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Ethics and Human Rights in Counter Terrorism

by

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The detention of 'suspected' terrorists without trial and the use of drone strikes by nation states against citizens 'suspected' of engaging in terrorism abroad highlights the ongoing complexities of counter terrorism in terms of ethics and human rights. Paul Wilkinson argued that in a liberal state the criminal justice system is best placed both morally and logically to deal with terrorism. However, states have resorted to military means and emergency powers to counter the threat posed by terrorism. Focusing largely on the experiences of the United Kingdom and the United States, this chapter examines a range of methods used by states to counter terrorism and subsequently considers the ethical and human rights dilemmas faced by those charged with countering terrorism. In doing so, the chapter considers our understanding of ethics including a discussion of two categories of normative ethical theory, namely consequentialism and deontology. The chapter also explores the concept of human rights before examining a number of examples of British and American counter terrorism efforts involving the use of force and the use of law through the lens of ethics and human rights.

Introduction

The recent release (2015) of Shaker Aamer, the last British resident held at the United States' (US) military prison at Guantánamo Bay, Cuba, following 13 years of captivity for being a 'suspected' terrorist and the targeted assassination of two British members of the so-called Islamic State (Reyaad Khan and Ruhul Amin) in Raqqa, Syria by a Royal Air Force (RAF) drone strike serve to highlight the continued complexities of counter terrorism in terms of ethics and human rights. Aamer's detention along with that of an estimated 780 detainees without trial by the US government following the 9/11 al-Qaida terror attacks on New York and Washington and their subsequent treatment therein (e.g. initial denial of protections afforded by the Geneva Conventions and allegations of torture and mistreatment) coupled with the emergence of extra-judicial killings of citizens 'suspected' of being terrorists abroad by guided missiles demonstrates the "acute moral risks associated with counter-terrorism" (Sorrell, 2011: 2).

According to Wilkinson (2008: 85) "the criminal justice system is morally and logically the correct institution in a liberal state to take prime responsibility for dealing with terrorism". Yet, we have witnessed military means and emergency powers being justified by states as legitimate tools to counter the threat of and acts of terror. Counter terrorism operations and policies have been constructed on the understanding that the act of terrorism is a more serious type of crime. Primarily focusing on the experiences of United Kingdom (UK) and the US, this chapter aims to examine some

of the methods chosen by states to counter terrorism and considers the ethical and human rights dilemmas facing those responsible for countering terrorism. The chapter firstly considers what we understand by ethics and human rights and will examine two categories of normative ethical theory, namely consequentialism and deontology. It will also explore the concept of human rights before looking at a number of examples of British and American counter terrorism efforts involving the use of force and the use of law through the lens of ethics and human rights.

Understanding ethics

Ethics or moral philosophy as it is alternatively known involves the systematising, defending, and recommending of concepts of right and wrong behaviour. Reding et al (2014: 5) define the field of ethics “as the systematic reflection of existential questions relating to the ‘good life’, moral obligations and ‘just’ society”. Within the field, philosophers typically divide ethical theories into three main strands, namely metaethics, normative ethics, and applied ethics. Within the first strand, metaethics explores the source of our ethical principles and their meaning. The second strand, normative ethics is concerned with the content of moral judgements and seeks to arrive at moral standards that regulate right and wrong conduct. The third strand, applied ethics as Kagan (1998: 3) explains “attempts to apply the general principles of normative ethics to particular difficult or complex cases”. Such cases include war, animal rights and capital punishment to name but three. While much has been written with respect to ethical theory, for the purposes of this chapter only normative ethics will be discussed and in particular the theories of consequentialism and deontology as these “two broad classes of ethical theory...have shaped most people’s understanding of ethics” (LaFollette, 2007: 8).

Consequentialism represents a family of theories, which are bound by a central idea “that the moral assessment of actions, motives, or rules is, at bottom, a matter of how much good such things produce, or how much bad they allow us to avoid’ (Shafer-Landau, 2013: 413). Accordingly consequentialists contend we are morally obliged to behave in ways that produce the best consequences. Thus, an act is morally right if the outcome or consequences of that act are more favourable than unfavourable (Carlson, 1995; Vallentyne, 2007). Within act consequentialism, utilitarianism is probably the best known theory. For advocates such as Jeremy Bentham (1748-1832) an act is morally right if the consequences of the act are more favourable (in terms of pleasure and/or happiness) than unfavourable (understood as pain and/or suffering) to the greatest number of people. However, according to act utilitarianism, specific acts such as torture and killing would be morally permissible if the acts’ consequences were more beneficial than detrimental to the majority but this will be discussed on more detail later in the chapter (Burnor and Raley, 2011; Stewart, 2009). To

