International Peace Academy

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Human Rights, the United Nations, and the Struggle against Terrorism

Acknowledgements

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Terrorism and Human Rights

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Executive Summary

- The United Nations Secretary-General has a unique role to play in reminding states that in combating terrorism they must respect human rights; otherwise, the effort will be self-defeating. The Secretary-General should uphold the legitimacy and credibility of the UN in the struggle against terrorism and one way to do this is by being a leading advocate of human rights, democracy, and equitable trade and development. This would prevent the UN from being identified with a particular country's approach or counter-terrorism strategy, which could otherwise undermine its independence and standing. The Secretary-General is the most credible and potentially effective messenger in the world today for respecting human rights, especially in these dangerous times.

- The Security Council's Counter-Terrorism Committee (CTC) must take a much more active role in assessing state reports on counter-terrorism measures. The CTC cannot be a mere "mail-drop" for reports, but must offer assessments of state performance in respecting human rights and engage states in a constructive dialogue on how they can fight terror while upholding human rights.

- The Office of the High Commissioner for Human Rights (OHCHR), along with some of the permanent UN human rights bodies, must be more creative in exploiting opportunities to advance the cause of human rights while recognizing the need to combat terrorism. The OHCHR must be ready— and have the necessary financial and personnel resources—to work with the CTC. The Human Rights Committee, which oversees compliance with the Covenant on Civil and Political Rights, must be ready to assist by offering its legal expertise. A Special Rapporteur on Terrorism could be appointed by the Commission on Human Rights.

- States that do not allow their residents freedom of expression, association or assembly, and that control power without allowing citizens a free choice in who governs them, are themselves encouraging terrorism. Such violations create legitimate grievances which terrorists then exploit to advance their own unlawful agendas which further damage human rights. States that respect human rights and basic democratic principles, however, must not subvert these freedoms in the search for security. This is not only counter-productive but also provides justification to the authoritarian states to crack down further on peaceful and legitimate opposition, increasing the danger for everyone in the process.

- Balancing security and human rights requires independent courts. Striking the balance cannot be left to the executive branch's assessment of the threat alone. Courts must review measures taken by the state in response to the threat assessment and insure that human rights are not sacrificed on the altar of exaggerated fears or used as a pretext to crack down on government critics. Independent agencies like an Inspector General's office also must review the actions of the government, providing transparency and accountability and a check on state behavior.

- There is an on-going need for the human rights community and security experts to consult, confer and learn from each other on a regular basis. Their worlds have been too separate, to the detriment of both.

Introduction

On November 7, 2003, the International Peace Academy, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Center on International Organization at Columbia University, with the support of the Government of the Kingdom of the Netherlands, convened a conference in New York on "Human Rights, the United Nations and the Struggle against Terrorism."

The idea for this conference emerged from an initial IPA meeting in October 2002 entitled "Responding to Terrorism: What Role for the United Nations?" that looked at terrorism from several angles: regional perspectives, the financing of terrorism, the religious dimension, and international law. During that meeting it became apparent that human rights issues play an important, even crucial, role in understanding terrorism and the difficult balancing that must occur between protection/security and respecting human rights while fighting terrorism. In addition, the proper role for the United Nations in general and the Security Council in particular regarding human rights and terrorism needed further analysis. These issues coincided with the concerns of the Government of the Netherlands about the nexus between human rights and terrorism; the Dutch, as Chairman in Office of the Organization for Security and Co-operation in Europe (OSCE), convened a meeting of human rights and terrorism experts in The Hague in September in 2003.

The then High Commissioner for Human Rights, the late Sergio Vieira de Mello, suggested in the spring of 2003 that more rigorous thinking was needed concerning the different ways terrorism affected human rights and what his office and the rest of the UN system should do to uphold human rights while fighting terrorism. Tragically, the High Commissioner, along with twenty-one other UN colleagues and friends, was killed in a terrorist attack in Baghdad on August 19, 2003. The conference organizers were determined more than ever to do justice to the sacrifice and legacy of Sergio Vieira de Mello and the other murdered colleagues by

From L to R: Ambassador Curtis Ward of the UN Counter-Terrorism Committee, IPA President David M. Malone, and H.E. Mr. Wegger Strømmen, Deputy Permanent Representative of Norway to the UN.

engaging in the most focused and purposeful discussion of human rights and terrorism possible.

The result was the gathering of experts on terrorism, security, human rights and international policy, along with senior officials from the United Nations and several regional inter-governmental organizations–the Organization of American States (OAS), the African Union (AU) and the OSCE. It was a unique opportunity for high-level experts from the counter-terrorism and human rights communities, the UN, and regional organization representatives to sit down together and dissect the complex inter-relationships between terrorism, counter-terrorism and human rights standards.

Counter-Terrorism and Human Rights: Finding the Balance

A key issue arose at the outset of the meeting: whether existing human rights law is flexible enough to meet the new challenges posed by international terrorism. Many believe, however, that human rights principles and jurisprudence allow for sufficient flexibility to achieve a balance between security and human rights; terrorism can be combated while staying true to human rights norms.[1]

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[1] The following summary of the conference deliberations seeks to synthesize the many telling observations made by speakers and participants. It is not a verbatim record of every intervention. As with most such group endeavors, it cannot be assumed that every speaker or participant agrees with all the summaries and conclusions in this report.

Another critical question is how to balance real security concerns with protecting human rights. This led to a further issue: who makes the initial security threat assessment that in turn can determine whether or not human rights are restricted and to what extent? There must be some review mechanism, preferably through the courts, to scrutinize this threat assessment to make sure it is genuine because an erroneous evaluation can have a colossal impact on human rights. Such an assessment cannot be left solely to the executive authority. The purpose of security is to protect freedom, so it is self-defeating if security concerns arbitrarily undermine freedom.

The participants then discussed potential roles for the United Nations, noting that terrorism is a difficult issue for the UN, which has not handled the problem very well. Likewise, the human rights community often fails to see that terrorism itself violates human rights. Terrorists have targeted the UN because it represents the rule of law, states, human rights, and respect for diversity and tolerance, all things that terrorists despise.

Finally, there was widespread frustration with the limited effectiveness of the Security Council's Counter-Terrorism Committee (CTC), formed in the aftermath of the September 11, 2001, attacks in the United States. Can the CTC really limit itself to collecting summaries of national laws and not looking at how they are applied in practice? Should the CTC intentionally avoid engaging in human rights questions, or should it have more teeth and actively question reports that raise human rights concerns? Is there a need for a UN Special Rapporteur on Terrorism?

Terrorism and the Violation of Human Rights: A Vicious Circle

Several important themes emerged from the discussion of terrorism as a cause and consequence of human rights violations. First, security bodies and human rights bodies must work much more closely together than they have in the past. These two distinct universes, each with its own experts, vocabularies and doctrines must merge more coherently. Second, the best way of breaking the "vicious circle" is to jettison

"political correctness" and not be afraid to confront those committing acts of terror, regardless of their ultimate cause. Third, there is a big gap between what the UN sees, does and knows in the field and what happens at UN headquarters in New York. For the UN to be more effective, it must incorporate more effectively the analyses and recommendations from its various agencies present all over the world.

