**Counterterrorism & Human Rights**

**LW525 -- Spring 2020**

**COURSE OUTLINE**

**General Information**

Instructor: Dr. Brian R. Farrell

Office: TBD

Office Hours: By appointment

E-mail: [brian-r-farrell@uiowa.edu](mailto:brian-r-farrell@uiowa.edu)

Course time: Jan. 13, 5:00-8:00; Jan. 15, 3:00-6:00; Jan. 16, 3:00-6:00; Jan. 18, 10:00-1:00

**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 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
* 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 Blackboard. Guidelines on content and structure will be provided the first week of class.

**Course Materials**

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

**Schedule of Topics**

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.

**Mon., Jan. 13:** **What is Terrorism, and How Do States Respond?**

*In this meeting will examine the use of terrorist tactics throughout history; the definition of terrorism in domestic and international law; the use of state powers in response to terrorist acts; 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 (A. Gofas, et al., eds., 2015).
* Special Tribunal for Lebanon, Case No. STL-11-01/I (Interlocutory Decision on Applicable Law, Feb. 11, 2011), ¶¶ 83-113.
* Int’l Convention for the Suppression of the Financing of Terrorism, art. 2.
* UN Security Council Resolution 1373 (2001).
* UN Security Council Resolution 1566 (2004).

**Wed., Jan. 15: Legal Framework Governing Counterterrorism Efforts & Role of Courts**

*We will look at interaction of the various legal regimes that regulate counterterrorism activities (domestic law; international human rights law; and international humanitarian law) and their accommodation of emergencies, as well as the role of 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).
* Sital Dhillon & Adam Mama-Rudd, *Human Rights and Counter-Terrorism*, 4(2) Research Process 1 (2016).
* General Comment 29, Human Rights Committee (2001).
* Robert Zaretsky, *France’s Perpetual State of Emergency*, Foreign Policy (July 16, 2016).

**Thurs., Jan. 16: 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 (2014).
* Yuval Shany, *A Human Rights Perspective to Global Battlefield Detention: Time to Reconsider Indefinite Detention*, 93 International Law Studies 102 (2017).
* Joint Report on the Situation of Detainees at Guantanamo Bay to Comm’n on Human Rights (2006) (excerpts).
* General Comment 35, Human Rights Committee (2014).
* Ireland v. UK, 25 Eur. Ct. H.R. (Ser. A) (1978) (excerpts).
* Gafgen v. Germany, 2010 Eur Ct. H.R. (excerpts).

**Sat., Jan. 18: Fair Trials, Immigration, & Lethal Force**

*We will 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).
* Kai Ambos & Annika Maleen Poschadel, *Terrorists and Fair Trial: The Right to a Fair Trial for Terrorists Detained at Guantanamo Bay*, 9 Utrecht Law Review 109 (2013).
* Study on Targeted Killings, UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions (2010).
* Tagayeva & Others v. Russia, 2017 Eur. Ct. H.R. (excerpts).
* Report of the Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism (2016).
* Exec. Order No. 13,769 (Protecting the Nation from Foreign Terrorist Entry into the United States), 82 Fed. Reg. 8977 (Feb. 1, 2017).