

# Stamping Out Rights

The impact of anti-terrorism laws on policing



A report of the International Advisory Commission of the Commonwealth Human Rights Initiative  
Chaired by Sam Okudzeto

## COMMONWEALTH HUMAN RIGHTS INITIATIVE

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

The nature of CHRI's sponsoring organisations allows for a national presence and an international network.\* These professionals can also steer public policy by incorporating human rights norms into their own work and act as a conduit to disseminate human rights information, standards and practices. These groups also bring local knowledge, can access policy makers, highlight issues, and act in concert to promote human rights.

CHRI is based in New Delhi, India, and has offices in London, UK, and Accra, Ghana.

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ISBN: 81-88205-47-8

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The 2007 report by the International Advisory Commission of the Commonwealth Human Rights Initiative,  
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Published by

**Commonwealth Human Rights Initiative**

B-117, First Floor, Sarvodaya Enclave,  
New Delhi- 110017, INDIA

Designed and printed by

Multiplexus (India)

C-440, DSIDC, Narela Indl. Park, Narela,  
Delhi- 110040, INDIA

Cover inspired by URBAN PHUNK, Kenya

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## FOREWORD

Every two years the Commonwealth Human Rights Initiative (CHRI) reports on a particular issue affecting human rights in the Commonwealth. This year's report to the Commonwealth heads of government looks at the impact of anti-terrorism legislation on civilian policing. This continues CHRI's focus on policing in the Commonwealth and particularly highlights the need for police reform and greater police accountability.

Terrorism, in its various forms of organised violence against the state and against the civilian population, has a long history. What has changed is the response to it. Once restricted within national borders, terrorism has now been labelled a global phenomenon and there is tremendous international pressure from powerful states and institutions to respond to it through law, policy and measures on the ground. The sub-text is that it does not matter how it is done provided the menace of terrorism is eliminated. That menace itself is seen only in terms of the violence and havoc that attacks can wreak and not as the insidious ways in which state responses can in fact encourage and abet the cause of terrorists.

By its very nature terrorism is grounded in the notion of lawlessness while the validity of the state is founded on the rule of law, ability to safeguard people against every kind of depredation and ensure justice for all.

CHRI believes that the best and indeed the only way to fight terrorism is to ensure the rule of law, civil liberties, access to justice, people's participation in governance and better governance based on accountability, transparency and the celebration of diversity. CHRI contends that these values and human rights cannot be sacrificed in the name of security. CHRI is concerned that across the Commonwealth political expediency and the need to be seen doing something to fight terrorism - however ineffectual the reality of that course - is increasing disrespect for established international norms of state behaviour and consequently providing aid and succour to the terrorists' cause.

Countering terrorism requires many simultaneous responses to be actioned at different levels. Law enforcement agencies are in the front line of this and none more so than the civilian police force. Effective counter-terrorism policing requires that police combine their traditional role with a whole new set of skills, relationships, operations, and accountability. Yet, too many Commonwealth jurisdictions are content to thoughtlessly pass new laws or provide themselves and their police, paramilitaries and armed forces with broadened powers coupled with diminished accountability. The majority of responses in the Commonwealth have centred around increasing policing powers and reducing traditional human rights safeguards without addressing seminal issues of under performing and abusive policing which already plague a majority of nations in the association. Police reform remains a distant goal even as the most effective deterrent against those who oppose the state and its people is a reformed police that has the confidence of the population at large.

CHRI's present report which complements its 2005 report "Police Accountability: Too Important to Neglect, Too Urgent to Delay" examines anti-terrorism laws that relate specifically to police powers, and how they have effected policing on the ground. From the international framework that stipulates human rights and the rule of law as the central principles upon which counter-terrorism must be based, to the national laws that have re-shaped and re-directed policing efforts in this direction, CHRI examines how police powers have been enhanced without the necessary checks and balances that ensure police act appropriately in the interests of the security of people as well as the state.

CHRI illustrates some concerning abuses that have been committed under anti-terrorism laws. Much more than a litany of abuses, however, this report shows how many of these problems are the combined result of bad law and bad policing, as legislation creates unclear definitions and overly broad application. CHRI provides practical suggestions for how the state, police and communities can work together to improve the security for all in the effort to counter terrorism, and calls on the Commonwealth to provide leadership in this most important area.