On the problem of terrorism in the Middle East and Africa, participants disagreed not only on the definition of terrorism but the need to define it. One viewpoint contended that terrorism is whatever the Security Council happens to decide it is; thus, defining terrorism is essentially a political task and experts should not get bogged down in an initiative that is not worth the effort. Others insisted that it is difficult to see how to move forward until an adequate definition is agreed upon. Otherwise, states will follow the lead of some Middle Eastern governments which label any opposition group "terrorist," declare never-ending states of emergency, use military tribunals, apply torture and generally restrict human rights, thereby generating more frustration, anger and potential recruits for terrorists. As part of this debate over definition, it is important to acknowledge that states commit acts of terror, along with non-state actors.

US President George W. Bush's November 6 speech on the need for democracy and the rule of law in the Middle East was an important development, but the American policy of supporting non-democratic regimes in the region, coupled with its policy of detaining without charge or trial suspects in Guantanamo Bay, Cuba, undercuts the power of this pro-human rights message. Terrorists thrive on double-standards and inconsistencies, especially in the Middle East where the Israel-Palestine conflict only exacerbates tension. This reinforces the need to delve honestly into the "root causes of terrorism" because understanding the conditions conducive to terrorism could help yield a clear definition, which in turn could produce a more logical and consistent approach to combating terrorism. Popular support for the struggle against terrorism, so essential for marginalizing the terrorists, is only possible when there is consistency and no double standards. The same act whether committed by an insurgent group or

an official army, if it intentionally harms civilians, is wrong, illegal and must be condemned, whatever the ultimate label affixed to the perpetrator.

One proposed solution would be to define terrorism as a deliberate targeting and killing of innocent civilians, either by states or non-state actors. A counter view held that including states as possible perpetrators of terrorism might, however, be counter-productive because "you make a point but no difference" since some states will cut off all discussion and will be sufficiently antagonized to make any progress impossible. If direct criticism won't work, what would be the best approach to get states to change their behavior?

In Africa, as well as the Middle East, anti-terrorism legislation has draconian impacts on non-violent opposition movements and skews the balance of security and human rights. This raises the specter in Africa and elsewhere that the human rights movement might be the next victim in the war on terrorism. Most agree that terrorism can be effectively fought with existing laws and that there is no need for special laws that trample on constitutional guarantees.

The weakness of state institutions in Africa also highlights a constant theme in this discussion of human rights and terrorism: independent courts are rare but essential. The judiciaries are weak and not capable of fulfilling a watchdog role to insure the executive is not abusing power in the name of fighting terrorism. Many African countries have very poor human rights records so the population understandably does not trust the government to safeguard their rights.

Regarding the UN's role, once again the CTC came in for constructive criticism, with the suggestion that the CTC not be merely a "mail box" but should challenge and investigate country reports. The CTC could offer support to weak or beleaguered judiciaries by removing the artificial line it drew between human rights and security; the CTC should judge when a state's counter-terrorism measures violate human rights. Detailed country-level information is needed on the intersection between human rights and security concerns, a task which UN special rapporteurs or human rights monitoring bodies, adequately resourced, could produce. The CTC, by

changing its structure and procedures, could become a more dynamic and assertive actor.

Meanwhile, all is not so bleak at the UN. General Assembly Resolution 219 of 18 December 2002 on respect for human rights and fundamental freedoms while combating terrorism, combined with the Security Council Resolution 1456 of 20 January 2003 on the same topic, provides important foundations for a more assertive UN approach, including that of the CTC. The UN should take the lead role in insisting on uniform standards, norms and laws that apply equally to everyone, in the effort to combat terrorism.

National Counter-Terrorism Strategies and Human Rights

Several questions permeated the discussion on national strategies and mechanisms to counter terrorism. What are the best mechanisms for national authorities to monitor their own counter-terrorism efforts to insure respect for human rights? What are the most effective ways to guarantee an effective review by independent oversight bodies?

The US Inspector General (IG) model offers one possible approach. The Department of Justice (DOJ) Inspector

From L to R: Dr. Edward Luck of the Columbia University Center on International Organization; Inspector General Glenn A. Fine of the US Department of Justice; Ms. Hina Jilani, Director of the Legal Aid Cell in Pakistan and Special Representative of the Secretary-General on Human Rights Defenders; and Dr. Bahey El Din Hassan, Director of the Cairo Institute for Human Rights Studies in Egypt.

General's office has an important oversight role and can act as a check on the executive branch. For example, after receiving numerous complaints relating to the detention of illegal immigrants following the attacks of September 11, the IG office conducted its own investigation and confirmed some serious problems, including the application of subjective criteria in determining which immigrants or aliens were "of interest" concerning the September 11 attacks; insufficient resources to implement a "hold until cleared" process, which resulted in extensive delays and thus prolonged detention; communications black-outs with no information about the detainee for weeks; inadequate opportunities to meet with counsel and families; some evidence of physical and verbal abuse; and harsh detention conditions (24-hour lockdowns, 24-hour lights on in cells). The investigation yielded numerous recommendations to address these problems and the IG's report was made public and was submitted to Congress. While the DOJ does not have to implement the IG's recommendations, it must respond to them publicly. The strength of this approach results from the IG's independence and ability to act with transparency while establishing accountability; the IG acts as a check on executive power. This is a model that could be used in other countries, especially those with weak courts.

Unfortunately, in many states—both democratic and authoritarian—terrorism often has a polarizing impact which adversely affects human rights advocates who are often asked to support the government's counter-terrorism efforts or risk being categorized as "pro-terrorist" themselves. This has led to severe actions taken against human rights defenders who refuse to accept this simple dichotomy, including arrest, torture and in a few cases, executions. These practices are accepted and tolerated while outrage against them is generally missing. Precedents are being established that undermine years of hard-earned progress. It is difficult but important for human rights defenders to occupy different ground, against terrorism for sure because they are often the targets of terrorists, but also against responses that violate human rights—mere criticism of government actions does not make one a terrorist. "We are a third voice," said one participant.

"Terrorism has to be fought within the framework of human rights, and not within the one that destroys it."

On the thorny question of "root causes" it was noted that most government responses have focused on security, policing and "the law of power" while the economic, social and political factors giving rise to terrorism receive scant attention. Dealing with the symptoms and not the causes will never be sufficient to fight terrorism. And applying an "iron fist," as has been the case in Egypt for example (prolonged administrative detention, disappearances, secret military trials, extra-judicial executions), only inflames the crisis. Egypt is now in its 23rd consecutive year of a state of emergency, giving new meaning to the word "emergency." The measures used against terrorists can quickly be transformed into tools to stifle any opposition or other group the state does not like, simply by labeling them as "terrorists."

One lesson from Egypt and Pakistan, which have warred against terrorism for many years now, is that a short-sighted approach looking for quick fixes at the expense of human rights only makes the situation worse. Recasting the initiative as "a struggle for complete respect for all human rights" rather than as a "war on terrorism" would be more effective in reaching the twin goals of security while preserving freedom.

This approach would reinforce the fundamental requirement of anchoring counter-terrorism in the norms of accountability, legality, and non-derogation of core rights: life, physical integrity of the person, due process and proportionality. "If we lose these standards, we would begin to slide down a very slippery and dangerous slope indeed." Effective responses to economic, social and political injustice should be a priority, and addressing terrorism and human rights violations should not only be seen as legal or security questions.

