

**Counterterrorism & Human Rights**  
**LW525 – Spring 2025**  
**TENTATIVE COURSE OUTLINE**  
*(subject to substantial revision)*

**General Information**

Instructor: Dr. Brian R. Farrell  
Office: TBA  
Office Hours: By appointment  
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Course time: TBD – typically late Feb & early March  
Modality: Hybrid

**Course Description**

This course introduces students to human rights dimensions of global counterterrorism efforts. It will explore the definition of terrorism, the relevant legal frameworks and international responses, and the application of human rights norms to particular phenomena arising in state responses to terrorism. Throughout the course, we will analyze and critique how human rights are balanced against other considerations, such as national security.

**Learning Outcomes**

On successful completion of the course, students should be able to:

- 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
- Have knowledge of state responses to terrorism and be able to analyze the potential human rights implication of these responses

**Assessment**

Grades for this course will be based on the following components:

- 90% Essay
- 10% Class preparation & participation

Each student will submit a 3,000 word essay by the end of term via Canvas. Guidelines on content and structure can be found below.

### **Modality**

For 2025, this course is tentatively planned as hybrid with in-person and online meetings. The first two meetings are typically online via Zoom. The third and fourth will be planned in person in the Centre's seminar room.

### **Course Materials**

Articles and primary sources will be assigned as preparatory reading. Materials will be provided via Canvas in electronic format.

### **Topics & Readings**

This schedule of topics and readings is tentative and subject to modification. Any changes will be announced in class and/or communicated via e-mail. Notes are included to help you focus your reading.

#### **Class 1:**

#### **What is Terrorism & How Does It Impact Human Rights**

*In this meeting will examine the use of terrorist tactics; attempts to define terrorism in domestic and international law; the response of state and international actors; and the impact of recent terrorist events on the human rights system.*

- Ben Saul, *Defining Terrorism: A Conceptual Minefield*, in THE OXFORD HANDBOOK OF TERRORISM (Erica Chenoweth et al. eds., 2019) (*read full chapter*).
- Special Tribunal for Lebanon, Case No. STL-11-01/I (Interlocutory Decision on Applicable Law, Feb. 11, 2011) (*read ¶¶ 83-113*)
- Int'l Convention for the Suppression of the Financing of Terrorism, art. 2 (*skim treaty, focusing on Art. 2*)
- UN Security Council Resolution 1373 (2001) (*read resolution*).
- UN Security Council Resolution 1566 (2004) (*read resolution*).
- UN Security Resolution 2178 (2014) (*read resolution*).

**Class 2:**

**Legal Framework Governing Counterterrorism Efforts & Role of Courts**

*We will look at the interaction of the various legal regimes that regulate counterterrorism activities (domestic law; international human rights law; ; international humanitarian law; and other international authority) and their accommodation of emergencies; and the judicial review in the counterterrorism arena.*

- Myriam Feinberg, *International Counterterrorism – National Security and Human Rights: Conflicts of Norms or Checks and Balances?*, 19 INTERNATIONAL JOURNAL OF HUMAN RIGHTS 388 (2015) (*read full article*).
- Sital Dhillon & Adam Mama-Rudd, *Human Rights and Counter-Terrorism*, 4(2) RESEARCH PROCESS 1 (2016) (*read full article*).
- General Comment 29, Human Rights Committee (2001).
- JOAN KILPATRICK, *WHEN A TEMPORARY STATE OF EMERGENCY BECOMES PERMANENT: FRANCE AS A CASE STUDY* (November 2020) (*read full report*).