**Sam Okudzeto**  
**Chair, CHRI International Advisory Commission**

### True Security is Human Rights Protection

People across the Commonwealth have the right to live free from fear and states have the responsibility to guarantee their safety and security. As with any other violence, states must effectively prevent terrorism. This is the role of counter-terrorism, and police are amongst the frontline agents in this response.

Even more than terrorism itself, the fear of terrorism is a growing global phenomenon and is often the driver for harsh state reactions that have little justification or legal validity. Tragically, in parts of the Commonwealth, measures to counter terrorism are also creating violence and insecurity. Most disturbingly they are undermining human rights, due process and the rule of law: national and international safeguards established to protect people against the abuse of state power.

As law enforcers, the police should be the trusted representatives of the law. Yet in many places police powers have increased and discretion has been extended, whilst the protections of due process and accountability have fallen by the wayside. In the name of countering terrorism, arbitrary arrest and detention, enforced disappearances, torture and extra-judicial killings are too frequently employed with few consequences on the police. Joint operations between police and intelligence, military and paramilitary forces have blurred traditionally distinct roles and standards. Responsibility is declining through poor transparency and weak or absent checks and balances. Where counter-terrorism policing should be ensuring security of person and state, it often undermines the very institutions it is designed to serve, further spreading public fear and in some countries directly threatening the life and liberty of people it is supposed to protect.

CHRI's 2005 report "Police Accountability: Too Important to Neglect, Too Urgent to Delay" urged police reform across the Commonwealth. Only two years later CHRI finds that, far from improving the practices of civilian policing, anti-terrorism legislation throughout the Commonwealth has had the counter effect by pushing police further away from the principles of democratic policing, human rights and the rule of law. There is no unified, consistent effect of the anti-terrorism agenda upon policing throughout the Commonwealth. Yet some alarming trends can be observed.

Following the terrorist attacks in the United States of America in 2001, United Nations Security Council Resolution 1373 urged member states to take adequate measures to counter terrorism

**Resolution 1373 did not require the adoption of new anti-terrorism laws if existing legislation was sufficient.**

and its financing. State responses throughout the Commonwealth have varied in this regard. Some countries have adopted new anti-terrorism legislation, including increasing police powers; criminalising terrorism but not increasing police powers; and focusing on the financing of terrorism with little or no effect on police powers. However, Resolution 1373 did not require the adoption of new anti-terrorism laws if existing legislation was sufficient. Other countries have relied upon their

existing general criminal law or specific anti-terrorism law; or have revived long-standing internal security laws. Additionally, some countries have amended unrelated legislation and used it as a means of dealing with the threat of terrorism.

Australia and the United Kingdom were quick to respond to the events of 2001 by enacting laws that seemingly presented security and human rights as opposing forces. While Canada did not



enhance police powers, it adopted controversial provisions for the detention of foreign terrorist suspects, which were repealed in February 2007. Elsewhere, international pressure from powerful states and other bodies has resulted in the introduction of anti-terrorism laws. For example, African states have experienced internal pressure to enact laws following specific incidents of terrorism and conflict, and have been equally strongly encouraged by funding and capacity-building initiatives from the USA. Meanwhile, for Caribbean countries the sanctions of the Financial Action Task Force have been a strong influence on the enactment of laws addressing the financing of terrorism.

A history of internal unrest and violence in the states of South Asia has significantly shaped an established armoury of laws and regulations to counter-terrorism in the region. Many of these laws long pre-date the 2001 terrorist attacks in the USA and Resolution 1373. Nonetheless, the contemporary anti-terrorism climate has provided an excuse for these states to take further forceful steps in the prevention of terrorism. Similarly, powerful Internal Security Acts (ISA) of South East Asian countries were historically used to police internal conflicts and suppress political dissidence and criticism of governments in this region. These laws have come into a new-found relevance as the primary legislation providing police powers to counter terrorism.

Through the 1991 Harare Declaration a commitment to human rights, the rule of law and democracy is the unifying feature of the Commonwealth. Beyond this, the importance of international law cannot be understated. Commonwealth countries are democracies and member states must ensure free and active civil participation through public discussion and debate, access to information, a free and independent media and unthreatened political opposition. These are crucial elements of a strong, effective democracy. They must underlie parliamentary decision-making. They must be the basis of the laws and practices of the state. They must direct law enforcement, particularly policing. States that fail to uphold these principles must be held accountable: internally, through democratic process, and by international mechanisms including those that exist in the Commonwealth. Yet time and again we see that the Commonwealth is a sorry state of affairs when it comes to upholding democratic principles and the protection and promotion of human rights. The challenge is even harder when heightened fear is reducing the public's vigilance against the erosion of the basic principles of due process and the rule of law.

