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Terrorist or armed opposition group fighter ? : the experience of UK courts and the implications for public international law / Alexander Murray

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Abstract:	<p>The aim of this article is to explore British courts' jurisprudence relating to the actions of those who have committed acts abroad which, in some circumstances, might be considered terrorism. It does this by identifying three different types of attacks: against civilians, against UN-mandated forces and against another State's military forces. What emerges from this analysis is that British courts readily classified the first two forms of attack as terrorism while remaining flexible in respect of the third. The article draws on domestic law concerning terrorism and also that which relates to immigration and asylum claims. From this it is apparent the courts have used a complex patchwork of international and domestic law to distinguish between terrorism and 'legitimate armed attacks'. This is significant because the discussion of the issues by the courts might be of assistance in clarifying and developing the distinction in international law.</p>
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