

Countering Terrorism Through Human Rights

Press Statement, Commonwealth Human Rights Initiative (on Monday, 10 September 2007)

The 11th of September is a time to remember victims and those affected by terrorism with compassion. It is also a moment to reaffirm that terror attacks and indiscriminate killing can never be condoned or justified. The intensity and brutality of terror attacks across the world has required countries to respond with strong measures designed to safeguard the lives and property of their peoples.

States have been quick to comply with United Nations Security Council Resolution 1373, which urged, but did not require, member states to take adequate measures to counter terrorism and its finance. Even those countries with a negligible threat of attacks have adopted new anti-terrorism legislation, revived long-standing internal security laws or amended legislation in order to deal with perceived threats. They have, however, been less mindful of United Nations Security Council Resolution 1624, which reminded states that '[they] must ensure that any measures are in accordance with international law, and should adopt such measures in accordance with international law, in particular international human rights law, refugee law and humanitarian law.'

Too often the mere perception of a terrorist threat has been used as an excuse to expand the State's coercive powers. The creation or adaptation of existing laws broadening the powers of law enforcement agencies, including the police and the special forces, has not been accompanied by equal measures of accountability. Law and procedures have frequently become instrumental in reducing civil liberties, compromising due process and fair trial norms, encouraging impunity. There is the danger that in some countries the response will amplify the very conditions of abuse and hopelessness, which lead to the desperation of terrorism.

Even with the best intentions, government responses have often undermined the very institutions they were designed to protect. Human rights values, the matrix on which the rule of law is built and governments are validated, have frequently been treated as an obstacle to counter terrorism. Countries that have been regularly cited for instances of torture, extra-judicial killings, disappearances, illegal detention, limited access to justice, abusive policing and appalling conditions of incarceration, have provided their law enforcement agencies with wider discretions and sweeping powers, utilizing a vaguely defined definition of 'terrorism'.

It is from this context that the Commonwealth Human Rights Initiative (CHRI) asserts that states and, in particular law enforcement agencies, must embrace and function in accordance with human rights standards. Counter-terrorism measures can only ever be effective when founded on a basis of human rights values. As such, law enforcement must always be in compliance with the highest of standards of probity. CHRI believes that the only effective and practical solutions to terror lie in the real, not cosmetic, adherence to universal standards of human rights – compromising such standards will only lead to greater risk.

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September 11th 2007.