counter this moral difficulty, other consequentialist theorists such as John Stuart Mill (1806-73) proposed a revised version of utilitarianism, namely rule utilitarianism in which an act is morally right if it conforms to a behavioural code or rule and the consequences of adopting that rule are more favourable than unfavourable to everyone (Stewart, 2009; Vallentyne, 2007). The Internet Encyclopedia of Philosophy (2016) aptly summarises the distinction between the two approaches:

The key difference between act and rule utilitarianism is that act utilitarians apply the utilitarian principle directly to the evaluation of individual actions while rule utilitarians apply the utilitarian principle directly to the evaluation of rules and then evaluate individual actions by seeing if they obey or disobey those rules whose acceptance will produce the most utility.

In contrast to consequentialism which we have seen concerns itself with the outcome or the consequences of moral behaviour, deontological theories concern themselves with the action and motive regardless of the consequences and thus are often described as duty theories (LaFollette, 2007; Stewart, 2009). Like consequentialism, deontology represents a family of theories although probably the most influential theorist is Immanuel Kant (1724-1804). For Kant the overarching principle of all morality is the categorical imperative. This imperative involves two formulations, the formula of universal law and the formula of ends. The first formula acts as the benchmark or standard for adjudging, which acts are right and which are wrong: "Act only according to that maxim by which you can at the same time will that it should become a universal law" (Kant, cited in McNaughton and Rawling, 2007: 35). Subsequently, the categorical imperative can be viewed as an universalizability test in that acts that pass become moral laws and those that fail are considered morally wrong and taboo (Stewart, 2009). The second formula according to Kant holds that we should "act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means" (Kant, cited in McNaughton and Rawling, 2007: 35). Thus, certain acts such as lying and cheating are always wrong, again we will return to this idea later.

As with most theories, problems can be identified with respect to both consequentialism and deontology. Of particular interest, is the already noted objection to act utilitarianism on the basis of moral permissiveness. Additionally, it can result in the violation of a person's rights or the commission of serious injustices if the majority benefits (for a more detailed discussion see Burnor and Raley, 2011). Rule utilitarianism also has its share of criticisms, again of interest to us are those surrounding the problem of relativism with respect to the existence of different behavioural codes or rules in

different countries and the permitting of injustice (for a more detailed discussion see Stewart, 2009).

With an understanding of ethics considered albeit briefly and the two main categories of normative ethical theory explored, the discussion now turns to human rights.

Understanding human rights

Whilst human rights have evolved into a complex and broadly defined concept, for the purposes of this chapter it is suffice to know that human rights are rights inherent to all people regardless of their nationality, sex, national or ethnic origin, race, religion, language, or other status (Office of the United Nations High Commissioner for Human Rights, 2016). As Halstead (2014: 2) notes “Western ideas of human rights are overwhelmingly based on the idea of universalism”. Thus they are available everywhere, they are inalienable and cannot be taken away (except in specific situations – this will be discussed later), they are interdependent and indivisible meaning states cannot select out rights to honour and not honour and they are equal and non-discriminatory (OHCHR, 2016a).

Human rights include citizenship rights, these are concerned with basic constitutional issues and are frequently categorised into legal, civil and political rights (Open University, 2016). Examples of legal rights would include the right to a fair trial, equal treatment under the law and due process. Civil rights would incorporate the right to freedom of expression, free association and free movement whereas political rights involve the right to vote, a secret ballot and free elections. Additionally, we can speak of social, cultural and economic rights including the right to participate in culture, the right to food, and the right to work and receive an education.

Human rights are protected and upheld by international and national laws and treaties (often referred to as international human rights law), the most notable of which is the Universal Declaration of Human Rights (UDHR). The UDHR was adopted by the United Nations General Assembly in 1948 and constitutes the foundation of the current international system of protection for human rights. The UDHR contains 30 articles that establish the civil, political, economic, social, and cultural rights of all people. It commits governments to uphold the fundamental rights of each person and provides a vision for human dignity that transcends political boundaries and authority (Amnesty International, 2016). Accordingly, all states have ratified at least one of the 10 core human rights instruments (nine treaties and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) identified by the United Nations and 80% of states have ratified four or more (OHCHR, 2016a).