This undermining of fundamental standards is evident in the idea that torture to obtain confessions might be justified to prevent terrorism, as though freedom from torture is in any way negotiable. Torture is an immoral, illegitimate abuse of power and a gross violation of human rights. Moreover, information obtained through torture is unreliable and reduces the ability of the police to impartially and successfully prosecute terrorists. However, despite the Commonwealth's apparent commitment to human rights, 24 of its 53 members have not yet ratified the Convention Against Torture (CAT). This includes India, Pakistan and Malaysia, all of whom are members of the UN Human Rights Committee. Countries must ratify the Convention and crackdown on police who are increasingly relying on torturous practices for information and intelligence gathering.

### Democratic Policing

Democratic policing is both a process - the way the police do their work – and an outcome. The democratic values of the Commonwealth lay down a sound framework for this. A democratic police organisation is one that:

- is accountable to the law, and not a law unto itself;
- is accountable to democratic government structures and the community;
- is transparent in its activities;
- gives top operational priority to protecting the safety and rights of individuals and private groups;
- protects human rights;
- provides society with professional services; and
- is representative of the communities it serves.



### Increasing Police Powers

Across the Commonwealth some governments have felt the need to expand police powers to counter terrorism effectively. This is particularly concerning given the current context where these powers have been used in violation of basic human rights. For example Australia and the UK immediately responded to UN Resolution 1373 by enhancing police powers, but they failed to provide adequate checks and balances on those powers. The resulting expansion of police powers to stop and search, arrest without charge, and extend periods of preventive detention have increased the potential for human rights abuse in these countries.

The immunity provisions of South Asian counter terrorism laws are particularly worrying as they broaden cultures of impunity within which police powers operate. Where force is often seen as the only response to terrorism the use of excessive force and in some cases extra-judicial killing has taken place without fear or threat of prosecution by the state. In South Asia and elsewhere extra-judicial killings through “encounters” or “crossfires” are commonplace. There are even police “encounter” specialists who are experts in dealing with suspected terrorists.

Police powers have also been granted to a wide range of security, intelligence and border control agencies. This distribution of power already existed in many South East Asian countries. For example, Brunei Darussalam law defines “police officer” to include any member of any other security force in addition to the police, including prison officers, guards or watchmen if authorised by the Commissioner of Police. Some powers can even be extended to “any other individual” so authorised by a district police commander, introducing the potential for vigilantism through formal police powers. Australia’s long-standing security legislation has been amended in the context of terrorism, extending the existing powers of the Australian Security Intelligence Organisation (ASIO) and police officers to forcibly remove, interrogate and strip search suspected terrorists and enabling incommunicado detention. In the Caribbean, police powers have been given to port and border security personnel. Meanwhile, even where counter terrorism rests in the hands of civilian police alone, the increasing use of specialised units fails to ensure ongoing development and strengthening of relationships between police and the communities they serve.

The expansion of police powers to stop and search, arrest without charge, and extend periods of preventive detention have increased the potential for human rights abuse.

Increasingly, the changing face of policing in the context of counter-terrorism has undermined the principles of democratic policing. The militarisation of police forces is evident in the increased acceptability of shoot-to-kill training in counter-terrorism, which directly undermines the right to life. Prominent in countries of South Asia and Africa, these practices are the breeding ground for human rights abuse, as forces operate with complete disregard for the accountability mechanisms that ought to keep their powers in check. Some states have even integrated policing and military agencies. For example, the Rapid Action Battalion (RAB) in Bangladesh and the Black Mambas in Uganda are

infamous for their human rights abuses. This shift has produced a situation where the state appears at war with human rights, where its own people are victims of both state practices and terrorism. When civilian policing should be a transparent arm of the state, militarisation has moved policing away from the balanced and accountable practices essential to democratic policing.





