

Counterterrorism & Human Rights LW525 – Module Outline

Lecturer:

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Class Dates:

Semester 2, academic weeks 5-8:

- Tuesday, 9 February at 2-5pm
- Tuesday, 16 February at 2-5pm
- Tuesday, 23 February at 2-5pm
- Tuesday, 2 March at 2-5pm

Module Description:

This module introduces students to counter-terrorism in a human rights context. It will explore the definition of terrorism, the relevant legal frameworks and international responses, and the application of human rights norms to state responses to terrorism. Throughout the module, we will analyse and critique how human rights are reconciled with other considerations, such as national security.

Learning Outcomes:

- Be familiar with definitions of terrorism and challenges in developing an agreed-upon international definition.
- Understand the sources of law governing counterterrorism actions and key institutions in selected jurisdictions.
- Have knowledge of state responses to terrorism and be able to analyse the potential human rights implication of these responses.

Assessment:

Each student will submit a 3,000 word essay at the end of semester via Canvas. Given the short length of the essay, it is suggested that you engage in an original analysis of a particular state counter-terrorism law or practice, critiquing it drawing on domestic law, comparative law and/or international & regional human rights law. Please refer to the LLM Guidelines for general formatting requirements, which include cover page, table of contents, bibliography, and penalties for late submissions. The word includes footnotes.

Module Materials:

Articles and primary sources will be assigned as preparatory reading. Reading lists will be provided in advance of each seminar.

Topics:

Seminar 1: Terrorism Law in England and Wales

In this seminar we will appraise the response to terrorism in our first domestic jurisdiction – England and Wales. We will reflect on terrorism offences, and sentencing terrorism. We will

also begin to query what we mean by terrorism and to reflect on whether terrorism ought to be dealt with within the criminal law or whether it requires an exceptional legal response.

Seminar 2: Offences against the State in Ireland:

In seminar 2 we turn to our second domestic jurisdiction – Ireland. We will critically appraise the legal response to terrorism in light of a recent independent review into the relevant legislation, the *Offences against the State Act*. Where appropriate we will draw comparison to the approach to terrorism law in England and Wales and ask what each jurisdiction may learn from the other.

Seminar 3: International Law Definitions, Frameworks, and Infrastructure Related to Terrorism

In this seminar we will explore the international legal frameworks related to terrorism post-9/11. We will review the existing legal definitions of terrorism, including the jurisprudence of the Special Tribunal for Lebanon. The seminar will also analyse how domestic laws and the concept of ‘emergency’ is used to combat terrorism but can also be misapplied to conduct that is unrelated to terrorism.

Seminar 4: Human Rights Guarantees in Counter-terrorism

In seminar 4, we will examine the principal human rights guarantees that have been impacted by counter-terrorism law and policy responses. For example, we will explore how arbitrary detention guarantees, the prohibition against torture, and fair trial rights been reconciled with counter-terrorism efforts and domestic terrorism prosecutions.