Other international human rights law relevant to this chapter would include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Geneva Conventions and the European Convention on Human Rights. The CAT requires states to take effective measures to prevent torture in any territory under their jurisdiction, and prohibits them from transporting people to any country where there is reason to believe they will be tortured. Torture is defined in the Convention (Article 1) as:

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity” (OHCHR, 2016b).

Additionally, Article 2 clearly prohibits the justification of torture on the grounds of “exceptional circumstances” such as war, the threat of war, domestic political instability or any other public emergency.

The Geneva Conventions comprise a series of treaties that outline what is and what is not legal in terms of civilians and combatants in war time. It involves four Geneva Conventions (last revised in 1949), which are complemented by three further Protocols (two from 1977 and one from 2005). The Conventions cover the protections afforded to sick and wounded military personnel on land and at sea, the treatment of prisoners of war and the protections afforded to civilians including those in occupied territory (Internal Committee of the Red Cross, 2016).

Found in all four Conventions is Common Article 3. This article establishes fundamental rules covering non-international armed conflicts under which no derogation, that is to say a relaxation or exemption from the rule is permitted. It includes, for example, the human treatment of all persons in enemy hands and specifically prohibits torture, cruel, humiliating and degrading treatment (Internal Committee of the Red Cross, 2016).

The European Convention on Human Rights is an international treaty to protect human rights and fundamental freedoms in Europe. It was drafted in 1950 by the then newly formed Council of Europe and was adopted in 1953. It contains 16 rights, which mirror many of those contained in the UNDHR such as the right to life, freedom of expression, the prohibition of torture and no punishment without law. The Convention also permits signatory states to derogate from certain rights in time of “war or other public emergency threatening the life of the nation”. The European Court of Human Rights was established in 1959 to implement the Convention, meaning any person who feels that their rights have been violated by the state can take a case to the Court. Judgments that find violations are binding on the states concerned (Gani, 2014). Moreover, the UK government has incorporated the ECHR into the Human Rights Act 1998. As previously noted, while human rights are inalienable and some are considered absolute rights such as the right to protection from torture, others are considered limited and qualified. For example, we have the right to liberty but this may be limited under specific circumstances such as lawful arrest or detention. Likewise, our right to freedom of thought, conscience and religion may be qualified meaning that a balance between the individual’s rights and those of the state or community will be sought (Ministry of Justice, 2006).

With an understanding of both ethics and human rights considered, the discussion now examines some of the counter terrorism methods adopted by the UK and US with respect to the ethical and human rights dilemmas they pose.

Counter terrorism involving the use of force

A state has a number of options it can employ to counter the threat of terrorism, one of these options is the use of force. The justification for the use of force by states is often considered in light of the just war tradition: *jus ad bellum* (just cause to engage in war) and *jus in bellum* (just in war). Although Clark (1988: 31) contends it is not possible to speak of a single doctrine of just war, it is he believes possible to view the just war tradition as “a set of recurrent issues and themes in the discussion of warfare and [it] reflects a general philosophical orientation towards the subject”. Moreover, Bellamy (2008) argues that the just war tradition is deeply embedded in the way Westerners think about the legitimacy of going to war and, he argues, it provides a common language to evaluate competing moral claims of war and that the just war tradition comes close to agreed international standards of behaviour. Thus, a number of conditions need to be met for waging war. War should only be resorted to for a just cause or intention (e.g. in self-defence, for restitution or retribution), its declaration must be made by a proper authority (e.g. legitimate authority), it must be a measure of last resort and there

should be a reasonable hope of success (Algar-Faria, 2015; Clark, 1988; Walzer, 1977; and Westhusing, 2003).

The second element of the just war tradition (*jus in bello*) is concerned with the conduct of war once it has been embarked upon and centres on the ideas of proportionality and discrimination. Thus, it aims to limit the effects of armed conflict by protecting persons who are not participating in hostilities (discrimination), and by restricting and regulating the means and methods of warfare available to combatants (proportionality). This element is often referred to as international humanitarian law.