## Enhanced Discretion

Most Commonwealth countries have enacted laws against terrorism but have failed to respect one of the most fundamental principles of the rule of law: legal certainty. The Commonwealth Model Legislative Provisions on Measures to Combat Terrorism establish three criteria for a definition of terrorism: an action, a specific intention, and exception for certain lawful behaviour. Yet most anti-terrorism laws include offences that are general crimes as well as terrorist activities, but do not explain how to determine under which law they should be prosecuted. Even when states have followed the Commonwealth's model structure, the scope of their laws remains vague and likely to encompass both lawful and criminal acts unrelated to terrorism. This is of fundamental importance as terrorist offences often attract lower protections of due process, longer periods of detention without trial and harsher penalties than general criminal law and procedure. In the absence of a clear definition, police must determine on a case-by-case basis when, how and to whom these laws should be applied.

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The consequence of this unfettered discretion is that practices essential to well-functioning democracies are being treated as security threats. Police across the Commonwealth are using counter-terrorism powers to crack down on legitimate protest and the fundamental rights to freedom of expression and assembly. For example, Australian anti-terrorism police have been increasingly involved in policing public order at demonstrations. Policing in South Asia has also exhibited growing intolerance resulting in the detention or killing of numerous protesters by police.

While the drafting of a comprehensive international counter-terrorism convention is currently underway, there is still no international consensus on a definition of terrorism. In 2004 UN Security Council Resolution 1566 provided a working definition which states that terrorist conduct must be contained within existing anti-terrorism conventions; committed with the intention of causing death or serious bodily injury or the taking of hostages; and with the purpose of provoking a state of terror, intimidating a population, or compelling a government or an international organisation to do any act. It contains no requirement for motive so it is irrelevant whether the act has a religious, ideological or racial motivation. This definition has been endorsed by the UN Special Rapporteur on counter terrorism and human rights, who has restated the importance of confining a definition to the offences listed in the existing international counter-terrorism conventions. Unfortunately, most Commonwealth countries have not reconsidered their definitions of terrorism in this light.

## Reduced Protections of Due Process

Significantly, anti-terrorism legislation has reduced many procedural safeguards enshrined internationally to ensure police respect the fundamental rights of those arrested and detained. For example, counter-terrorism laws have extended the time limits on preventive and other forms of detention before charge, while limiting the ability to be informed of the grounds for arrest, the right to contact third parties, the presumption of innocence, the right to remain silent, the right to access legal counsel and the right to seek review of the legality of detention (commonly known as the right to habeas corpus). These rights exist to prevent police from exercising any of their



### A Model for Police Accountability: 3 + 1

Effective accountability requires scrutiny of policing by:

- democratically elected representatives (in national parliaments if police are structured at the national level, in state legislatures if police are organised at the state level, and in local councils if policing is organised at the local level);
- an independent judiciary;
- a responsible executive (through direct or indirect policy control over the police, financial control, and horizontal oversight by other government agencies such as Auditors-General, Service Commissions and Treasuries); and
- at least one independent statutory body, such as an Ombudsman or Human Rights Commission or, ideally, a dedicated body, sitting outside the traditional arms of government, that deals with public complaints about the police.

powers arbitrarily; to prevent cruel or inhumane treatment from occurring in custody; to ensure innocent people are not detained; and to ensure that a fair and independent trial is allowed to occur at the earliest possible time.

### Declining Accountability

If adequately empowered, accountability mechanisms can ensure independent investigation of police action, from failure to follow due process through to enforced disappearances and extra-judicial killings at the hands of police. If wrongdoing is revealed, crimes can be prosecuted. Yet in many Commonwealth countries checks and balances either do not exist or are simply ignored by police. Where police accountability was already an area of concern, anti-terrorism laws have further destabilised existing accountability regimes. For instance, anti-terrorism laws of numerous Commonwealth countries in South Asia and Africa contain immunity provisions that put immense hurdles in the way of prosecuting crimes committed by police officers. Elsewhere accountability has been reduced indirectly by the failure to increase the ambit of oversight proportionate to increased police powers and discretion.

Maintaining strict accountability over counter-terrorism policing requires systems and mechanisms to observe both civilian policing units and their specific tasks under anti-terrorism legislation, and over the additional non-civilian security agencies working alongside mainstream civilian policing. These often include military and intelligence agencies. Where national human rights instruments and other oversight bodies have the power to investigate abusive police practices, the full scope of their powers often does not extend to military, paramilitary or intelligence agencies. Lack of jurisdiction over the activities of these agencies significantly reduces accountability and strengthens cultures of impunity surrounding counter-terrorism operations. Where the options are varied, robust accountability requires vigilant internal processes and procedures coupled with external oversight. Ideally, this involves the three arms of government plus at least one independent body.

