

## **RESEARCH PROJECT ON COUNTER-TERRORISM AND HUMAN RIGHTS IN AFRICA**

South Africa's role and place in the 'global war on terrorism' is an underexplored question. Southern Africa has been described as an 'underreported region' with regard to counter-terrorism measures. The SAIFAC research project will aim to address the lack of academic scholarship on the question of counter-terrorism in Southern Africa.

The new South African legislation on terrorism will be examined. The Anti-Terrorism Act of 2000 has been severely criticised for its vagueness and ambiguity. The Act provides for powers to stop and search vehicles and persons, to detain individuals suspected of withholding information. The new definition of a 'terrorist act' covers a vast area of activity, including any that may 'cause damage to property... or disrupt any public service [or] the delivery of any essential service to the public [or] create unrest.' The 'creation of unrest' could include any political activity in opposition to the government. A person convicted of a terrorist act could face imprisonment of up to 20 years.

South Africa's current position on terrorism will be situated in the wider network of African and international responses to international terrorism. Where does South Africa's current policy fit in the legal and ideological responses to terrorism? Whereas it is clear that South Africa does not follow the approach of the group of countries (including the US, Australia and the UK) that enacted aggressive anti-terrorist legislation threatening civil liberties, it is clear that the new South African legislation affects human rights. It will be asked whether the Anti-Terrorism Act complies with the 1996 Constitution.

Whereas many African states regard terrorism as a 'Western issue' African governments are increasingly enacting counter terrorism legislation. The project will focus on African and other regional efforts to develop counterterrorism measures. It will ask whether there is, or should be, a coordinated African response to terrorism. It will consider the efforts of SADC and the AU as well as the domestic legislation of (Southern) African states and look at how this legislation interacts with these states' constitutional and international legal obligations.

The project will also consider South Africa's implementation and reaction to the post 9/11 Security Council norms and resolutions on terrorism (specifically Security Council Resolution 1373). The questions of extradition and mutual assistance in the context of terrorism should be addressed. What are South Africa's international obligations in this regard?

The implications of the fact that South Africa (and other African countries) ratified the Statute of the International Criminal Court (ICC) will be examined. Although the ICC does not have subject matter jurisdiction over terrorism some believe that the ICC can nevertheless be an instrument for repressing terrorism.

The project aims to draw on the expertise of academic and policy experts in the field of international law and security in the Southern African region. The research should result in a publication or series of publications (in the form of articles, reports or occasional papers).