

**Centre for Aerospace & Defence Laws (CADL)
DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

***M.A. (Security & Defence Laws)*
(Batches : 2021-2023, 2020-2022 & 2019-2021)**

Academic Year: 2022-2023

Third Semester - End Semester Examination (January, 2023)

Paper II – 2.3.10. Terrorism and Counter Terrorism

Duration of the Examination: 2 ½ hours

Total Marks : 70 marks

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No., date of the exam, name of the programme & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) Candidates are prohibited to carry phones or any other electronic devices, books, material etc. in the Examination Hall.
 - g) Copying is strictly prohibited and is considered as a serious academic misconduct and the University will take action as it deems fit.
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Section – A

Answer FIVE questions out of SEVEN questions and each question carries 10 marks. (5 x 10 marks = 50 marks)

1. Mr. Abd-El-Kader was a citizen of Morocco. Following periods in Syria, Saudi Arabia and Afghanistan (where he took part in military training with a militia leader) he entered Belgium illegally in 2004. After five months in Belgium he applied for asylum. Two weeks after his application, however, he was arrested and charged with participating, as a leader, in the activity of a terrorist group (the Moroccan Islamic Fighting Group or 'GICM' after its French name 'Groupe Islamique Combattant Marocain') and other offences. Evidence transmitted by

the Moroccan authorities, obtained during proceedings opened following the Casablanca bombings in 2003, was added to the criminal case file in Belgium. That evidence included witness statements describing the Mr. Abd-El-Kader's involvement and activities in the GICM. Mr. Abd-El-Kader was tried, found guilty of participating in the activities of a terrorist group, and sentenced to seven years imprisonment. He appealed the judgment asking the appellate court to exclude the statements taken in Morocco, which he alleged had been obtained through torture or inhuman treatment. The Court of Appeal, however, considered that Mr. Abd-El-Kader had provided no evidence capable of shedding "reasonable doubt" on the way in which the statements had been obtained. It therefore rejected the argument and upheld the judgment based, among other things, on the statements transmitted by the Moroccan authorities. Mr. Abd-El-Kader complained to the ECtHR.

- a. Discuss Human Rights Violations in the above case with suitable examples.
 - b. Discuss the role of ECtHR in protecting the Human Rights while countering terrorism.
2. *"The combat of Terrorism cannot serve as an excuse to implement measures that could be or have proved to be restrictive of human rights or that violate human rights."* Explain the impact of terrorism on the enjoyment of Human Rights.
3. *"Terrorism is a violent method to express political opposition. It consists of violence and threat of violence, and may include the threat of and real physical violence as well as psychological threat and violence"*. Keeping the above statement in mind, discuss the appropriate definition, nature and causes of Terrorism. Further distinguish the concept of terrorism from any other criminal act.
4. Discuss what you consider to be the underlying reasons and challenges regarding the adoption of a binding legal instruments articulating the rights of victims, including victims of terrorism. Explain the human rights and broader impact of terrorism upon victims, both those directly and indirectly affected. Argue for or against the need for a binding treaty instrument to be adopted.
5. *"In the last three decades, the emergence of highly organized, well trained, and well financed international terrorist networks had exposed the significant gaps in the United Nations pre-existing anti-terrorism framework."* Keeping the above statement in mind, kindly explain the role of League of Nations in combating terrorism. Also explain the role of General Assembly and Security Council in countering terrorism.

6. *“In combating some of the most serious terrorist threat in the world, a durable enduring and ever improving commitment, the Indian government has taken several positive steps to limit the use of its anti-terrorism laws and to renew its efforts to transform its colonial era polices and criminal justice institutions following the bomb blast in Mumbai.”* Do you agree. Discuss with suitable examples.
7. Critically evaluate the normative relationship between international, regional and national legal frameworks governing responses to terrorism, drawing upon the approaches of different regional organizations. Where a normative conflict arises between these principles, which ones should or do prevail? What is the impact of this on achieving counter-terrorism goals as reflected in the UN Global Counter-Terrorism Strategy?

Section – B

Answer FOUR questions out of SIX questions and each question carries 05 marks. (4 x 5 marks = 20 marks)

- A.** Theories on Terrorism
- B.** Role of ICT in Terrorism and Counter-Terrorism
- C.** Human Rights Obligations under ICCPR (International Covenant on Civil and Political Rights) relating to Terrorism
- D.** SAARC and Counter-Terrorism
- E.** National Investigation Agency Act, 2008
- F.** Unlawful Activities (Prevention) Amendment Act, 2008