

Exam Number \_\_\_\_\_

FINAL EXAMINATION  
IN  
TERRORISM AND THE LAW

April 28, 2006  
9:00-11:00 A.M.

Professor Shanor

This is a **two hour exam**. It contains **two fact patterns and one cartoon** with questions related to each fact pattern and the cartoon. The amount of time allocated will reflect the approximate credit for each question.

This exam is **open book** and may be taken only in **rooms assigned** for taking the exam. The exam is governed by the **Honor Code**. If you believe additional information is needed to analyze any question, state what you think is needed and why it makes a difference.

Read, think, and organize before you write or type your answers!

**WRITE YOUR EXAM NUMBER ON EACH PAGE OF YOUR ANSWERS AND ON THE COVER OF THIS EXAM. YOU MUST RETURN BOTH THE EXAM AND THE ANSWER SHEETS (OR DISK) TO RECEIVE CREDIT FOR THE COURSE.**

**GOOD LUCK AND HAVE A WONDERFUL SUMMER!**

**I.**  
**(45 Minutes)**

On April 25, 2006, **The New York Times** carried an article by C.J. Chivers, an edited version of which appears below:

BESLAN, RUSSIA—Three former police supervisors in the Beslan district police station are accused of criminal negligence in failing to take adequate steps to protect School No. 1, which was seized by members of a Chechen militant group [CMG] in the fall of 2004. School No. 1 is almost next door to the police station. But the police officers under the supervisors' command took no evident steps to thwart the terrorists, an armed band in masks that passed unchallenged along local roads and found the school guarded by a lone policewoman, who had no gun.

The siege began on Sept. 1, 2004, when at least 32 militants herded an outdoor student assembly into the school's gym and promptly converted it into an impromptu jail rigged with bombs. The crisis ended in explosions, gunfire and flames on Sept. 3, when a chaotic battle erupted after two blasts shook the gym. Three hundred thirty-one people died, including 186 children. All but one of the militants were killed.

Federal prosecutors claim that in late August 2004, the police department received a written order from the region's Interior Ministry, warning of possible terrorist acts and instructing the police to increase security on roads and at schools. During the siege, both the federal and regional governments insisted that only 354 hostages had been taken, about one-third of the real number, and that misinformation undercut proper planning for the rescue attempt and medical attention during the battle. Even by Sept. 3, few ambulances had been posted near the school. As a result, hundreds of injured hostages who stumbled free or were carried out during the battle did not receive first aid until they were driven to the hospital in private cars.

As the battle intensified, Russian soldiers and special forces commandos fired indiscriminately into the school with high-powered weapons, including shoulder-fired rockets and tank shells. Fire trucks arrived late, and did not start putting out flames in the gym until most of its roof had collapsed, pinning injured hostages beneath burning plastic and wood. Moreover, multiple command centers were established, leaving it unclear to this day who was actually in charge.

Survivors and families of the victims also say that Russian officials, following Mr. Putin's instructions, negotiated only halfheartedly with the militants, enraging them, endangering the hostages and making the violent end more likely. "Only negotiations could have stopped it," said a retired police colonel, "Not these three men." He said that a police counterattack against the masked gunmen in the first minutes was out of the question. The militants were mingled with the children and it was too dangerous to start a gun battle.

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1. Assume that the foregoing events happened in Columbine, Colorado, USA rather than Breslan, Russia. **Discuss whether the US military would be responsible if it had played the role of the Russian federal authorities. (15 minutes)**

2. In the Columbine, Colorado version of the story, **discuss whether the surviving CMG member could be tried by a military tribunal. (10 minutes)**

3. In the Columbine version of the story, assume that, on August 1, 2004, Secretary of State Rice placed CMG on the State Department's list of terrorist organizations. Assume further that CMG had an account at State Bank of Maryland, that Joe Clueless donated \$2000 to CMG on August 7, and that his check was promptly deposited in CMG's account. Joe was clueless; he thought CMG was a charitable organization. A large withdrawal on August 24, 2004, a week before the siege was used by CMG members to purchase weaponry used in the siege. **Discuss antiterrorism law exposure of the State Bank of Maryland and/or Joe Clueless. (20 minutes)**

## **II. (45 Minutes)**

In late 2006, the United Nations imposed sanctions on Iran for continuing to pursue uranium enrichment suitable for use in nuclear weaponry. On July 7, 2007, an 8-man U.S. Special Forces team infiltrates Iran under cover of darkness. They are dressed in local garb, converse solely in Farsi, and quickly make their way to the largest nuclear reactor site in Iran, where the Iranians are completing their first nuclear weapon. After destroying the site with explosives, the team quickly heads for the border with Iraq. Hearing sounds of pursuit, the team separates; 3 head northwest and 5 continue heading due west. The 5 man group is soon captured by Iranian troops. The team leader, a major, is executed on the spot by the Iranians, and the remaining four men -- a lieutenant and two sergeants -- are bound, gagged and transported in the back of a van to an unidentified location. There they are stripped, shackled and kept in the dark, in separate cells with loud recordings of the Koran booming out of speakers non-stop and no way to communicate with each other. They are fed a small meal of a bowl of rice and a cup of water once a day. For the next 5 days, the following pattern recurs: the recordings stop, one man is taken out of his cell, and the others hear the sounds of beatings, dogs growling, and screams. Each time, the captors ask over and over, "where are the other three men? Where are they hiding? Where are they planning to cross the border?" This happens 4 times each day -- once for each man. Somehow, the four men manage to escape to Iraq and the nearest US base. Medical personnel examine them and find that they are tired, hungry, and mildly dehydrated -- but find no evidence of injuries or beatings.

1. **Did Iran violate international law? (30 minutes)**

2. **What legal recourse, if any, do the four men and the US have against Iran? (15 minutes)**

III.  
(30 Minutes)

IN 2003, CONGRESS GAVE THE PRESIDENT AUTHORIZATION TO USE "ALL NECESSARY AND APPROPRIATE FORCE" TO CONDUCT THE WAR ON TERROR!



Comment on this cartoon, referencing materials you have studied in this course.