A sign of strong accountability is when checks and balances come from multiple sources as indicated in the model, including civil society. Police must strictly adhere to internal reporting and investigation procedures in counter-terrorism policing as in all other areas of policing. Additionally and where possible, special oversight mechanisms should be considered in anti-terrorism legislation that grants additional powers to police. Above all, police accountability requires resources, and practical and political support to ensure it provides efficient and effective oversight.



## Concluding Recommendations

The primary objectives of policing are to ensure the safety of the state and its people through the maintenance of law and order, and to protect rights and freedoms as the institutions of democracy itself. Only through achieving these objectives can we ensure true security. Unfortunately, the contemporary agenda of anti-terrorism has mistakenly presented human rights as a hindrance to effective counter-terrorism policing and has prioritised a harsh response over long-standing principles and fundamental freedoms. Individuals and the state have become more vulnerable under anti-terrorism measures whose latitude in application has demonstrably undermined the rule of law, reduced the protections of due process and diluted international human rights standards. Not only do these responses ignore the international obligations of all Commonwealth states, they are counter-productive to effective and successful counter-terrorism.

Police violations of human rights are not just a matter of record. They cause real harm to real people. Abusive police practices have the potential to isolate the very populations who most need the protection of the police. Lack of community support also undermines operational policing and amplifies the difficulties for police in responding to terrorism. In too many Commonwealth countries, where existing accountability structures are weak or poorly implemented, it is easier for police to deviate from existing norms and standards with impunity. Elsewhere, accountability mechanisms are failing to keep up with increased police powers, enhanced discretion and reduced protections of due process. As a result some policing practices rival the effects of terrorism itself as they spread fear through communities and undermine the state's ability to protect its people. Legislative and police reform throughout the Commonwealth are of the utmost urgency to ensure effective law that sets clear parameters for the use and accountability of police powers and upholds the fundamental principles of the rule of law and human rights.

## The Commonwealth

The Harare Commonwealth Declaration (1991) established democracy and good governance, human rights and the rule of law, gender and racial equality and sustainable economic and social development as the fundamental political values of the Commonwealth.

### Commonwealth Heads of Government must:

- review member states' measures to counter terrorism at the Commonwealth Ministerial Action Group and take action against those members who fail to uphold the fundamental political values of the Commonwealth in their responses to terrorism;
- mandate the Commonwealth Secretariat to ensure that the provisions in the Commonwealth's Model Legislative Provisions on Measures to Combat Terrorism are amended to promote human rights standards and to include guidelines for human rights training for police forces;
- mandate the Commonwealth Secretariat to establish a police expert group to guide and assist police practices and operations, including counter-terrorism policing throughout the Commonwealth;
- mandate the Commonwealth Secretariat to bring Heads of Police together annually to share lessons and strategies for democratic policing;

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## EXECUTIVE SUMMARY

- mandate the Commonwealth Secretariat to encourage member states to engage in a dialogue to adopt a common position on anti-terrorism laws at the international level including at the United Nations;
- mandate the Commonwealth Secretariat to provide assistance and regular monitoring to ensure that states take full account of, and act in accordance with, the recommendations and observations of the United Nations Human Rights Council and Special Rapporteurs on matters pertaining to human rights compliance when countering terrorism;
- actively support renewal of the mandate of the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (due to expire in 2008);
- actively support continued and increased cooperation between the United Nations Counter-Terrorism Committee and the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism; and
- actively support the consideration by the United Nations Counter-Terrorism Committee of human rights and rule of law compliance as an essential element of the examination of all state reports to the Committee, and country visits by the Committee's Executive Directorate.

### Commonwealth Member States

Bound by the Harare Commonwealth Declaration as well as other international, regional and national human rights obligations, member states must implement their obligations through national law as required under the charter of the United Nations. This requires that anti-terrorism legislation must comply in all cases with human rights and the rule of law.

