
In *Law, Ethics, and the War on Terror*, Evangelista seeks to demonstrate how the nature of warfare and its governing principles have changed in response to the globalised threat of terror, and the legal and ethical implications that this will have for suspected terrorists and the international community.

This commences through a discussion of the laws of war and a comparative analysis of the ‘political dynamics that influence the evolution of international legal and ethical practices’ (p. 12) and how they have changed following United State’s proclamation of its war on terror.

This is followed by the definitional and controversial difficulties in defining terrorism and what the practical implications of this inadequacy are. Evangelista identifies the common theme that terrorism counts innocent civilian victims amongst the targets of violence, yet it remains unclear whether a state will be committing an act of terrorism when it deliberately kills innocent civilians of another state during combat.

None of the myriad of definitions discussed were adopted by the UN in its 2006 General Assembly Global Counter Terrorism Strategy, which chose not to define what terrorism actually is, but to define what it does. This reinforces the suggestion that one state’s terrorist is another’s freedom fighter (p. 24), and does little to explain how there can be a distinction between war crimes carried out by states and terrorist acts committed by non state actors.

This definitional inadequacy exposes blatant double standards, as state behaviour is left out of international terrorism conventions. Consequently, when the Bush Administration secretly supported armed forces to engage in terrorist attacks on Iranian soil this was not terrorism. (p. 52), reflecting the inadequacy of international law to comprehensively regulate what activities constitute terrorism, and this is reinforced by the fact that the status of political assassination still remains unclear.

This irrationality continues in chapter three, which focuses on the treatment of suspected terrorists and addresses the practice of extracting information from terrorist subjects through torture. In order to avoid having to provide detainees with the protection guaranteed by the Geneva Conventions, the US sought to argue that it was only obliged to adhere to treaties that it had signed and had therefore become part of Federal Law (p. 69), undermining the protection offered to Prisoners of War under Article 5 of the fourth Geneva Convention. This has enabled the US to circumvent the international moral condemnation of torture and implement the Military Commissions Act of 2006, which redefines torture, the scope of which is so narrow that it allows evidence obtained by water-boarding to be admissible in Court.
These practices are committed by CSI agents and Private Security Firms, two of which, CACI International and Titan were implicated in the Abu Ghraib abuses. (p. 144) There is little in international law to hold them accountable, as it is extremely easy to fall outside of the scope of Article 47(2) of the first protocol of the Geneva Convention (1977), which outlines the criteria that an individual must fulfil before they can be labelled as a mercenary. This is further reinforced by the ruling of Paul Bremner III, (p. 146) head of the Coalition Provisional Authority who ruled that all US personnel, including private security employees were exempt from Iraqi Law.

This lack of accountability does little to remedy the fact that Afghan two detainees died in custody and the Coroner claimed that their injuries were similar to individuals who had been run over by a bus (p. 86). However, this appalling behaviour remains unregulated, despite the international recognition that the US ‘have violated unambiguous legal strictures and fundamental principles of morality’, (p. 101) in what was internationally recognised as an illegal war.

The US sought to justify its invasion of Iraq through the controversial Cheney Doctrine, and by deliberately confusing the concepts of pre-emptive and preventive war, in order to legitimise its new national security doctrine. This has resulted in ‘preventive war in the guise of pre-emption’ (p. 121). This extends far beyond anticipatory self-defence allowed under Article 5 of the Washington Treaty, and significantly underplays the necessary degree of certainty needed to justify war. What is most disturbing is that in chapter four, Evangelista acknowledges that the US’s definition of preventive war could become an international law norm.

This is reflected by the fact that Great Britain and Italy supported the US’s justifications for invading Iraq and UN, EU and Nato documents contemplate the idea of using this definition. (p. 125) The development of this international norm remains to be seen, as at present there is not enough opinio juris to justify its use.

The wider implications of this interpretation are discussed in chapter five, as Evangelista addresses the implications for humanitarian objectives in anti-terror wars. The US’s preventive war does not assume minimal changes to the political and social structure, and requires a complete overhaul of the previous regime. Consequently, Humanitarian Organisations will not be able to maintain their impartiality and neutrality, as simply entering the country appears as though they are taking sides. It is also suggested that these organisations are forced to become more political in nature and are being pressured into becoming government contractors. As a result, the organisation CARE refused $45 million dollars worth of food aid from the US, as African Markets were being undercut. (p. 142).

In *Law, Ethics and the War on Terror*, Evangelista presents a frightening insight into how unethical the US’s proclaimed war on terror actually is, despite there being no international definition of what a terrorist is, and what constitutes an act of terrorism. This has resulted in fundamental human rights requirements