This observation underscores a key point: terrorism never ends. It is, at bottom, a tactic that can never be fully prevented and therefore cannot be an "enemy."[2] Military and security responses alone will never be

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[2] "It's as if we said that World War II was not against the Nazis but against the blitzkrieg. We need to ask who the enemy is, and what springs him or her into action against us." Zbigniew Brzezinski, "To lead, the U.S. must give up paranoid policies," *International Herald Tribune*, Nov. 15-16, 2003.

sufficient. Since all states have a "responsibility to protect" their residents, upholding all human rights for all is the best way forward. The UN should apply the same approach and review government policies in all spheres: civil and political as well as economic, social and cultural rights. Strengthening the UN human rights treaty bodies and other monitoring mechanisms, sharpening their focus and enhancing state accountability for protecting and observing rights constitute the best means of diminishing the appeal of and resort to terrorism by terrorists who are the real enemies of human rights.

Regional Approaches to the War on Terrorism

The United Nations has sought to work together with major regional organizations, which in turn have taken a number of major initiatives. The Organization of American States issued the Declaration of San Jose following the September 11 attacks. The Declaration asserts that "member-states express the conviction that the fight against terrorism is a cooperative effort among the 34 states of the OAS, with respect to the personality and sovereignty of states, the rule of law, human rights and international obligations, the law of refugees and international humanitarian law." The OAS sees security as multi-dimensional and the threats emerge from many sectors: poverty, the environment and socio-economic concerns. The Inter-American Committee on Terrorism is the institutional body charged with monitoring state compliance with obligations, providing advice on legislation and assisting in capacity-building on such issues as border controls, travel documents and crisis management. The OAS Convention Against Terrorism encapsulates the organization's approach and it requires states to observe human rights in all counter-terrorism measures. Fighting terrorism and protecting human rights are seen as complementary and not mutually exclusive.

The African Union Convention on the Prevention and Combating of Terrorism, consistent with the position of the Non-Aligned Movement, distinguishes between terrorism and "national liberation struggles against occupation and apartheid." This is a curious distinction without any basis in international law. Protocol I to the 1949 Geneva Conventions expressly requires those fighting against foreign occupation and colonial domination to obey the laws of armed conflict, which prohibit the deliberate targeting of civilians. For example, would the African Union deem it acceptable when a group fighting for the "liberation" of the Casamance region of southern Senegal from the "foreign occupiers from Dakar" target civilians in their "national liberation struggle"? Or are those fighting in the Caprivi Strip seeking independence from Namibian "occupation" free to attack civilians because theirs is a war of national liberation? Once again, the definition question cannot be avoided but political correctness must be if we are to make real progress.

The African Union initiatives against terrorism include notifying the Chair of the AU of any new anti-terror laws, exchanging information and improving immigration, customs and border controls. But Africa's biggest challenge in carrying out effective counter-terrorism measures is the weak capacity of many of its states. Corruption, failed states, poor infrastructure, rudimentary communications, and on-going conflicts have created terrorist havens. Porous borders and highly valuable and easily hidden items like drugs, diamonds and coltan make it easy for terrorists to raise money and buy weapons. Youth facing high unemployment and bleak futures are vulnerable, susceptible to war, illegal activities in general and the terrorists' siren calls.

Despite this bleak picture, there is some hope. One possible source is the New Partnership for African Development, or NEPAD, which seeks to improve the governance capacity of African states while inaugurating a "peer review" system on issues including governments' respect for human rights. But above all, Africa needs sound leadership and greater resources to help blunt terrorism. Though all African states have submitted at least one report to the CTC, the contents of these reports only underscore the lack of capabilities that plague the nations of that region. Security, including effective policing, intelligence, financial monitoring and border controls are all very expensive; the World Bank and regional development banks will have to provide greater resources for capacity-building. This should be forthcoming

because if counter-terrorism is so important, it should not be so hard to find the necessary funding to build capacity.

The Organization of Security and Cooperation in Europe views terrorism as the apotheosis of asymmetric warfare and recognizes that it cannot be combated by security-focused counter-terrorism measures alone; the best strategy emphasizes human rights and the rule of law. The OSCE's comprehensive approach links military, legal, political, police, intelligence and environmental issues when dealing with terrorism. Central Asian members of the OSCE pose particular challenges since they are young, often weak, states facing major governance challenges, burgeoning populations and high unemployment. As in Africa, there is a danger that terrorists will exploit the real grievances of disaffected youth. Counter-terrorism measures, as in Uzbekistan, have severely curtailed respect for human rights, which only further radicalize youths and become self-defeating.

In all three organizations, there is a clear need for greater dialogue between the human rights community and security experts; the division between the two has both hampered effective counter-terrorism efforts and damaged the effectiveness of human rights organizations.

Challenges Ahead for the United Nations

To fight terrorism one must understand its origins; why do terrorists enjoy public support in some places and not in others? There is no single cause of terrorism, such as poverty or religion; rather terrorism seems to be linked to marginalization. Governments are often responsible for marginalization through their failed social, economic and political programs. This reality complicates matters for the UN since it is an organization of states, some of whom are aiding and abetting terrorism, wittingly or not. What, then, is to be done?

The UN must stand for human rights and humanitarian law which prohibits targeting civilians. This is the baseline below which neither governments nor non-state actors can go. The UN must revisit the question of

Dr. Bernard Ramcharan, Acting UN High Commissioner for Human Rights.

a definition of terrorism to bring clarity and rigor to the debate, to de-politicize the issue and to diminish the possibility of acting inconsistently and applying double standards. The Security Council, and in particular the permanent members, should not decide what is or is not terrorism based on their national political calculations. It is wrong conceptually and factually to talk about a "war" on terrorism. Terrorism is a crime and those who commit it must be subject to criminal prosecution. Recent actions such as the prolonged detention of suspected Taliban and others in Guantanamo Bay, with no access to lawyers or family and no charges being filed, threaten the gains made by human rights advocates over the past 20 years. The ability of courts in democratic countries to protect rights is being eviscerated as more and more governments assert that they know what is best: "trust us, we have the information to gauge the threat." The leadership role of the US cannot be underestimated as states look to how the US is conducting its counter-terrorism efforts as both a model and a justification.

UN member states must address the call for reform of its institutions. One viewpoint held that "the earth has moved but the UN and the human rights movement have stood still." According to this assessment, the UN has failed to understand the global nature of the challenge and is stuck in the old world of divvying up problems based on state borders. Why do terrorists enjoy "global support"? How do events in the Middle East percolate throughout the world? Can the UN

H.E. Ms. Margarita Escobar, Permanent Representative of El Salvador to the Organization of American States, with Ambassador John Hirsch of IPA.

address these globalized grievances while combating those exploiting them? How can the Security Council be made to understand that any failed state—wherever in the world, Burundi, Sri Lanka, Haiti—is its responsibility? These are questions the UN should be facing in its official gatherings and not only in the corridors.

As part of the broader reflections on a reform of the UN system it was suggested that the Security Council needs to clarify publicly how human rights and security intersect, and it needs to stress the protection of human rights more forcefully in its mandates and prescriptions. Some members of the Security Council may find this uncomfortable since it has traditionally shied away from human rights as an issue. But modern threats to peace and security ineluctably place human rights issues front and center in the Security Council's agenda.

The CTC needs to be instructed by the Security Council to be more pro-active in assessing national performance. The CTC should draw on the digest of jurisprudence and good practices compiled by the Office of the High Commissioner for Human Rights to guide its work. UN Treaty Bodies should insist on compliance with international standards. Special Committees of experts need to be on call to assist the CTC in assessing reporting countries' compliance with human rights standards.

