

Public Statement

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A human rights framework for responding to terrorism

**Open statement to the 2002 Commission on Human Rights
from Amnesty International, Cairo Institute for Human Rights Studies,
Federation International des Ligues des Droits de l'Homme, Human Rights
Watch and International Commission of Jurists**

We condemn the deliberate killing of civilians, whatever the motive or cause of the perpetrators.

States are obliged by international human rights law to prevent and punish violent criminal acts against civilians. Those responsible for such acts must be brought to justice in accordance with international standards for fair trial.

Our monitoring reveals that steps being taken today by many states in reaction to security threats are frequently violating or facilitating the violation of human rights. Particularly at risk are the rights to:

*liberty and security of the person;
freedom from torture and other inhuman or degrading treatment;
freedom of expression and of peaceful assembly and association;
a fair trial and to take proceedings before a court to enable a
determination without delay on the lawfulness of detention;
seek and to enjoy asylum and not to be forcibly returned to countries
where people are at risk of suffering serious human rights abuses.*

Effective action against terrorism (1) can be taken without violating human rights. Indeed, one of the best weapons to combat the root causes of terrorism is the full observance of human rights. As the UN Secretary-General recently said: "There is no trade-off between effective

action against terrorism and the protection of human rights”.(2) Human rights law recognizes legitimate security concerns, reconciles those concerns with the need to provide justice and requires that certain rights cannot be derogated from under any circumstances.

We fully share the concern expressed by the 17 independent experts of the Commission on Human Rights that anti-terrorist measures adopted after the 11 September attacks may infringe upon human rights and fundamental freedoms. They specifically deplored “human rights violations and measures that have particularly targeted groups such as human rights defenders, migrants, asylum-seekers and refugees, religious and ethnic minorities, political activists and the media”.(3)

The Security Council adopted Resolution 1373 requiring states to adopt anti-terrorism measures. However, the Security Council did not adopt a human rights framework for that resolution which would have required states to ensure that any measures taken comply with international human rights standards. It is particularly disappointing that the Security Council has also declined to appoint human rights experts to the Counter-Terrorism Committee to help ensure that States comply with their obligations under the UN Charter to respect human rights and fundamental freedoms.(4)

We particularly welcome the commitment of the independent experts of the Commission on Human Rights and of the UN High Commissioner for Human Rights to closely monitor the effect of anti-terrorism measures on the observance of human rights.

We request all Special Procedures of the Commission on Human Rights, as appropriate, to report on the impact of anti-terrorism measures on human rights and to make specific recommendations for their effective observance.

We request the UN High Commissioner for Human Rights, after wide consultations, to produce an analytical report on the effects of anti-terrorism measures on human rights.

We request the Commission on Human Rights to remind states that in responding to terrorism they must have regard both to protecting the security of all people within their jurisdictions and to respecting, protecting and promoting all their human rights.

We request the Commission on Human Rights to urge states to ensure that any measures taken comply with their human rights obligations, taking into consideration relevant comments of the human rights treaty monitoring bodies, and that such measures follow the guidelines provided by the High Commissioner for Human Rights for the submission of reports under Security Council Resolution 1373.(5)

Notes:

- 1. We note that to date there is no internationally agreed definition of the term 'terrorism'*
- 2. Statement to the Security Council, 18 January 2002*
- 3. "Human Rights Day: Independent Experts remind States of obligation to uphold fundamental freedoms," Statement by independent experts of the United Nations Commission on Human Rights, 10 December 2001.*
- 4. We note, however, that the Counter-Terrorism Committee, which was established to monitor States' compliance with resolution 1373, will "remain aware of the interaction with human rights concerns" and will be "open to other organizations to study the reports and take up their content in other fora." Statement by Sir Jeremy Greenstock KCMG, Chairman of the Counter-Terrorism Committee to the Security Council, 18 January 2002.*

5. See especially Human Rights Committee, “General Comment no. 29 – states of emergency (article 4)”, CCPR/C/21/Rev.1/Add.11, 31 August 2001; Office of the High Commissioner for Human Rights, “Proposals for ‘Further Guidance’ for the submission of reports pursuant to paragraph 6 of Security Council Resolution 1373 (2001)”, submitted to the Security Council on 11 December 2001, referred to in the annex to S/2001/1227.

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