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MALAGA 12-14 November 2007

## Academic freedom in a fearful time

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**United Nations**

**Resolution 1373 (2001)**

**Adopted by the Security Council at its 4385th meeting,  
on 28 September 2001**



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***The Security Council,***

**Resolution 1373 (2001)**

**2. *Decides also*** that all States shall:

.....

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from **using their respective territories** for those purposes against other States or their citizens;

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is **brought to justice** and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

.....

(g) Prevent the movement of terrorists or terrorist groups by **effective border controls** and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;





***The Security Council,***

**Resolution 1373 (2001)**

3. ***Calls*** upon all States to:

.....

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including **international standards of human rights**, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

4. ***Notes*** with concern the close connection between international terrorism and transnational organized crime, **illicit drugs, money-laundering, illegal armstrafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials**, and in this regard *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;





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**UNIVERSITY OF THE WESTERN CAPE**

**RESEARCH PAPER**

The Impact of 9/11 on the South African Anti-Terrorism Legislation and the  
Constitutionality thereof

Submitted by: Katrin Kokott  
Proposed Degree: Master of Law (LL M)  
Supervisor: Professor Nico Steytler  
Date: November 2005

[http://etd.uwc.ac.za/usrfiles/modules/etd/docs/etd\\_init\\_8215\\_1177053685.pdf](http://etd.uwc.ac.za/usrfiles/modules/etd/docs/etd_init_8215_1177053685.pdf)



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## **US PATRIOT Act, Section 411 "Idiological exclusion"**

Examples:

Tariq Ramadan, professor, Switzerland  
*Denied entry spring 2007*

Adam Habib, professor, Deputy Vice-Chancellor of Research, University of  
Johannesburg, South Africa  
*Denied entry October 2006*

Yoannis Milios, professor, National Technical University of Athens, Greece  
*Denied entry June 2006*

Wasakar Ari, professor, Bolivia  
*Denied entry spring 2006*

Dora Maria Tellez, professor, former Minister of Health, Nicaragua  
*Denied entry 2005*



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## The Arrest of German Academics, July 2007

### Justification for arrest:

- Dr. Matthias B. is alleged to have used, in his academic publications, “phrases and key words” which are also used by the ‘militante gruppe’;
- As political scientist holding a PhD, Matthias B. is seen to be intellectually capable to “author the sophisticated texts of the ‘militante gruppe’ (mg)”. Additionally, “as employee in a research institute he has access to libraries which he can use inconspicuously in order to do the research necessary to the drafting of texts of the ‘militante gruppe’”;





## The Arrest of German Academics, July 2007

### Justification for arrest:

- Another accused individual is said to have met with suspects in a conspiratorial manner: “meetings were regularly arranged without, however, mentioning place, time and content of the meetings”; furthermore, he is said to have been active in the “extreme left-wing scene”;
- In the case of a third accused individual, an address book was found which included the names and addresses of the other three accused;





## The Arrest of German Academics, July 2007

### Justification for arrest:

- Dr. Andrej H., who works as urban sociologist, is claimed to have close contacts with all three individuals who have been charged but still remain free;
- Dr. Andrej H. is alleged to have been active in the “resistance mounted by the extreme left-wing scene against the World Economic Summit of 2007 in Heiligendamm”;
- The fact that he – allegedly intentionally -- did not take his mobile phone with him to a meeting is considered as “conspiratorial behavior”.





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### **Antiterror laws have:**

- Limited free movement of students across borders
- Limited free movement of teachers/researchers across borders
- Reduced freedom of research
- Obstructed the scientific academic debate
- Introduced self-censorship in research and teaching

**We must reintroduce the academic freedom and hereby allow open discussions in teaching and remove any secrecy in research**



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