The Human Rights Deficit of Anti-Terrorism Laws: A Comparative Study of Ethiopian and British Anti-Terrorism Law

Meron Belay Alene

2010/11 academic year

Supervisor: Marko Milanovic

Venice Institute of Human Rights/Nottingham University

Date of Submission: 7/12/2011
Abstract

Terrorism has never been popular in history at any point of time as it is now. International cooperation is developing around how to effectively prevent and combat terrorism. Especially after September 11, international institutions designed various conventions aiming at facilitating the ground for international cooperation in the fight against terrorism which is deemed necessary in the era of globalization. However, this faced serious obstacle because of lack of widely accepted definition of terrorism.

Anti-terrorism laws flourished in the past decade and are increasingly becoming unpopular among civil liberty advocates and ordinary citizens because of the prolonged limitations they impose on fundamental human rights. How best to ensure security of a society is common dilemma democratic states are facing. This paper is a comparative study of two anti-terrorism legislations, currently being implemented in the United Kingdom and Ethiopia.

Acknowledging the serious threat of terrorism these two countries are facing, the paper explored the influence these laws have on human rights protection in both countries. The study concludes that both legislations have exerted unnecessary pressure on the enjoyment of human rights and there are provisions included in both legislations in clear violation of international human rights law. Moreover, the study reached the conclusion that such laws affect human rights disproportionately in countries where law enforcement mechanisms are weak and rule of law is not solidly institutionalized. The extraordinary measures introduced in the name of ‘fighting terrorism’ not only violate specific human rights but also weaken ordinary criminal justice system in effect destroying any chance of developing competent and reliable justice system for the future.
Table of Contents

Abstract........................................................................................................................................... 2

CHAPTER ONE ................................................................................................................................... 5
1.1 Introduction .................................................................................................................................. 5
1.2 Objective of the Study ............................................................................................................... 7
1.3 Methodology .............................................................................................................................. 7
1.4 Organization of the Study ........................................................................................................ 7

CHAPTER TWO .................................................................................................................................. 9
Literature Review .............................................................................................................................. 9
2.1 Terrorism and Human Rights ................................................................................................... 9
2.2 Terrorism .................................................................................................................................... 9
2.3 Terrorism and Human Rights ................................................................................................... 12

CHAPTER THREE .............................................................................................................................. 17
Background to Terrorism and Terrorism Legislation in Ethiopia .................................................. 17
3.1 Historical Background to Terrorism in the United Kingdom ................................................ 17
3.2 Legal Background to Anti-Terrorism Legislation in the United Kingdom ............................... 19
3.3 Conclusion ................................................................................................................................. 29

CHAPTER FOUR ............................................................................................................................... 30
Background to Terrorism and Terrorism Legislation in Ethiopia .................................................. 30
4.1 Brief Overview of the Political Background in Ethiopia .......................................................... 30
4.2 Assessment of Terrorism Threat in Ethiopia ........................................................................ 32
4.3 Background to the Ethiopian Anti-Terrorism Proclamation .................................................. 34

CHAPTER FIVE .................................................................................................................................. 38
A Comparison of Ethiopia and United Kingdom Anti-Terrorism Law: the Human Rights Deficit ..... 38
5.1 Defining Terrorism ..................................................................................................................... 39
5.2 Encouragement of Terrorism ................................................................. 44
5.3 Extension of Police Powers .................................................................. 46
5.4 Evidentiary rules .................................................................................. 49
5.5 Proscribing Terrorist Organizations ...................................................... 53
Conclusion .................................................................................................. 56
Bibliography ................................................................................................. 58
2011

The human rights deficit of anti-terrorism laws: a comparative study of Ethiopian and British anti-terrorism law

Alene, Meron Belay

https://doi.org/20.500.11825/844

Downloaded from Open Knowledge Repository, Global Campus’ institutional repository