The leadership role of the Secretary General is critical. Defending human rights now, when they are under attack, is more important than ever. It is not merely fashionable, it is essential. Human rights cannot be on a "back-burner" during the bad times. Human rights are not a luxury but an indispensable element in efforts to achieve progress, development and a decent life which is, at bottom, the best way to combat terrorism. The Secretary-General has a unique and powerful position to reinforce this message, even to powerful countries like the United States. For example, President Bush, in his November 6 speech, said:

> Are the peoples of the Middle East somehow beyond the reach of liberty? Are millions of men and women and children condemned by history or culture to live in despotism? Are they alone never to know freedom, and choice in the matter? I for one, do not believe it. I believe that every person has the ability and the right to be free.

In a November 18 speech in London, President Bush promised to chart a different policy from the past where the US had been willing to "tolerate oppression for the sake of stability" and promised to "consistently challenge the enemies of reform and confront the allies of terror."

The Secretary-General could build on these themes with his own appeal for liberty all over the world, especially in areas like the Middle East and parts of Africa and Asia still ruled by authoritarian governments. He should remind the US and other democracies that they must set a good example both by supporting greater observance of human rights abroad and insuring that their own behavior is entirely consistent with human rights principles, even—or especially—in combating terrorism. Tolerating repression for the sake of security will be just as mistaken as the old wager of oppression for stability's sake.

One warning echoed as the conference closed: "You will defeat yourself if you sacrifice human rights to fight terrorism. Terrorism is best fought by asserting human rights." The Secretary-General, speaking on behalf of the United Nations, should declare a "war for human rights," which, rather than being an oxymoron, would constitute a comprehensive, compelling and effective antidote to the perpetrators of international terrorism.

APPENDIX 1: Conference Concept Paper

Human Rights, the United Nations and the Struggle against Terrorism

William G. O'Neill

1. Introduction

> "We must never lose sight of the fact that any sacrifice of freedom or the rule of law within States...is to hand the terrorists a victory that no act of theirs alone could possibly bring."
>
> **Secretary-General Kofi Annan**

The terrorists did more than murder 22 cherished UN colleagues on August 19 in Baghdad. They also challenged the UN to confront terrorism in ways never imagined before the attack. Terrorism is now much more than an abstraction for the UN, which has typically regarded terrorism as a subject for endless debate over definitions—notably the status of national liberation movements—and the enactment of treaties that are essentially ignored. Terrorists have now killed UN staff members. How should the UN respond? And what will its role be in the balance that is drawn between security and liberty?

Some of those whose job it is to provide security and protect us from terrorism have issued another challenge to the UN. They say, in essence, that this is a new world after September 11, 2001, so liberty may have to cede substantial ground to security in a world where just a few people can murder thousands. A senior security official threw down the gauntlet when he said to the Executive Director of Amnesty International: "Your role collapsed with the collapse of the Twin Towers on September 11."[1]

Has the role for human rights advocates, principles and procedures collapsed in the dust and rubble of Baghdad, Bali, Casablanca, Grozny, Delhi, Jakarta,

Mombasa, Moscow, Riyadh, Tel Aviv, Haifa, Gaza and Djerba? Do measures like increased surveillance, extended pre-trial detention, restricting access to lawyers, incommunicado detention, tolerating torture, secret trials and racial/ethnic profiling make us safer? Or do they create greater resentments and frustration which generate more support for terrorism? And what should the UN's role be in this debate between those who want to strike a different balance between liberty and security? Do poverty and underdevelopment have nothing to do with terrorism? Is it purely the result of religious and ideological fanaticism for which there is no answer other than military and police actions?

This paper will analyze the consequences that flow from the conclusion that terrorism is a violation of human rights and the laws of armed conflict. This may sound self-evident but is not; many still claim that in the struggle for a fundamental human right, self-determination for example, the use of violence in any form is justified and therefore cannot be in itself a human rights violation. This requires some discussion of an unavoidable but troublesome subject: the definition of terrorism.

Next, the paper will examine how violations of human rights can constitute one of the contributing factors or "causes" of terrorism. This will include discussing a subject that is anathema to many proponents of the current war on terrorism, the debate on "root causes." The paper will analyze the UN's role in addressing violations of civil and political rights and economic, social and cultural rights as a way to help combat terrorism.

Third, an analysis of how some counter-terrorism efforts not only violate human rights but also can fuel

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[1] Irene Khan, "Human Rights Challenges following the Events of Sept. 11 and their impact on universality and the human rights movement," in **Terrorism and Human Rights after September 11**, Cairo Institute for Human Rights (2002) available at www.cihr.org/conference/khanpaper_e.html

conditions leading to further terrorism will be offered. Here the challenge is how to preserve liberty in the face of those who do not follow any of the rules and would be the first to abolish respect for rights if they came to power.

II. Terrorism as a Human Rights Violation

The proposition that terrorism violates human rights should not be controversial. Yet classical interpretations of human rights hold that only states can violate human rights. Human rights treaties, not individuals, non-state actors or others, bind only states. Fortunately, human rights thinking and even jurisprudence has evolved and now certain non-state actors like rebel groups and multi-national corporations can be held responsible for rights violations. Certainly organizations like al Qaeda would fall into this category and the then High Commissioner for Human Rights, Mary Robinson, quickly condemned the attacks on September 11, 2001, as a horrific violation of human rights, putting it in the most serious category: a crime against humanity. So legally, the UN should have no problem condemning acts by non-state actors like al Qaeda, the Lord's Resistance Army in Uganda, the FARC and ELN in Colombia, the Tamil Tigers in Sri Lanka, the RUF in Sierra Leone, GIA in Algeria, UNITA in Angola, Hezbollah in the Middle East, Jamiat-ul-Ulema-e-Pakistan and Harakat ul-Mujahideen in Pakistan, Jemaah Islamiyah in Indonesia, Hindu extremist groups in India and Abu Sayyaf in the Philippines for violating human rights.

Greater political, not legal, problems arise for the UN when the state perpetrates terrorism. Since the UN is made up of sovereign states, this is not surprising. Member-states are often loath to criticize one another, especially when it comes to the "internal affairs" of a fellow member-state. A few even argue that terrorism can only be committed by non-state actors, never by a state. This notion is reflected in some of the attempts to define terrorism.

Even the terrorism expert Walter Laqueur, seems to fall into this trap. In his recent study, **No End to War: Terrorism in the 21st Century**, he asserts that terrorism is rare in repressive regimes, especially in the most totalitarian of states. Stalin's Soviet Union and Hitler's Germany were free of terror in his view; such a conclusion would have shocked the populations of these countries who were the victims of daily acts of state terror.[2] Excluding state terrorism skews our understanding and inhibits crafting effective policies to diminish terrorism's appeal.

The UN must confront all terrorism, whether committed by a state or non-state actor. It must resist efforts to justify certain acts as "legitimate resistance against foreign occupation" or others as "legitimate state responses to terrorist violence" if they in fact are terrorism. This is why the definition question is important and it is time for the UN to take a stand. Otherwise, it opens itself to charges of applying double standards, undermining the unity required to fight terrorism.

1. The Definition Quagmire

The UN has struggled over the years to define terrorism. The UN and others have operated on the basis of US Supreme Court Justice Potter Stewart's observation on pornography: "I know it when I see it." Terrorism is hard to define. One reason is that the issue is not merely about words. Defining terror also means taking a position on whether there are limits on the use of violence, relations between the "weak" and the "strong," ethics in international relations, how a population can legitimately resist living under foreign occupation and increasingly the importance of state sovereignty.

