



**STRATHMORE LAW SCHOOL
MASTERS OF LAW (LL.M)
END OF MODULE MAIN EXAMINATION
LLM 8206: LEGAL RESPONSES TO TERRORISM AND VIOLENT
EXTREMISM.**

Date: **Wednesday, 17th January 2024**

Time: **3 Hours**

Instructions

1. This examination consists of **FIVE** questions.
2. Answer **Question ONE (COMPULSORY)** and any other **TWO** questions
3. This is a closed-book examination.
4. You should spend a fair amount of time organizing your thoughts before starting to write.
5. Careful organization and clarity will be highly valued.
6. Please start each question on a new page.

QUESTION 1 Concept of Terrorism: (30 Marks)

1a . There are various ways of approaching the problem of defining terrorism, Schmid mentioned 5 possibilities. Describe these possibilities and what you think about each of the approaches in terms of useful to come to a definition.

1b . Describe various typologies of terrorism and with 3 examples of each typology.

1c. Martha Crenshaw noted in 1985 that “The political effectiveness of terrorism is important.

Determined by the psychological effects of violence on audiences¹ Is the production of fear the ultimate purpose? Please Explain your answer

1d. Which international conventions and protocols have been signed and ratified since 1963 by UN member states that address crimes widely considered typically terrorist crimes?

¹ Martha Crenshaw (1985): Terrorism in Context. Philadelphia: Pennsylvania State University Press, p. 400

1e. According to Schmid there is an overlap between the definition of war crimes and terrorism, he therefore proposed in 1992 to the UN Crime Commission to use the consensus that already existed in the international community regarding war crime and extend it to terrorism, calling acts of terrorism ‘the peacetime equivalent of war crimes. Was it accepted? Explain! What is the definition of war crimes?

Describe the objective and subjective elements of the crime. What can be considered an overlap with the definition of terrorism?

1f. To find a consensus on the definition, different experts in the field like Ben Saul tried to define terrorism in international law. Describe his definition. What is your academic opinion about that definition? Do you think a worldwide definition is needed for practitioners? Explain

1g. Consider all the definitions you have read about, what would be your (legal) definition?

1h. Mention the main human rights that can be invoked in terrorism and violent extremism cases.

QUESTION 2. Security Council and ct Resolutions (15 Marks)

2a. Which security council resolutions are important for Kenya? Why?

2b. Under which security council resolution was CTED established? What is the main task of CTED?

QUESTION 3. Terrorist Financing (15 Marks)

3a. Which/ what international obligation(s) do you know to criminalize terrorist financing? And what role could FATF play?

3b. How are terrorist organizations financed?

3b. Describe how terrorist financing is criminalized and prosecuted (in general) in Kenya.

QUESTION 4. Female Terrorists (and their victims) (15 Marks)

4a. What role(s) could women play in a terrorist organization?

4b. What do you know about the (changing) identities of the female terrorist / extremist? And what does that mean in the light of de-radicalization programs?

4c. What are the rights of victims under Kenyan law in terrorism cases?

QUESTION 5. New Investigation Techniques (15 Marks)

5a What special investigative measures do you know including techniques for gathering information systematically in such a way as not to allow the target person to know of them? And how are the human rights protected of the accused when these measures are used?

5b What kind of new (weapon) techniques can be used by terrorist or violent extremists, mentioned in the global terrorism index 2023?