In light of the conditions required for a just war to be undertaken, Boyle (2007) considers whether they can be applied to a state's military response to terrorism. In terms of proper authority, he argues that "those responsible for the welfare of the community are duty-bound to respond" (Boyle, 2007: 711), however, this legitimacy has limitations in that states are expected to respect treaties and international law and seek appropriate international approval for unilateral actions. Thus, the US and its allies' response to 9/11 in the invasion of Afghanistan (Operation Enduring Freedom) while not mandated by the United Nations (UN) was widely regarded to be a legitimate form of self-defence under Article 51 of the UN Charter in that the Taliban government was considered an accomplice to the events of 9/11 and, hence, a justifiable target for action (for more on the legal basis for the invasion of Afghanistan see Smith and Thorp, 2010). In contrast, the invasion and occupation of Iraq (commonly referred to as the Iraq War) in 2003 by the US and its allies including the UK is still contested in terms of its legitimacy (Bowcott, 2004). Indeed, the UN Attorney-General Kofi Annan when asked if the invasion was illegal responded by saying "Yes, if you wish. I have indicated it was not in conformity with the UN charter from our point of view, from the charter point of view, it was illegal" (BBC, 2004).

With respect to the condition of a just cause, Boyle (2007: 711) suggests that "the justice of military defense against terrorism arises from the wrongfulness of the terrorist actions". Additionally, military measures taken to punish terrorists for their attacks, or aimed at preventing terrorism in the sense of pre-emptive strikes do not constitute a just cause. However Walzer (1977) argues that preventative strikes are justifiable if three conditions exist, namely an obvious intent to injure, a degree of active preparation and a risk to a state's territorial integrity or political independence if no action was taken.

The issue of pre-emptive strikes as a counter terrorism measure also raises ethical and human rights questions in relation to *jus in bello*, in that specific individuals identified as terrorists are targeted and

killed often through the use of drones. The use of drones can be viewed as a prime example of the consequentialist, namely act utilitarian ethical framework guiding UK and US military counter-terrorism operations in that their use it is argued causes fewer civilian casualties and less destruction than say air strikes or carpet bombing (Ahmad, 2014). It is also argued that their use minimises the risk to soldiers, however, as Crawford (2015: 40) points out “if they reduce risk to combatants but hurt civilians directly, or indirectly as a consequence of increased militancy in reaction to drone strikes, then the utilitarian case for drone strikes is weakened”. Some drone strikes do result in civilian deaths, for example, the human rights group, Reprieve’s data suggests that as a result of 47 men being targeted by US drone strikes 1,147 people were killed (Ackerman, 2014).

The UK use of drones in the targeted killing of so-called Islamic State members Reyaad Khan and Ruhul Amin and a similar US drone strike which targeted Mohamed Amwasi (Jihadi John) in Syria raises dilemmas with respect to citizens’ human rights. All three were British citizens yet were assassinated rather than arrested and tried for terrorist activity. The British government in justifying its drone strike said it had acted in accordance with Article 51 of the UN Charter in that it had “clear evidence” that terrorist attacks were being planned on the UK (BBC, 2015).

An obvious critique of the application of the just war tradition to the problem of terrorism and states’ subsequent counter terrorism efforts is that it was originally developed with wars and the threat of wars between sovereign nations in mind. Additionally, Forst (2009) identifies another problem with respect to the principles of discrimination and proportionality in that the tradition does not fully distinguish between strategic and tactical aspects of conflicts. He notes “we have yet to establish how external powers can adapt just war principles to deal with such problems. The just response to terrorism is not always effective in achieving peace and order, and the effective response is often unjust” (Forst, 2009: 267).

Duffy (2005: 333) contends that the arrest and incarceration of ‘suspected’ terrorists since 9/11 has led to “widespread allegations – and considerable evidence – of torture and other mistreatment”. Under the Third Geneva Convention, the coercive interrogation of prisoners of war is strictly prohibited, as a way to avoid this the US under President Bush reclassified such detainees as unlawful ‘enemy combatants’. In doing they were not afforded any of the protections enjoyed by soldiers and civilians captured in war (Algar-Faria, 2015). Whilst the use of torture is explicitly prohibited in all human rights instruments, in terms of ethics the debate is often framed within the context of the ticking time bomb scenario. Such a scenario envisages a situation in which a terrorist with knowledge

of an impending terrorist attack is apprehended, the question is how far the authorities should go in order to extract that information (for a more detailed consideration of this scenario see Wisniewski and Emerick, 2009). For utilitarians, the consequences of an action are the most important consideration, so if the cost of torturing one terrorist is outweighed by the benefits accrued to a greater population, then torture would be ethically permissible. But as Ignatieff (2004) points out once torture is accepted as legitimate in certain hypothetical contexts it soon provides the basis for routinely torturing people. In contrast, deontologists “would walk away from the situation without hesitation owing to the categorical imperative of never treating a rational being as a means to an end” (Algar-Faria, 2015: 24).