Professor Adam Roberts of Oxford University proposes the following definition:

> *"the use of violence, often against people not directly involved in a conflict, by groups operating clandestinely, which generally claim to have high political or religious purposes, and believe that creating a climate of terror will assist attainment of their objectives.*

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[2] Walter Laqueur, **No End to War: Terrorism in the 21st Century** (New York: Continuum 2003), p. 141

Terrorism of this kind almost always appears to be non-governmental, but in particular cases movements engaging in terrorism may have a degree of clandestine support from governments."

This is a useful working definition and like all such attempts is subject to debate. Yet several elements illustrate challenges and opportunities for the UN. First, the definition includes the possible involvement of state actors. Second, an essential element is the political and/or religious purpose of the violence. Terrorism is not common crime or random violence that just happens to harm civilians; it is premeditated and has a political or religious purpose: regime change, ending an occupation, promoting a world view based on a specific interpretation of theology, resisting influence from external political, cultural or religious sources. While terrorist groups may engage in drug trafficking, organized crime, money laundering or smuggling to support their activities, they are fundamentally different from organizations whose *raison d'être* is to engage in these activities; it is important for the UN to maintain this distinction, especially with regard to the UN's own human rights regime.

Terrorist acts are committed by insurgents or guerrilla organizations fighting unconventional wars for explicit political goals. These acts often do not attract the attention of even seasoned terrorism experts. For example, Laqueur notes in his recent study, in attempting to assert that poverty and terrorism are not related, that in the poorest countries as measured by the UNDP "hardly any terrorist activity occurs."[3] Yet one wonders how he defines "terrorism" given the systematic use of terror, past and present, by the state and non-state actors in Uganda, Burundi, Sri Lanka, Sierra Leone, Guatemala, Solomon Islands, Liberia, Angola, Afghanistan, Pakistan, Morocco and Rwanda, all among the world's poorest states. Many more people have died from terrorism in these places than have been killed in Europe, North America and even the Middle East. This shows how the lack of clarity on a definition skews not only identifying terrorist acts but also understanding its causes. If atrocities

committed by the Lord's Resistance Army in Uganda or the right-wing paramilitary groups in Colombia do not constitute terrorism, then we will fail to understand how poverty, lack of development, awful governance and repression help fuel violence there and elsewhere, undermining the UN's efforts to combat terrorism.

An international law expert, A. Schmid, recommended a simple and straightforward definition in 1992 to the then UN Crime Branch. He argued that since there was agreement on what constituted a war crime, terrorism could be defined as "the peace time equivalent of war crimes:" deliberately targeting civilians, hostage-taking, killing prisoners, poisoning water supplies or the environment, all for a political purpose. Since 1992 consensus on what constitutes a "crime against humanity" has also grown, thanks in large part to the two international criminal tribunals (former Yugoslavia and Rwanda) and the International Criminal Court's statute. This definition could also be a point of departure since crimes against humanity can be committed in peacetime as well as in armed conflict, just as terrorism can occur as part of an armed conflict or outside of war.

2. Terrorism as the Weapon of the Weak

Some of the difficulty in reaching agreement on what constitutes terrorism stems from situations where a weak group faces overwhelming state power and responds to systematic oppression or occupation by using terrorism. Even in these situations terrorism is a choice; there are examples where insurgent groups or civilian populations facing intense repression, occupation or even acts of state terror did not respond in kind (East Timor under Indonesian occupation, Haiti under the Duvaliers and subsequent military dictatorships, Kurds in Iraq, Burmese under the SLORC dictatorship). Meanwhile, some states suffering terrorist attacks refused to respond in kind and carefully calibrated their tactics to avoid unnecessary civilian suffering (France, Italy, and Great Britain). Terrorism is never inevitable.

Moreover, recent developments in international law and in the practice of the Security Council may lower

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[3] *Id.* p. 15

resistance to reaching a definition. If a civilian population truly is at risk because of brutal state behavior, military occupation or other forms of violence, then the emerging norm of a "responsibility to protect" civilians from gross human rights violations, crimes against humanity, war crimes, genocide and, if agreed, from terrorism, will be more morally acceptable than trying to justify the use of terrorism by a weak "at-risk" population. The UN intervention in East Timor was based on the duty to protect the East Timorese from state-sponsored terrorism by the Indonesian military and its civilian militias. NATO based its intervention in Kosovo on similar grounds: protect Kosovo Albanian civilians from violence committed by Serbian state and non-state actors. The US intervention in Iraq, while undergoing shifting rationales, has at times included the argument of liberating the Iraqis from oppression and "state terrorism." The Constitutive Act of the African Union goes furthest, providing for the right of intervention in case of war crimes, genocide and crimes against humanity.[4]

The stalemate on reaching a definition has moral, political and operational consequences, weakens efforts to build a broad anti-terror coalition among UN member-states, and prevents an honest debate on what conditions breed terrorism. Failure to reach a definition also has serious implications for counter-terrorism; we will see that the definition can expand to "justify" crackdowns on opposition groups or critics under the guise of fighting terrorism.

III. Human Rights Violations as a Cause of Terrorism

Terrorism is complex; it has many causes and varying manifestations. In the superheated atmosphere after the September 11, 2001, attacks in the US, many policymakers and commentators ridiculed any efforts to "understand" the causes of terrorism, equating this with "excusing" or justifying the attacks or somehow placing the blame on the targets. This response is extremely misguided and even counter-productive. The reason to identify the causes of terrorism and conditions that allow it to flourish is not to "excuse" it but quite the contrary, to eliminate it or at least to control or manage the problem, since terrorism can probably never be completely eliminated. As was said about a study of the genocide of Armenians in the early 20th century, "attention to the complexities of causation and context in no way reduces the evil of the genocide or the culpability of the perpetrators."[5]

The debate over what causes terrorism is almost as heated as the disagreements about whether one should try to do this at all. Those who try to find a simple and direct correlation between poverty and terrorism are criticized by those who seek to show that many terrorists come from wealthy families with above average levels of educations. Osama bin Laden, the millionaire construction magnate and shrewd investor, and his deputy, the Egyptian surgeon Ayman al-Zawahiri, are

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Questions on Terrorism as a Human Rights Violation

1. How can the UN break the stalemate on agreeing to a definition of terrorism?
2. Can the UN, as an institution comprised of member-states, effectively counter state terrorism committed by some of its own members? How can the UN avoid being seen as assisting a state that is generating terrorism?
3. What is the best way to reach non-state actors and convince them that terrorism violates international human rights and humanitarian law? Do the ICRC's dissemination campaigns on the laws of armed conflict directed toward insurgent groups offer any models?
4. What non-violent tools or strategies can the UN help develop to deter people from adopting terrorism as a response to grievances, however real or imagined?

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[4] See intervention of Ismael Gaspar Martins, Permanent Representative of the Angola Mission to the UN, in Special Security Council Meeting on the Rule of Law, UN Doc. S/PV.4833, 24 Sept. 2003 at 17

[5] Belinda Cooper, in a review of **The Burning Tigris** by Peter Balakian (New York: Harper Collins 2003), *The New York Times Book Review*, Oct. 19, 2003 at 35

exhibits A and B in this argument. Relatively well-off Palestinian suicide bombers provide further evidence on this count.

Yet even those who deny a direct link between poverty and underdevelopment note that these conditions make it easier for terrorists to recruit adherents and gain support for their message among the population. Alan Kreuger, an economist at Princeton and a proponent of the "poverty doesn't matter" school, admits that poverty does make it easier to recruit insurgents in "civil wars,"[6] but he fails to recognize that this same dynamic enables terrorists to recruit followers. Terrorists, like guerrilla fighters, rely on some level of popular support; an effective way to counter terror is to undermine their popularity among the general population.

