

<b>Course title</b>	Counter-terrorism and Human Rights
<b>Level</b>	Advanced Undergraduate / Postgraduate
<b>Duration</b>	4
<b>Dates</b>	15 July 2013
<b>Instructor</b>	Natasa Mavronicola
<b>Course objectives</b>	
<p>This module aims to provide students with a more in-depth understanding of the complex issues raised by counter-terrorism as they relate to human rights, with a view to developing (a) critical perspectives around the political rhetoric and deployment of the concepts of 'terrorism', 'counter-terrorism' and the 'war on terror', (b) awareness of and input in some of the key debates surrounding state of exception and the torture – ticking bomb scenario; and (c) the ways in which the (apparent) imperatives set up by such rhetoric have been deployed to restrict rights, with particular focus on ECHR rights.</p>	
<b>Course Outline</b>	
<p>There will be four points of focus:</p> <ol style="list-style-type: none"> <li>(1) terrorism, counter-terrorism, and the 'war on terror';</li> <li>(2) the state of exception in politics and law;</li> <li>(3) the torture debate;</li> <li>(4) derogation, qualification and circumvention of rights under the ECHR.</li> </ol>	
<b>Educational Outcomes</b>	
<ul style="list-style-type: none"> <li>• Understand the socio-political contours and legal implications of the concepts of 'terrorism', 'counter-terrorism' and the 'war on terror'.</li> <li>• Explore the complex issues of political and constitutional theory raised by the state of exception or 'emergency' as a basis for displacing fundamental rights in the context of counter-terrorism, with comparisons to the 'business as usual' model.</li> <li>• Understand and assess the intricate moral arguments surrounding the debate on the absolute prohibition on torture vis-à-vis the ticking bomb scenario, and the potential and actual legal responses to the issue.</li> <li>• Delineate the legal parameters of derogating from the ECHR in the context of counter-terrorism, examined in light of the socio-political and theoretical context examined in the first 3 seminars, focusing on: (a) the distinction between derogable and non-derogable rights under the ECHR; (b) the conditions under which derogations can take place; and (c) the limits to lawful State action in derogation from the ECHR.</li> <li>• Understand the problems surrounding the qualification of rights and alternative modes of circumvention of rights (eg definitional mechanisms) in the context of</li> </ul>	

counter-terrorism under the ECHR.

**Basic Bibliography**

- **Pre-workshop task:** Google 'terrorism', 'War on Terror' and 'Counter-terrorism' – note any results you consider interesting.
- A. Greene, 'Separating Normalcy from Emergency: The Jurisprudence of Article 15 of the European Convention on Human Rights' (2011) 12 German Law Journal 1764, available at [http://www.germanlawjournal.com/pdfs/Vol12-No10/PDF\\_Vol\\_12\\_No\\_10\\_1764-1785\\_Articles\\_Greene.pdf](http://www.germanlawjournal.com/pdfs/Vol12-No10/PDF_Vol_12_No_10_1764-1785_Articles_Greene.pdf)
- A. Dershowitz, 'Tortured Reasoning', available at <http://www-tc.pbs.org/inthebalance/pdf/dershowitz-tortured-reasoning.pdf>
- *A v UK* Application no. 3455/05 (European Court of Human Rights, 19 February 2009) available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-91403>
- *Gillan and Quinton v UK* Application no. 4158/05 (European Court of Human Rights, 12 January 2010) available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96585>
- *Gäfgen v Germany* Application no. 22978/05 (European Court of Human Rights, 1 June 2010) available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-99015>
- *Ahmad v UK* Applications nos. 24027/07, 11949/08, 36742/08, 66911/09 and 67354/09 (European Court of Human Rights, 10 April 2012), available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-110267>

**Teaching Methodology**

Lectures

4 = h
Total = 4h

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**Evaluation**

Attendance  
Course Participation

%
%
100%

<b>Language</b>	English
<b>Location</b>	EPLO Headquarters, Sounion
<b>General note</b>	NONE