Counter terrorism involving the use of law

Another option that states can employ to counter the threat of terrorism involves the use of law, namely the creation of anti-terrorist legislation and/or derogation from existing legal commitments. The creation of anti-terrorist legislation frequently follows specific terrorist attacks and they are often argued for on the grounds of necessity. As de Londras (2011: 8) notes

“domestic law-making processes tend not to cope particularly well in times of crisis. Panic, fear and populist impulses can conspire to create an atmosphere where the imperative turns towards combating a risk, and where the risk is presented and/or conceived as being particularly grave or dangerous”.

In the UK, for example, prior to the Terrorism Act 2000, anti-terrorist legislation had existed albeit on regularly renewed temporary provisions. The first Prevention of Terrorism (Temporary Provision) Act 1974 was passed by Parliament just eight days after the Birmingham pub bombings by the Provisional IRA, which saw 21 people killed and 184 injured. In introducing the bill, the then Home Secretary, Roy Jenkins warned the House of Commons that “the powers... are Draconian. In combination they are unprecedented in peacetime. I believe these are fully justified to meet the clear and present danger” (cited in Walker, 1992: 31). The Act gave the police and the security services wide-ranging powers of arrest and detention to counter terrorism extending from Northern Ireland including the detention of persons suspected of terrorism for up to seven days. Additionally, the Act included exclusion orders designed to prevent people under suspicion of terrorist activity from entering Great Britain (England, Scotland and Wales) from either Northern Ireland or the Republic of Ireland. However, the legislation did not apply to UK citizens who had been living for the last 20 years or born and ordinarily resident in Great Britain. As Doody (2012: 80) explains a total of 448 people received exclusion orders and “the

fact that the majority of these people were Irish ensured the creation of fear amongst the Irish community that it could be applied to anyone at any time". The Act also it is argued created a suspect community whereby Irish people living in England, Scotland and Wales or travelling between Ireland and Great Britain were deemed 'suspect'. Hillyard (1993: 258) argues "this community is treated in law and in police practices very differently from the rest of the population".

Following 9/11, the US introduced the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, more commonly known as the PATRIOT Act. This act was designed to deter and punish terrorist acts in the US and around the world and to enhance law enforcement investigatory tools. Moreover, it gave far-reaching surveillance powers to national security agencies to intercept electronic communications and to request without court approval that telecommunication companies hand over information. The Fourth Amendment to the US Constitution protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures" (cited in Fabbrini, 2015: 90) and thus criticism of the PATRIOT Act has primarily been around the right to privacy and the extent of the federal government's surveillance powers. Data available from the American Civil Liberties Union (ACLU) with respect to the administrative subpoenas (national security letters) issued by FBI agents to gather information such as phone, bank, computer and credit history records for national security purposes record that nearly 193,000 were issued between 2003 and 2006. This led to one terror-related conviction; a conviction they argue would have been secured without the use of the PATRIOT Act (ACLU, 2015).

Examples of derogation would include the detention without trial of individuals suspected of engagement in terrorist-related activities. In Northern Ireland between 1971 and 1975 nearly 2,000 people, the majority of whom were Catholic were held without trial, this policy was more commonly known as internment. The British government had informed the Secretary General of the Council of Europe of its derogation from the ECHR, namely with respect to the right to liberty and security (McCleery, 2015). In the aftermath of 9/11, the UK passed the Anti-terrorism, Crime and Security Act 2001, which contained measures to permit the indefinite detention of foreign nationals suspected of being international terrorists (McGoldrick, 2008). A derogation was made with respect to the provisions of the UK's Human Rights Act, which encompasses the ECHR. However, a case was brought to the House of Lords (prior to 2009, it was the highest Court of Appeal in the UK), on behalf of a number of foreign national detainees in Belmarsh prison. The Lords ruled that the detention of foreign nationals was incompatible with Article 14, namely the prohibition of discrimination. The Belmarsh

detainees were being discriminated against on the basis of their nationality and no such detention without trial provisions applied to British nationals suspected of being terrorists.