1. What Role Does Poverty Play?

Once outside the specific particularities of the Middle East, the links between terrorism and poverty, underdevelopment, lack of choices, minimal to non-existent employment prospects and a sense of grievance against those seen to be better off are undeniable. For example, Riaz Basra, the leader of a Sunni extremist group in Pakistan, Lashkar-I-Janfvi, relied on poverty and lack of opportunity to keep his ranks filled with those ready to kill Shiites and pursue training in terrorist tactics in Afghanistan. A local lawyer explained "Poor men like Riaz Basra are recruited from religious schools and turned into terrorists, and the result is panic for all of us." Basra and his cohorts represent a side of terrorism not nearly as well publicized or as studied as the Osama bin Ladens, but they are the norm in much of the world. When someone says he is ready to die and kill many others to combat injustice, poverty, and other grievances, real and perceived, it makes perfect sense to take a careful look at the circumstances giving rise to such statements.

Members of the Lord's Resistance Army in Uganda, the RUF in Sierra Leone, and the Abu Sayyaf group in the

Philippines come from extremely poor backgrounds and have little or no education. Similarly, the deeply impoverished Central Asian states have provided the recruits for the Taliban, al Qaeda and homegrown groups like the Islamic Movement of Uzbekistan (IMU) and the Hizb ut-Tahrir. Ahmed Rashid, a prominent Pakistani journalist and Central Asian expert counters Kreuger's statement that "there should be little doubt that terrorists are drawn from society's elite, not the dispossessed"[7] with a compelling insight: "Historically, socio-economic aid has proved to be the critical factor in counterinsurgency. A well-fed, well-housed and fully employed population would not provide recruits for the IMU [Uzbekistan]–or any other terrorist organization."[8]

The lack of any future economic prospects for a huge and growing population of young men in the Middle East, Africa and much of Asia presents an enormous challenge. Many lucky enough to go to school are not adequately prepared to work in a modern economy. Even those with technical degrees face a hostile job market. An anthropologist at a university in Egypt described the problem: "The economy puts a great deal of pressure on the younger generation.... Kids who are 22 don't have even the same opportunities that their older brothers and sisters did–and their expectations are even higher."[9] Naguib Mahfouz, Egypt's Nobel Prize winning novelist who was stabbed and almost killed by Islamic extremists because of his writing notes: "The young men of today don't have our hopes, or our opportunities. They also don't have our dreams."[10] Hopelessness, humiliation and rage provide the potential shock troops for terrorist masterminds while instant global communications can accelerate this process. Poverty of hope fuels terrorism at least as much as extremist ideology.

The poverty of hope dominates the atmosphere in the huge slums surrounding Morocco's largest city. The backgrounds of those responsible for terrorist attacks on sites frequented by Spaniards and Jews in

[6] Alan Krueger, "Economic Scene," *The New York Times*, Dec. 13, 2001 at C-2

[7] Alan Krueger, "Economic Scene," *The New York Times*, May 29, 2003, at C-2

[8] Ahmed Rashid, *Jihad* (New Haven: Yale Univ. Press 2002), p. 236

[9] Tim Golden, "Young Egyptians Hearing the Call of 'Martyrdom,'" *The New York Times*, April 26, 2002 at A-1.

[10] Mary Anne Weaver, *A Portrait of Egypt* (New York: Farrar, Strauss & Giroux 2002), at 168

Casablanca in May 2003 were similar: they contain poor, impoverished sections of the city, without water or electricity, relegated to poor schools, virtually cut off from the Moroccan state and any minimal services.[11] The terrorists' neighborhoods are part of an enormous squatter's colony, populated largely by people who have fled the countryside because of intense poverty and an enduring drought. They simply do not exist in the eyes of the state, except for the police and secret services that monitor their neighborhoods and spy on their mosques. One squatter area is even named after another terrorist hotbed, "Chechnya." While poverty alone does not cause terrorism, poverty "is great for the terrorism business because poverty creates humiliation and stifled aspirations and forces many people to leave their traditional farms to join the alienated urban poor in the cities – all conditions that spawn terrorists."[12] Just ask the residents of Chechnya or Casablanca.

2. Poor Governance and Terrorism

This combination of poverty and underdevelopment coinciding with limited or non-existent governance is not at all unique to the factors that motivated the Moroccan terrorists in Casablanca. "Black holes" like Afghanistan, the Sudan, Liberia, Sierra Leone, Congo, Georgia, the Northwest Frontier in Pakistan, Somalia, Uzbekistan, Kyrgyzstan (especially the Fergana Valley which runs across three of the Central Asian former Soviet republics), Yemen, Somalia, Algeria and Colombia provide ideal conditions for local or transnational terrorists to flourish. These hosts are often "phantom states" that have limited or no control over what happens in large parts of their territories. They exercise limited sovereignty. Their police forces are corrupt, brutal and incompetent. Terrorists can flourish in these conditions by exploiting the discontent fed by corruption, poverty and authoritarian rulers to enlist local recruits and also plug in to international terrorist organizations. Their justice systems cannot or will not enforce the law, their borders are porous and their

banking systems incapable of the most basic financial oversight. Smugglers control the border exchanges, while weapons, drugs, illicit diamonds or other contraband flow easily, providing the free movement of recruits, weapons and funds that allow the terrorist networks to operate unfettered. For example, al Qaeda laundered millions of dollars by buying smuggled diamonds from Sierra Leonean rebels under the protection of Liberia's President Charles Taylor, showing how terrorists can exploit the absence of governance in several states simultaneously and the cover of a state like Liberia willing to use and be used by terrorists.

3. Root Causes

Terrorist expert Jessica Stern notes "While there is no single root cause of terrorism, my interviews with terrorists over the past five years suggest that alienation, perceived humiliation and lack of opportunities make young men susceptible to extremism."[13] She has concluded that terrorist leaders win adherents when they can show the potential recruits that they have little to live for in this world.[14] The leaders' job is made easier when their recruits require little convincing based on their own assessments of their status and opportunities. It is among the huge demographic bulge of young men between the ages of 14-30 in poor states, rife with corruption, inequality, huge levels of unemployment and discrimination, where terrorist leaders find their foot soldiers.

Poverty of resources, combined with poverty of prospects, choices and respect, help enable terrorism to thrive. All this is not to say that poverty, underdevelopment and poor governance always cause terrorism. The relationship is not a mechanistic one. But to say that poverty has nothing to do with terrorism goes too far in the other direction and is equally simplistic and false. You are left with the conclusion that "terrorists cause terror," a not particularly helpful insight for crafting policies to diminish the terrorists' ability to attract recruits and financial support. Simply

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[11] Tahar Ben Jelloun, "La Bidonville di Casablanca dove nascono I kamikaze," *La Repubblica*, 2 June 2003

[12] Thomas Friedman, "Connect the Dots," *The New York Times*, Sept. 25, 2003 at A-27

[13] Jessica Stern, "How America Created a Terrorist Haven," *The New York Times*, Aug. 20, 2003

[14] Jessica Stern, "Get to the Roots of Terrorism," *International Herald Tribune*, April 24, 2002

eradicating the current crop of terrorists won't end terrorism; others will take their place unless you look deeper to the contributing causes of terrorism.