**Class 3:**

**Detention, Torture, & Rendition**

*This meeting explores issues that have emerged related to counterterrorism and the protection of key fundamental rights.*

- Sylvia Borelli, *Extraordinary Rendition, Counter-Terrorism, and International Law*, in RESEARCH HANDBOOK ON INT’L LAW & TERRORISM (B. Saul ed., 2014) (*read full article*).
- Yuval Shany, *A Human Rights Perspective to Global Battlefield Detention: Time to Reconsider Indefinite Detention*, 93 INTERNATIONAL LAW STUDIES 102 (2017) (*read full article*).
- Joint Report on the Situation of Detainees at Guantanamo Bay to Comm’n on Human Rights (2006) (*skim report*).
- General Comment 35, Human Rights Committee (2014) .
- Ireland v. UK, 25 Eur. Ct. H.R. (Ser. A) (1978) (*briefly review application of the law ¶¶ 148-235*).
- Gafgen v. Germany, 2010 Eur Ct. H.R. (*briefly review application of the law ¶¶ 75-132*).
- Beghal v. UK, 2019 Eur. Ct. H.R. (*briefly review judgment*)

#### **Class 4:**

#### **Fair Trials, Lethal Force, Victims' Rights, Race, & Gender**

*During this meeting we will look at the fair trial guarantees applicable in the prosecution of terrorist suspects, the use of targeted killings, and explore additional issues that have emerged related to counterterrorism and the protection of key fundamental rights*

- Robert Spano, *Fair Trial Rights and Terrorism: Bright-Line Rules or Flexible Procedural Safeguards?* (2016) (*read full article*).
- Study on Targeted Killings, UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions (2010) (*skim report*).
- Tagayeva & Others v. Russia, 2017 Eur. Ct. H.R. (*briefly review application of the law ¶¶ 478-611*).
- Report of the Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism (2016) (*skim report*).
- Khaled Beydoun, *Acting Muslim*, 53 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 1 (2018) (*briefly review article*)
- Ann-Kathrin Rothermel, *Gender in the UN's Agenda on Preventing and Countering Violent Extremism*, 22 INT'L FEMINIST J. OF POLITICS 720 (2020) (*read full article*)
- Exec. Order No. 13,769 (Protecting the Nation from Foreign Terrorist Entry into the United States), 82 Fed. Reg. 8977 (Feb. 1, 2017) (*skim order*).

#### **Essay guidelines**

You will complete a 3,000 word essay for this course. Your proposal and essay will account for 90% of your grade. Given the short length of the essay, I suggest that you engage in an original analysis of a particular state counter-terrorism law or practice, critiquing it under international & regional human rights law. Please provide background on the justification for and implementation of the domestic law/practice, an explanation of the governing international/regional legal framework, your analysis of the domestic law/practice's compliance with the relevant human rights law, and conclude with any suggested reforms/recommendations. Suggested main headings are: Introduction; Background; Analysis; & Conclusion.

All students should submit a short topic proposal containing a working title and one-paragraph description of their planned topic via Canvas by 4:00 p.m. Galway time **TBD**. Late or incomplete proposals will negatively impact the final essay grade.

*If you wish to propose an essay deviating from the template suggested above, you may do so. You will need to include a one-page outline of your proposed essay when you submit your title/topic*

*proposal*. (If you follow the suggested format in the first paragraph, you *do not* need to include an outline with your title/topic proposal.)

Final essay submissions are due via Blackboard by 4:00 p.m. Galway time **TBD**.

Please refer to the 2024-25 LLM Guidelines for general requirements, which include cover page, table of contents, bibliography, and penalties for late submissions. Double-space your essay and use a standard 12-point font. I expect you to cite authority using a consistent, recognized style such as The Blue Book or Oxford style. While I prefer footnotes, in-text citations are allowed, but please avoid using endnotes. Excluding cover page, table of contents, and bibliography, your final essay should total between 2,800 and 3,200 words (including footnotes). A penalty will be assessed for essays that fall outside of this range.

The rubric I use to grade your essay includes the following criteria:

- Topic selection, clarity of thesis, & engagement with human rights law)
- Organization & structure
- Demonstration of thorough research
- Use of authority to support propositions
- Strength of analysis
- Clear & persuasive writing style
- Grammar, formatting, & spelling (including citations)

If you have questions about style or format, please contact me at [brian-r-farrell@uiowa.edu](mailto:brian-r-farrell@uiowa.edu).