Conclusion

As has been shown in this chapter the methods adopted by states in their efforts to counter terrorism are fraught with ethical and human rights dilemmas. Much of the UK and US's counter terrorism responses abroad post 9/11 have involved the use of force and as such appear to be justified by utilitarian ethics. Pre-emptive strikes involving the use of drones against members of the so-called Islamic State are argued to be 'just' and undertaken in self-defence to prevent terrorist atrocities at home, yet they violate a number of human rights including the right to life, to a fair trial and due process. The treatment of captured 'suspected' terrorists, their detention without trial and their experiences of enhanced interrogation techniques and torture again justified by utilitarian ethics contravene the right to due process and freedom from torture. As Ignatieff (2004: viii) points out "when democracies fight terrorism, they are defending the proposition that their political life should be free of violence. But defeating terror requires violence. It may also require coercion, deception, secrecy, and violation of rights". Thus, it is no surprise to find human rights dilemmas arising out of the measures taken at home by states through both the introduction of anti-terrorism legislation and derogation from existing human rights commitments. The right to liberty, privacy and non-discrimination have all been discussed with respect to British and American counter terrorism laws. States have a duty to protect their citizens as they go about their daily business but in doing so they need to consider the ethical and human rights consequences associated with their operations and policies: "...the counter-terrorist must be sure today's solution is not the seed of tomorrow's insoluble problem" (Irwin, 2014: 100).

References

- Ackerman, S. (2014) '41 men targeted but 1,147 people killed: US drone strikes – the facts on the ground', *The Guardian*, 24 November. Available at: <http://www.theguardian.com/us-news/2014/nov/24/-sp-us-drone-strikes-kill-1147>
- Ahmad, M. (2014) 'The Use of Drones in Pakistan: an Inquiry into the Ethical and Legal Issues', *The Political Quarterly*, 85:1, 65-74.
- Algar-Faria, G. (2014) Terrorism and Ethics. In C. Kennedy-Pipe, G. Clubb and S. Mabon (eds.) *Terrorism and Political Violence* (pp. 18-32). London: Sage.
- American Civil Liberties Union (2015) *Surveillance under the Patriot Act*. Available at: <https://www.aclu.org/infographic/surveillance-under-patriot-act>

Amnesty International (2016) *What are Human Rights?* Available at: <https://www.amnesty.org.uk/what-are-human-rights#.Vqd4BtLhDcs>

BBC (2015) 'Who, What, Why: When is it Legal to Kill Your Own Citizens?', *BBC Magazine*, 8 October. Available at: <http://www.bbc.co.uk/news/magazine-34184856>

BBC (2004) Iraq war illegal, says Annan', *BBC News*, 16 September. Available at: http://news.bbc.co.uk/1/hi/world/middle_east/3661134.stm

Bellamy, A. (2008) *Fighting Terror: Ethical Dilemmas*. London: Zed Publications.

Bowcott, O. (2004) 'Was the war legal? Leading lawyers give their verdict', *The Guardian*, 2 March. Available at: <http://www.theguardian.com/politics/2004/mar/02/uk.internationaleducationnews>

Boyle, J. (2007) Just War Doctrine and the Military Respeonse to Terrorism. In H. LaFollette (ed.) *Ethics in Practice: An Anthology* (pp.704-714). Oxford: Blackwell.

Burnor, R. and Raley, Y. (2011) *Ethical Choices: An Introduction to Moral Philosophy with Cases*. New York: Oxford University Press.

Carlson, E. (1995) *Consequentialism Reconsidered*. Heidelberg: Springer Science.

Cameron, D. (2014) 'Speech: David Cameron and Ahmet Davutoglu press conference in Turkey', Prime Minister's Office, 10 December. Available at: <https://www.gov.uk/government/speeches/david-cameron-and-ahmet-davutoglu-press-conference-in-turkey>

Clark, I. (1988) *Waging War: A Philosophical Introduction*. Oxford: Oxford University Press.

Crawford, N. (2015) 'Accountability for Targeted Drone Strikes against Terrorists?', *Ethics & International Affairs*, 29:1, 39-49.

De Londras, F. (2011) Detention in the 'War on Terror'. Cambridge: Cambridge University Press.

Doody, J. (2012) 'Creating Suspect Communities: Exploring the Use of Exclusion Orders in Northern Ireland', *Behavioral Sciences of Terrorism and Political Aggression*, 4:1, 77-98.

