



Course of action regarding the spread of terrorist cells around the world

Sandrin Lange, Chair of the HRC

**“The promotion and protection of human rights for all
and the rule of law is essential to all components of the Strategy, recognizing that
effective counter-terrorism measures and the promotion of human rights
are not conflicting goals,
but complementary and mutually reinforcing”**

United Nations Global Counter-Terrorism Strategy (GA resolution 60/288, annex)

Honorable Delegates,

Human rights are universal values and meant to protect against actions that interfere with freedom and dignity of every human being.¹ Terrorism – commonly understood as acts of violence that target civilians in the pursuit of political or ideological aims² – violates the essential values of human life and the rules of national and international order. Along with the growing number of conflicts worldwide, the loss of state control in some parts of the world, the growing mobility and communication we face the risk of the globalisation of terrorism.³ Governments have to face a heterogeneous and movable “enemy”: Global networks like Al-Qaida and many autonomous groups. This makes it even more important to reach a reduction

¹ Office of the United Nations High Commissioner for Human Rights: Human Rights, Terrorism and Counter-Terrorism, online: <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>, retrieved September 07, 2009

² Bundeszentrale für politische Bildung: Terrorismus in neuen Dimensionen, online: http://www1.bpb.de/publikationen/BEPMBD,0,Terrorismus_in_neuen_Dimensionen.html, retrieved September 07, 2009

³ Auswärtiges Amt: Internationale Terrorismusbekämpfung, online: <http://www.auswaertiges-amt.de/diplo/de/Aussenpolitik/Themen/TerrorismusOK/Terrorismus.html>, retrieved September 07, 2009

and elimination of terroristic acts by international cooperation.⁴ The protection and respect for human rights is thereby an indispensable part of counter-terrorism.

The United Nations – as an organisation of members in a global context - are qualified to play an important and leading role in this field and to set all necessary political and juridicial conditions.

The United Nations Global Counter-Terrorism Strategy of 2006 has been the first agreement to a common strategic and operational framework to fight terrorism. Forming the basis for a concrete plan of action, it addresses the conditions conducive to the spread of terrorism, the prevention and combat, the measures to build state capacity, the strenghtening of the role of the UN and the ensurement to respect human rights while countering terrorism.⁵

Terrorism has a direct impact on human rights with consequences for the right of life, liberty and physical integrity. Through the Gobal Counter-Terrorism Strategy which emphasises the links between human rights and security measures, Member States have committed to ensuring respect for human rights and the rule of law as the basis in the fight against terrorism.

Considering the security and the protection of the individual as basic human rights, states have an obligation under human rights law to ensure those. By this they have to take effective counter-terrorism measures which might unfortunately pose challenges to the protection and promotion of human rights at the same time. All measures have to comply with the obligations under international law – especially international human rights, humanitarian and refugee law. But these measures taken to guarantee basic human rights have themselves often led to conflicts. According to international and regional human rights law it is the subject of the States' jurisdiction to protect the individual.

Practically, some of the state activities have created grave challenges to the right of life: To avoid juridicial procedure or common arrest “deliberate” or “targeted killing” has been introduced. There have been diverse cases of engagement in torture: The prohibition of torture and other inhuman treatments do not stand against the risk and danger created by terrorism to

⁴ Times Online: Al-Qaeda cells spread across Europe, online: <http://www.timesonline.co.uk/tol/news/world/article833084.ece>, retrieved September 07, 2009

⁵ UN Action to Counter Terrorism: Counter-Terrorism Implementation Task Force (CTITF): Un System-wide Actions, Online: <http://www.un.org/terrorism/cttaskforce.shtml>, retrieved September 07, 2009

the individual in specific and the inner security in general. This prohibition has often been undermined by specific policies and methods integrated in the States' course of action. Governments have also entertained memorandums, diplomatics agreements etc. to justify the return of persons suspected of terrorist activities to countries where they have to fear the danger of torture or other human rights abuse.⁶ There has been an influence and restriction to the liberty of the person by measures like pretrial procedures, pretrial detention, administrative detention and control orders to impose conditions on an individual to prevent him or her from committing or assisting a terrorist act. Judiciary independence has been undermined by impacts on process-related rights for suspects and their families, including the (de-)listing of individual persons or groups as terrorists. We face an interference with surveillance, data protection and the right to privacy. In recent years, some states have extended the power of surveillance which involves the collection of information and therefore limit the privacy and raise the question about how this data is being protected. There have been repressive measures used to undermine human rights defenders, journalists, minorities and the civil society. Resources that are normally allocated to social programmes and development projects have been directed to the security sector – the consequence is the affection of social, economic and cultural rights.⁷

All these practices do not only have a serious effect on human rights and the rule of (inter)national law but also on the effort to fight terrorism. The former Secretary General Kofi Annan argued that the sacrifice of human rights in response to terrorism would be “a victory for the terrorists”. He called the defending of human rights as “essential to all components of an effective counter-terrorism strategy”.

There is a great need of national counter-terrorism strategies that seek to prevent terroristic acts, prosecute the responsible persons and promote and protect human rights. Measures have to be taken to adress the spread of terrorism worldwide by taking the given conflicts of activities with the rule of law into consideration – violation of human rights, discrimination,

⁶ Amnesty International: Kollateralschaden Menschenrechte, online: <http://www.amnesty.de/journal/2009/april/kollateralschaden-menschenrechte>, retrieved September 07, 2009

⁷ Office of the United Nations High Commissioner for Human Rights: Human Rights, Terrorism and Counter-Terrorism, online: <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>, retrieved September 07, 2009

political exclusion etc. The civil society itself and the participation have to be strengthened to condemn human rights violations and prohibit them in national law to finally prevent them.⁸

In your role as a delegate in the Human Rights Council of the HamMUN2009 it is your responsibility to raise the awareness for the global problem of terrorism and its growth. But at the same time it is of huge importance that the impact of terrorism and counter-terrorism measures on the enjoyment of all human rights for every individual is in compliance with the rule of law. “Human rights are universal values” – make sure that this sentence will be meaningful again in the huge field of countering terrorism.

Sincerely,

Sandrin Lange

⁸ UN Action of Countering Terrorism: Human Rights, online: <http://www.un.org/terrorism/terrorism-hr.shtml>, retrieved September 07, 2009

Sources for further Information:

The United Nations:

<http://www.un.org/terrorism/strategy-counter-terrorism.shtml#poa2#poa2>

<http://www.un.org/terrorism/strategy-forthepress.shtml>

<http://www.un.org/terrorism/cttaskforce.shtm>

Office of the United Nations High Commissioner for Human Rights:

<http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>

Non-Governmental Organisations:

<http://www.hrw.org/en/category/topic/terrorism>

<http://www.amnesty.org/en/counter-terror-with-justice>

Others:

http://www.historyofwar.org/articles/concepts_terrorist_cell.html

<http://www.liberty-human-rights.org.uk/issues/2-terrorism/index.shtml>

Sources:

www.amnesty-international.de