

Rights to Liberty and Fair Trial —Sacrificed in the Name of Anti-Terrorism

Fort Fu-Te Liao

Institute of European and American Studies, Academia Sinica
E-Mail: ftliao@sinica.edu.tw

Abstract

When a state adheres to international human rights treaties, it is obliged to implement them domestically within its jurisdiction, even in a time of anti-terrorism. This paper therefore examines whether the measures taken in the name of anti-terrorism by the US and the UK are in accordance with international human rights standards.

It focuses on three main issues. The first issue relates to the criteria used to define terrorists. Secondly, once identified, how will they be detained, and thirdly how will they be tried? It emphasizes that human rights protections and anti-terrorism measures should not be conflicting aims but parallel goals. It argues that the laws and orders enacted by the US and the UK may not always conform to international human rights standards, and should be rescinded or amended.

Key Words: right to liberty, right to fair trial, anti-terrorism, “USA PATRIOT ACT”, “Anti-Terrorism Act 2001”