Duffy, H. (2005) *The 'War on Terror' and the Framework of International Law*. Cambridge: Cambridge University Press.

Fabbrini, F. (2015) The Interaction of Terrorism Laws with Human Rights. In G. Lennon and C. Walker (eds.) *The Routledge Handbook of Law and Terrorism* (pp. 85-99). Abingdon: Routledge.

Forst, B. (2009) *Terrorism, Crime and Public Policy*. New York: Cambridge University Press.

Gani, A. (2014) 'What is the European convention on human rights?', *The Guardian*, 3 October. Available at: <http://www.theguardian.com/law/2014/oct/03/what-is-european-convention-on-human-rights-echr>

Halstead, P. (2014) *Human Rights*. Abingdon: Routledge.

Hillyard, P. (1993) *Suspect Community: People's Experiences of the Prevention of Terrorism Acts in Britain*. London: Pluto Press.

Ignatieff, M. (2004) *The Lesser Evil: Political Ethics in an Age of Terror*. Edinburgh: Edinburgh University Press.

Internal Committee of the Red Cross (2016) *The Geneva Conventions of 1949 and their Additional Protocols*. Available at: <https://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>

Internet Encyclopedia of Philosophy (2016) *Act and Rule Utilitarianism*. Available at: <http://www.iep.utm.edu/util-a-r/>

Irwin, A. (2004) 'The ethics of counter-terrorism', *Whitehall Papers*, 61:1, 95-104.

Kagan, S. (1998) *Normative Ethics*. Boulder, CO: Westview Press.

LaFollette, H. (2007) Theorizing about Ethics. In H. LaFollette (ed.) *Ethics in Practice* (pp. 3-15). Oxford: Blackwell.

McCleery, M.J. (2015) *Operation Demetrius and its Aftermath*. Manchester: Manchester University Press.

McGoldrick, D. (2008) Terrorism and Human Rights Paradigms. In A. Bianchi and A. Keller (eds.) *Counterterrorism: Democracy's Challenge* (pp. 111-231). Oxford: Hart Publishing.

McNaughton, D. and Rawling, P. (2007) Deontology. In H. LaFollette (ed.) *Ethics in Practice* (pp. 31-44). Oxford: Blackwell.

Ministry of Justice (2006) *Making Sense of Human Rights*. Available at: <https://www.justice.gov.uk/downloads/human-rights/human-rights-making-sense-human-rights.pdf>

Office of the United Nations High Commissioner for Human Rights (2016a) *What are Human Rights?* Available at: <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

Office of the United Nations High Commissioner for Human Rights (2016b) *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

Reding, A., Van Gorp, A., Robertson, K., Walczak, A., Giacomantonio, C. and Hoorens, S. (2014) *Handling Ethical Problems in Counterterrorism*. Santa Monica, CA: RAND.

Shafer-Landau, R. (ed.) (2013) *Ethical Theory: An Anthology*. Oxford: Wiley.

Smith, B. and Thorp, A. (2010) *The Legal Basis for the Invasion of Afghanistan*. House of Commons Library.

Sorell, T. (2011) 'Preventive Policing, Surveillance, and European Counter-Terrorism', *Criminal Justice Ethics*, 30:1, 1-22.

Stewart, N. (2009) *Ethics: An Introduction to Moral Philosophy*. Cambridge: Polity Press.

The Open University (2016) *Rights and Justice in International Relations*. Available at: <http://www.open.edu/openlearn/people-politics-law/politics-policy-people/politics/rights-and-justice-international-relations/content-section-3.3>

Vallentyne, P. (2007) Consequentialism. In H. LaFollette (ed.) *Ethics in Practice* (pp. 22-30). Oxford: Blackwell.

Walker, C. (1992) *The Prevention of Terrorism in British Law*. Manchester: Manchester University Press.

Walzer, M. (1977) *Just and Unjust Wars*. New York: Perseus Books.

Westhusing, T. (2003) 'Taking Terrorism and ROE Seriously', *Journal of Military Ethics*, 2:1, 1-19.

Wilkinson, P. (2008) The Liberal State Responses to Terrorism and Their Limits. In A. Bianchi and A. Keller (eds.) *Counterterrorism: Democracy's Challenge* (pp. 71-92). Oxford: Hart Publishing.

Wisnewski, J.J. and Emerick, R.D. (2009) *The Ethics of Torture*. London: Continuum.