While psychological studies of terrorists are necessary, they are not sufficient to fight terrorism, nor is relying purely on military or intelligence initiatives. There will always be some people who for whatever complex set of reasons will use violence to pursue their goals even if viable non-violent alternatives exist. Yet failing to include development, aid, education, governance and public information in the mix of anti-terrorist tools is shortsighted. One terrorist expert has compared fighting terrorism with purely military or police tactics to a narrow approach to combating urban crime: "The international equivalents of inner-city regeneration are neglected at the expense of more equipment for the riot squad." The UN and its member-states need to be tough both on terrorism and the causes of terrorism.

4. Terrorism and Economic, Social and Cultural Rights

What does this have to do with the UN and human rights? Plenty. States have obligations under international human rights treaties to guarantee economic, social and cultural rights to everyone in their territories. International financial institutions, like the World Bank, the IMF and various regional banks must also insure that their programs support the "progressive realization" of rights enumerated in the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. Donors in the "developed" world also must tailor their assistance to promote rights enjoyment. The UN needs to understand how lack of development, growing inequality, unfair trade rules and the failure to give people the chance to participate meaningfully in basic decisions affecting their lives helps create conditions conducive to terrorists' messages.

The Secretary-General has asserted that the entire UN system must "mainstream" human rights in all its work. Development agencies like UNDP, UNICEF, WHO,

WFP and others are busy studying how to implement "human rights-based programming." Shifting the focus from "charity" to "rights" will change the relationship between governed and government. Grounding development and poverty reduction in human rights is not only the right thing to do on its own merits, but will also render less appealing many of the arguments used by terrorists, weakening their message and undercutting their ability to attract money, followers and support.

The UN should strengthen its efforts to insure that there is maximum citizen participation in development planning and project implementation and that states are held responsible for meeting their obligations under international law on such basics as the rights to food, shelter, medical care, work and education. Should it be a surprise that terrorists flourish in a country like Pakistan where in 2000, Pakistan's military spending alone exceeded all of its spending on development (health, education, and housing)?[15] The state spent 20% of its budget on the military, 8% on education. Is it any wonder then that the private *madrassas* in Pakistan are full and "educating" the next generation of recruits for terrorist organizations, while public schools are vastly under-funded, overcrowded and fail to prepare the children of Pakistan for productive lives in the modern world? The latest Arab Human Development Report sponsored by UNDP showed an increasing deficiency in access to knowledge in the Arab world, citing as an example that the Arab region had 18 computers for each 1,000 people compared with the global average of 78.[16]

Bilateral donors and international financial institutions like the World Bank and the IMF are also accountable. Reducing poverty and improving people's lives will not eliminate terrorism; no single initiative or policy will. But the UN can help lead the fight and reduce the appeal terrorists may enjoy and eliminate their arguments. It will be interesting to see, for example, how meeting the Millennium Development Goals (MDGs) undercuts the appeal of terrorists. Secretary-General Kofi Annan recognized this link when he said in a speech on terrorism that "the MDGs have taken on

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[15] Mary Anne Weaver, **Pakistan: In the Shadow of Jihad and Afghanistan** (New York: Farrar, Straus & Giroux) (2002), p. 257

[16] "A Grim Arab Survey of Rights and Education," *The New York Times*, Oct. 21, 2003 at A-5

a new meaning."[17] While ending violations of people's economic, social and cultural rights by promoting greater equality, opportunity and choice will not change the minds of the most committed terrorists, it will make it much harder for them to find willing recruits or even passive support from the general population.

5. Terrorism and Civil and Political Rights

What generates greater agreement among analysts is the conclusion that violations of civil and political rights help foment terror. Even those who see no connection between poverty/underdevelopment/inequality and terrorism support the thesis that failure to respect civil liberties is a gift to terrorists. Alan Krueger notes that when people have no outlet to express their opinions, assemble, organize and have a voice, then terrorism can take root. "Evidently, the freedom to assemble and protest peacefully without interference from the government goes a long way to providing an alternative to terrorism."[18]

Violations of civil and political rights, combined with violations of economic, social and cultural rights, help fuel terrorism. Terrorism flourishes in states where violations of all the different types of rights occur. For example, the grinding poverty, corruption and inequality in Algeria gave a ready platform to the Islamic extremists. The government's blanket abuse of freedom of expression, assembly and association then meant that the Islamists had no forum or channel to participate in any policy discussions. The state marginalized the moderates and extremists quickly exploited the situation. The government's violations of economic, social and cultural rights combined with violations of civil and political rights literally proved to be a lethal formula that unleashed terrorism by the GIA and the state, with innocent Algerian civilians suffering the overwhelming brunt of the atrocities. And terrorism spread from Algeria to various countries in Europe.

India provides another instructive example. India has the second largest Muslim population in the world, after Indonesia. India's secular democracy and relatively decent record on human rights meant that there was little terrorism inside India proper–but Kashmir is another story. Yet after the destruction of the Ayoda mosque in 1992, followed by the horrendous Gujarat massacres ten years later in 2002, radical Islam started to grow in India. Police officers identified as perpetrators in the killings have gone unpunished; in fact some are still on the job. This impunity and failure of the Indian state to uphold rights has helped radicalize a previously moderate population. The four people arrested for the August 2003 bombings in Bombay are part of a new group, the Gujarat Muslim Revenge Force.[19] The name says it all.

Violating civil and political rights is one of the key contributing factors to terrorism and terrorists rely on such violations to generate support and adherents. Experts on Central Asia note that the repressive policies of the regimes in Uzbekistan, Tajikistan and Kyrgyzstan have only served to fuel the growth of Islamic extremists.[20] The rise of the Islamic Movement of Uzbekistan is "directly linked to President Karimov's refusal to allow Muslims to practice their religion and his extreme attitude to all religious expression and dissent."[21] "Karimov and the authorities are pushing people into becoming armed. Such a hard situation in Uzbekistan can bring civil war," noted an IMU member.[22]

Section IV will show how some states manufacture links between their political opposition and the global war against terrorism, "justifying" increasingly harsh measures against even non-violent opposition groups who are labeled as terrorists. Anti-terrorism becomes a

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[17] Speech at a conference organized by the Government of Norway and the International Peace Academy, "Fighting Terrorism for Humanity," New York, Sept. 22, 2003

[18] Alan Krueger, "Economic Scene," *The New York Times*, May 29, 2002 at C-2

[19] Pankaj Mishra, "India's Muslim Time Bomb," *The New York Times*, Sept. 15, 2003

[20] Ahmed Rashid, *Jihad* (New Haven: Yale Univ. Press 2002), at 85

21 *Id.*

22 Peter Baker, "Renewed Militancy seen in Uzbekistan," *The Washington Post*, Sept. 27, 2003 at A-19

catch-all justification for keeping a monopoly on control of power. For example, the authorities link all Islamic activism in Uzbekistan with al Qaeda and Osama bin Laden, pre-empting any debate on domestic or foreign policy or criticism of the government. The opposition is equated with terrorism and this has the danger of becoming a self-fulfilling prophecy in several parts of the world, especially in Central and South Asia, North Africa and the Middle East, where terrorist leaders use the regime's human rights violations as a recruiting tool.

Promoting all human rights and insuring that they are respected, fulfilled and enjoyed is an equally potent formula for fighting terrorism. The UN, as the ultimate guardian of human rights and the arbiter of their enjoyment, has a central role to play in combating terrorism. It would be worse than counter-productive, therefore, if human rights are sacrificed in the fight against terror since their violation is one of the major causes of terrorism. It is to this question that we now turn.

