article/SB10001424052748703922804576301124180651068.html> accessed June 29 2012.
- [8] B. Hoffman, " Inside Terrorism," Columbia University Press, New York, 1998.
- [9] A. Cassesse, " International Law," 2nd Edition, Oxford University Press, New York, 2005.
- [10] M. Hmoud, " Negotiating the Draft Comprehensive Convention on International Terrorism—Major Bones of Contention," Journal of International Criminal Justice, Vol. 4, No. 5, 2006, pp. 1031-1043. doi:10.1093/jicj/mql081

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- [11] J. Rehman, " International Human Rights Law," 2nd Edition, Pearson Education Ltd., England, 2010.
- [12] STL Appeals Chamber: " Interlocutory Decision on the Applicable Law: Terrorism, Conspiracy, Homicide, Perpetration, Cumulative Charging," 2011.
- [13] J. K. Young and M. G. Findley, " Promise and Pitfalls of Terrorism Research," *International Studies Review*, Vol. 13, No. 3, 2011, pp. 411-439. doi:10.1111/j.1468-2486.2011.01015.x
- [14] J. Dugard and C. van den Wyngaert, " Reconciling Extradition with Human Rights," *American Journal of International Law*, Vol. 92, No. 187, 1998, pp. 187-212.
- [15] C. van Den Wyngaert, " Applying the European Convention on Human Rights to Extradition: Opening Pandora' s Box?" *International Comparative Law Quarterly*, Vol. 39, No. 4, 1990, pp. 757-779.
- [16] M. Cherif-Bassiouni, " International Extradition, United States Law and Practice," 1983.
- [17] D. S. Kris, " Law Enforcement as a Counterterrorism Tool," *Journal of National Security Law and Policy*, Vol. 5, No. 1, 2011, pp. 1-95
- [18] J. Cilliers, " Terrorism and Africa," *African Security Review*, Vol. 12, No. 4, 2003, pp. 91-103 doi:10.1080/10246029.2003.9627255
- [19] B. Vaughan, et al., " Terrorism in South East Asia," In: P. Chalk, et al., Eds., *The Evolving Terrorist Threat to South East Asia: A Net Assessment CSR Report for (US) Congress*, Virginia, 2009.
- [20] M. Shaw, " International Law," 6th Edition, Cambridge University Press, Cambridge, 2008. doi:10.1017/CBO9780511841637
- [21] I. Duyvesteyn, " How New Is the New Terrorism," *Studies in Conflict and Terrorism*, Vol. 27, No. 5, 2004, pp. 439-454.
- [22] F. J. Hacker, C. H. Simmons and J. R. Mitch, " Labelling Public Aggression: When Is It Terrorism," *The Journal of Social Psychology*, Vol. 125, No. 2, 1985, pp. 245-251.
- [23] T. DeAngelis, " Understanding Terrorism," American Psychological Association, 2009. <http://www.apa.org/monitor/2009/11/terrorism.aspx>
- [24] C. de Than and E. Shorts, " International Criminal Law and Human Rights," Sweet & Maxwell, London, 2003.
- [25] M. Scheuer, " Imperial Hubris: Why the West Is Losing the War on Terror," Brassey' s Inc., Washington, 2004.
- [26] BBC News, " Boko Haram Leaders are Designated as Terrorists by US," 2012. <http://www.bbc.co.uk/news/world-africa-18542030>
- [27] The UN International Convention for the Suppression of the Financing of Terrorism, 1999.
- [28] S. A. Baker, " Skating on Stilts: Why We Aren' t Stopping Tomorrow' s Terrorism," Hoover Inst Press, California, 2010.
- [29] European Commission Sixth Work Programme (Transnational Terrorism, Security and the Rule of Law), " Terrorism and the Media," 2008.
- [30] D. K. Gupta and K. Mundra, " Suicide Bombing as a Strategic Weapon: An Empirical Investigation of Hamas and Islamic Jihad," *Terrorism and Political Violence*, Vol. 17, No. 4, 2005, pp. 573-598. doi:10.1080/09546550500189895
- [31] Bureau of Investigative Journalism, " Covert War on Terror," 2012. <http://www.thebureauinvestigates.com/category/projects/drones/>
- [32] Al-Jazeera, " Video shows Nigeria ' Executions' ", 2012. <http://www.aljazeera.com/news/africa/2010/02/2010298114949112.html>
- [33] BBC News, " MI5 Boss Jonathan Evans Warns over Cyber Threat," 2012. <http://www.bbc.co.uk/news/uk-18590209> accessed June 28 2012.

