

Legal Strategies and Transnational Cooperation in Countering Terrorism: A Case Study of Uganda's Framework

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ABSTRACT

Terrorism remains a global threat, with terrorists operating across borders and targeting innocent civilians. While criminal law traditionally operates within national boundaries, the challenge of terrorism necessitates a reevaluation of legal frameworks to effectively combat this phenomenon. This article explores the legal framework for countering terrorism in Uganda, emphasizing the need for enhanced national and regional cooperation to strengthen criminal justice structures. It examines international and regional human rights instruments, victims rights, criminal justice responses to terrorism, and the role of international cooperation in combating this transnational threat. Additionally, it discusses the adoption of administrative measures within a rule of law framework to prevent individuals from engaging in terrorist activities. The study underscores the importance of addressing terrorism through both legal and operational means to ensure the safety and security of citizens.

Keywords: Counter-terrorism, Legal framework, Terrorism, Terrorist-attacks, Victims of terrorism.

INTRODUCTION

In 1994, the United Nations General Assembly established that terrorism was "criminal and unjustifiable, wherever and by whomever committed, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them [1]. By defining terrorism as a crime rather than as an international security issue, the General Assembly has chosen a criminal law approach rather than a war model of fighting terrorism[2]. While the General Assembly categorized international terrorism in 1994 in terms of a criminal justice model as a serious crime, the United Nations Security Council categorized it, on 12 September 2001, in resolution 1368, "like any act of international terrorism, as a threat to international peace and security", thereby applying a security rather than a crime model to such acts[3]. It is widely accepted that a number of countries are strongly supporting the Security Council approach while other members of the international community feel more comfortable with the General Assembly method.

The United Nations has adopted several counter-terrorism measures to punish individuals and groups engaging in terrorism. UN Security Council Resolution 1267 and subsequent related resolutions

require UN member states to freeze funds and other financial resources of the Taliban, al-Qaeda and affiliated individuals and groups, and designate specific individuals and groups as sanctioned[4]. Additionally, Resolution 1573 and subsequent related resolutions require states to implement laws and measures to improve their ability to prevent terrorist acts. These measures include criminalising the financing of terrorism; freezing the funds of individuals involved in acts of terrorism; denying financial support to terrorist groups; cooperating with other governments to share information; and investigating, detecting, arresting, and prosecuting individuals and entities involved in terrorist acts[5]. Since terrorism is one of the gravest crimes, it would be logical to conclude that a great deal of attention should be paid to preventing possible terrorist attacks. A successful proactive criminal justice approach to terrorism prevention would need a strategy to permit intervention against terrorist planning and preparations before they mature into action. The goal is to proactively integrate substantive and procedural mechanisms to reduce the incidence and severity of terrorist violence and to do so within the strict constraints and protections of the civilian criminal justice system and the rule of law[6]. Thus, countering

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