

## TABLE OF CONTENTS

<i>Preface</i> , Françoise Rudetzki.....	5
<i>Foreword</i> , Cherif Bassiouni.....	7
<b>Chapter I</b>	
<b>LAW IN FRONT OF TERRORISM</b>	
<b>SECTION 1. TERRORISM: CURRENT THREATS</b>	
<i>Risk, terrorism and society: new issues</i> , Patrick Lagadec.....	15
<i>Terrorism and weapons of mass destruction</i> , Corinne Lepage.....	24
<i>Terrorism and religion: continuity and change in political violence</i> , Jean-François Mayer.....	28
<i>Islam, secularism and terrorism: justifying the use of force in the name of Islam</i> , Abdoullah Cisse.....	36
<i>The state of the Islamist terrorist threat</i> , Jean-François Ricard.....	46
<b>SECTION 2. PUNISHING TERRORISM, A CHALLENGE FOR THE 21<sup>ST</sup> CENTURY</b>	
<b>1. Sanctions and International Cooperation</b>	
<i>European Cooperation</i> , Denise Sorasio.....	55
<i>The judicial cooperation within the European Union in the fight against Terrorism</i> , Frédéric Baab.....	58
<i>The United Nations and the fight against terrorism: legal and criminal aspects</i> , Jean-Paul Laborde.....	64
<i>Terrorism: legal framework in the African Union</i> , Roch Gnahoui David.....	72
<b>2. Security Aspects and Human Rights: a fair balance between the Victim's Rights and the Defense's Rights</b>	
<i>What criminal procedure should govern terrorist offenses: ordinary or special rules?</i> , William A. Schabas & Clémentine Olivier.....	81
<i>International recognition of Victims' Rights</i> , Cherif Bassiouni.....	96
<i>French Nationals detained at Guantanamo Bay: legal black hole</i> , William Bourdon.....	131
<i>Inter arma silent leges</i> , Eileen Servidio-Delabre.....	142

**Chapter II**  
**PLACE OF TERRORISM AND OF THE VICTIMS IN THE CRIMINAL**  
**LEGISLATION OF THE EUROPEAN STATES AND IN THE**  
**INTERNATIONAL CRIMINAL JUSTICE**

**SECTION 1. CONDITION OF THE NATIONAL CRIMINAL LEGISLATION OF THE**  
**EUROPEAN UNION MEMBER STATES**

<i>Terrorism, putting European criminal procedure to the test</i>	159
Jean Pradel .....	159
<i>Legislation in France and the contribution of SOS Attentats,</i>	
Françoise Rudetzki .....	165
<i>Initiatives undertaken by the Paris Prosecutor's Office in the fight</i>	
<i>against Terrorism, Yves Bot .....</i>	171
<i>Italian Anti-Terrorist Legislation, Giovanni Pasqua .....</i>	174
<i>Spanish Anti-Terrorist Legislation, José Luis de la Cuesta .....</i>	189
<i>Victims' rights in German criminal trials, Stéphan Maigné .....</i>	198
<i>Irish Anti-Terrorist Legislation, William A. Schabas &amp; Clémentine</i>	
<i>Olivier .....</i>	202
<i>United Kingdom Anti-Terrorist Legislation, William A. Schabas &amp;</i>	
<i>Clémentine Olivier .....</i>	211
<i>The state of anti-Terrorist legislation in the other Member States of</i>	
<i>the European Union, William A. Schabas &amp; Clémentine Olivier .....</i>	219

**SECTION 2. THE TRIAL: THE VICTIMS' ESSENTIAL REPARATION**

Testimonies of Victims .....	241
<i>Terrorism and Victims' Rights, Robert Cario .....</i>	243
<i>Victims' access to the International Criminal Justice System, Claude</i>	
<i>Jorda .....</i>	258

**Chapter III**  
**INTERNATIONAL CRIMINAL RESPONSIBILITY FOR TERRORISM**

**SECTION 1. INTERNATIONAL CRIMINAL LAW: BETWEEN EVOLUTION AND**  
**HESITATIONS**

**1. Terrorism: which qualification?**

<i>Terrorism and Resistance, Stéphane Hessel .....</i>	267
<i>Is terrorism a crime against Humanity?, William A. Schabas &amp;</i>	
<i>Clémentine Olivier .....</i>	270
<i>Terrorism: search for a definition or liberticidal drifting?, Ghislaine</i>	
<i>Doucet .....</i>	277

## 2. Criminal Responsibility and Immunity for Rulers: between Justice and Diplomacy

<i>The Responsibility of Government Leaders for International Crimes of the State</i> , Alain Pellet .....	289
<i>The contribution of ad hoc International Tribunals to the prosecution of terrorism</i> , Cécile Tournaye .....	298
<i>The issue of immunity of foreign Heads of State in light of the March 13, 2001 decision of the French Cour de Cassation and the February 14, 2002 decision of the International Court of Justice</i> , Eric David .....	309
<i>Customary international law: a reappraisal</i> , Emmanuel Decaux .....	324
<i>The principle of Universal Jurisdiction in light of the Belgian experience: the Pendulum Swings Back</i> , Damien Vandermeersch .....	331
<i>Immunity and Impunity: separated by a mere consonant? Criminal Immunity of Heads of State: between custom and change</i> , Thierry Cretin .....	339

### SECTION 2. HOW TO ANSWER TERRORISM?

<i>A criminological and victimological approach to terrorism</i> , Reynald Ottenhof .....	349
<i>Terrorism and international criminal responsibility</i> , Ahmedou Ould Abdallah .....	358
<i>War on terrorism, its legal foundations and thoughts on the road ahead</i> , Yves Sandoz .....	362
<i>International Humanitarian Law and the War on Terrorism</i> , Michel Veuthey .....	369

<b>Conclusion: The need for a universal criminal law response to terrorism</b> , Ghislaine Doucet .....	379
---	-----

<b>Authors</b> .....	383
----------------------	-----