#### Member states must:

- ratify core human rights instruments and ensure their implementation in domestic law;
- urgently undertake police reform and review all agencies involved in state law enforcement, including counter-terrorism, to ensure compliance with the standards of democratic policing in accordance with human rights principles and the rule of law;
- establish a clear definition of terrorism before taking any further steps towards legislation, restricting that definition to the cumulative characteristics identified in Security Council Resolution 1566 (2004) and going no further;
- undertake pre-legislative scrutiny of proposed anti-terrorism laws to ensure compliance with accepted human rights and civil liberties norms and provide for public consultation;
- ensure that in all but the most extreme cases civilian police are the only agents empowered to carry out policing tasks;
- establish and implement appropriate, robust, independent police oversight bodies and ensure that they are applicable to special and combined units as well as traditional civilian policing;
- actively investigate alleged abuses of police powers by cooperating with national human rights institutions and other independent oversight bodies; and





- support international networks for democratic policing and accountability through structures including the International Network for the Independent Oversight of Policing.

### Commonwealth Heads of Police

The rule of law, human rights and democracy are core values of policing throughout the Commonwealth and must be integrated into its vision, policies and procedures everywhere in the Commonwealth.

#### Heads of Police must:

- ensure maximum transparency to build public confidence in the police and strong police-community relationships;
- establish recruitment policies that ensure population diversity is reflected within the police and that the police service has cross cultural competency and diverse language skills;
- take particular care to ensure that policing is demonstrably non-discriminatory and that bias is neither tolerated within the service nor in law enforcement;
- provide active leadership to ensure internal police policy establishes conduct and procedures in accordance with democratic policing, human rights and the rule of law;
- increase internal reporting, investigation and prosecution processes to address all cases of extra-judicial killings, disappearances and other human rights abuses by the police;
- ensure that all law enforcement whether done alone or in combination with special forces is subjected to the highest standards of oversight and sanctions;
- ensure that whistleblowers, victims and witnesses are well protected and not subject to harassment or threat by police officers and that such practices receive strict disciplinary action; and
- hold annual meetings to share lessons on democratic policing.



### **Civil Society must:**

- demand and publicly disseminate information about anti-terrorism laws and policing to create a democratic discourse, and participate actively in public debates on policy and legislation;
- campaign for reform and accountability of all policing including counter-terrorism;
- review and assess police functioning in accordance with national and international standards and continuously challenge and draw attention to police wrongdoing; and
- engage in partnerships with the police to bring about greater community involvement and improve community safety.

### **Donors must:**

- require that human rights be integrated into all donor-supported counter-terrorism programs;
- take firm measures against recipients, including states, who curb civil liberties and fail to adhere to international human rights standards in the context of counter-terrorism and general policing; and
- prioritise funding civil society organisations which promote or support human rights.



## CHRI PROGRAMMES

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

### HUMAN RIGHTS ADVOCACY

CHRI makes regular submissions to official Commonwealth bodies and member governments. From time to time CHRI conducts fact finding missions and since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit also ensures that human rights issues are in the public consciousness.

### ACCESS TO INFORMATION

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity as well as advocating with policy makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to catalyse interest in access legislation.

### ACCESS TO JUSTICE

#### **Police Reforms:**

In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

#### **Prison Reforms:**

The closed nature of prisons makes them prime centres of violations. CHRI aims to open up prisons to public scrutiny by ensuring that the near defunct lay visiting system is revived.

#### **Judicial Education:**

CHRI facilitates judicial exchanges focusing on access to justice for the most vulnerable. Participating judges get a rare opportunity to hear from activists and experts, focus on pressing issues specific to their region and familiarize themselves with recent legal and procedural, as well as social and scientific, developments relevant to their judicial work. The work was begun with INTERIGHTS some years ago. CHRI now works independently to orient lower court judges on human rights in the administration of justice.

In the international stampede to cooperate in countering terrorism, many Commonwealth countries have enacted new anti-terrorism laws or strengthened existing security provisions. Where police are the frontline actors in these responses, states have enhanced police discretion, increased police powers and diminished police accountability even as they have reduced traditional protections of due process. This trend has created an environment conducive to human rights violations. Already, abusive policing is rife in the Commonwealth. These harsher measures add to the distance between police and society, alienate communities and undermine policing at a time it most needs public support.

The Commonwealth is bound by its commitment to democracy, human rights and the rule of law. The answer to terrorism lies in laws that are narrowly cast, crystal clear and firmly based on the principles of human rights, to ensure policing better protects people's rights and freedoms. Without this, counter-terrorism can only be counter-productive. True security is human rights protection.



**COMMONWEALTH HUMAN RIGHTS INITIATIVE**

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