IV. Upholding Human Rights While Fighting Terrorism

The UN must insist that states uphold core human rights principles as the balance point in the always delicate equation between liberty and security. Indonesia's Security Minister, Susilo Bambang Yudhoyono expressed the views of many in government and the security sector when he said shortly after the July 2003 terrorist attack at the Marriott Hotel in Jakarta: "Those who criticize about human rights being breached must understand that all the bombing victims are more important than any human rights issue." Not to be outdone, President Hosni Mubarak of Egypt noted that "There is no doubt that the events of September 11 created a new concept of democracy that differs from the concept that Western states have defended before these events, especially in regard to the freedom of the individual." The Uzbek Foreign Minister unfortunately represents the view of many in power when he says, "Let's first bring things in order, then we'll talk about democracy and human rights."

These responses are exactly what terrorists want. They hope to provoke crackdowns that create even more grievances, hatred and frustration. By triggering authoritarian responses, the state is in fact helping the terrorists achieve their goal of squashing tolerance, respect for pluralism and diversity while perverting law and order. Thus terrorism poses a triple threat to human rights: the very act of terrorism violates human rights; state responses to terrorism may also violate human rights; and the terrorists will eradicate human rights once in power. Failing to uphold human rights while fighting terror makes the terrorists' job easier.

States must protect their citizens. Yet they also have an overriding duty to protect people while observing their basic freedoms. Yudhoyono and Mubarak cannot be right. Otherwise, we will end up like George Smiley, John le Carre's spymaster, who concluded, "We've given up far too many freedoms in order to be free."

1. International Laws of Armed Conflict

In times of public emergency, carefully defined under international human rights law, certain rights may be suspended; other rights, like the absolute prohibition on torture, can never be suspended. If the war on terrorism truly is a "war," then the laws of armed conflict apply. These laws, commonly known as the Geneva Conventions and their Protocols (international humanitarian law or "IHL"), prohibit acts of terror. By definition, the laws of armed conflict can never be suspended or "derogated"; they are designed precisely to apply in situations of great danger and violence.

IHL uses the term "terror" in Protocol I to the Conventions (1977), "Protection of Victims of International Armed Conflict." "The civilian population as such, as well as individual civilians, shall not be the subject of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited" (Article 51). Protocol II to the Conventions (1977), Article 13(2), "Protection of Civilians in Non-International Armed Conflicts," has an identical provision. Article 4(2)(d) of Protocol II also expressly prohibits at all times and in all places "acts of terror." Thus IHL, in addition to the

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23 *Id.*

general prohibition on attacking civilians, outlaws all attacks on civilians whose primary purpose is to spread terror in an armed conflict. 27 Israeli air force pilots demonstrated their deep understanding of the laws of armed conflict and the legal obligation to minimize avoidable civilian casualties by signing a letter in September 2003 stating their refusal to fly certain missions in the Occupied Territories that would violate international humanitarian law.

There is no exception on the strict prohibition of attacking civilians in cases of resisting foreign occupation. In fact, Article 1(4) of Protocol I expressly includes in its definition of situations covered by its rules "armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination…." Therefore suicide bombers in Israel and the Occupied Territories, Chechnya, Iraq, Sri Lanka, Kashmir and anywhere else who target civilians violate the laws of armed conflict, regardless of their cause, even if the goal is self-determination or liberation.

2.   Counter-Terrorism as a Pretext for Violating Rights

The principal danger to human rights protection in responding to terrorism is an erosion of freedom under the guise of protecting civilians from terror. Some states have used the revulsion against the September 11 attacks to crack down on opposition groups and non-violent critics and to increase their control of every aspect of their citizens' lives. They have also used loose and vague definitions of "terror" to characterize what are really legitimate exercises of basic freedoms as "terrorism." States exploit the situation by applying draconian steps like using secret warrants, illegal arrests, prolonged and clandestine detention, torture and other cruel, inhuman or degrading treatment in interrogation, secret trials, banning organizations, seizing property, closing down radio stations and newspapers and freezing bank accounts. When

protesting such illegal acts, human rights defenders themselves, including lawyers who represent the targets of these measures, are tarred with the "terrorist" brush and are themselves victimized by government abuse. The UN Special Rapporteur on Human Rights Defenders has assembled a harrowing collection of cases she has investigated where those defending human rights have been branded as terrorists and have suffered for their courage.

The debate in the United States on the legality of holding prisoners incommunicado in Guantanamo Bay, and the legality of the Patriot Act's various provisions allowing for government access to private records, to obtain "sneak and peak" search warrants, to increase electronic surveillance and broader grounds to detain is well-known.[24] What is less well known but very dangerous for human rights is how other countries have used the counter-terrorism tide, specifically citing actions taken by the US as precedents justifying their own even harsher actions.

Former President Charles Taylor of Liberia, for example, labeled a journalist who criticized his policies an "unlawful combatant" and locked him up.[25] In Macedonia, the authorities for several weeks refused to allow the International Committee of the Red Cross or the Organization for Security and Co-operation in Europe access to Albanian detainees on the grounds that they were "terrorists" and cited the initial US refusal to allow the ICRC access to detainees in Guantanamo as a precedent. President Robert Mugabe labeled some journalists working in Zimbabwe "terrorists" to justify his crushing restrictions on press freedoms and his expulsion of the entire international press corps prior to elections in April 2002. The president of Kazakhstan has cracked down on journalists and human rights NGOs, all in the name of fighting terrorism.

Worse still, governments renowned for their brutality and scorn for human rights now offer lessons to the

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[24] For a thorough and balanced assessment of the USA Patriot Act, see Dahlia Lithwick and Julia Turner, "**A Guide to the Patriot Act**" parts 1-4, available at <u>www.msn.slate.com</u>. The authors note that some of the criticism has been unduly alarmist because some provisions of the act are benign. Others are truly radical and bear monitoring.

[25] See the excellent report by the Lawyers Committee for Human Rights, "**Year of Loss, 2002-03**" for more examples of how other states have used the opportunity to fight terrorism to crack down on opponents. Available at www.lchr.org.

US, UK and others on how to handle terrorists. On his visit to Syria in 2003, US Secretary of State Colin Powell had to endure a lecture from President Bashir Assad, who claimed that Syria knew how to defeat terrorists. Presumably he was referring to the massacres of members of the Muslim Brotherhood, along with tens of thousands of people in the early 1980s in Hama and Aleppo. Likewise, the Algerian authorities offered to share their counter-terror expertise, gained after slaughtering tens of thousands of civilians and helping to propel the GIA into the international ranks of terrorist groups, closely allied with al Qaeda. Thanks but no thanks should be the response.

3.   All-Inclusive Definitions of Terrorism

Many states base their counter-terrorism measures on legislation that has sweeping definitions of terrorism; once again the definition problem rears up. Nature abhors a vacuum, so some states have stepped in to provide their own definitions of terrorism. Most are self-serving and justify crackdowns on anyone opposing the state. Egypt's law now defines terrorism as:

> *"any use of force or violence or any threat or intimidation to which the perpetrator resorts in order to carry out an individual or collective criminal plan aimed at disturbing the peace or jeopardizing the safety and security of society and which is of such a nature as to create harm or create fear in persons or imperil their lives, freedom or security; harm the environment; damage or take possession of communications; prevent or impede the public authorities in the performance of their work; or thwart the application of the Constitution or of laws or regulations."*

This definition is so broad and vague that it fails the basic test of "legality" which requires that a criminal statute be clear, concrete and specific. This definition allows the Egyptian authorities to arrest, detain and prosecute people for acts that would otherwise be protected under international human rights standards. India, Belarus, Uganda and many other states have equally vague definitions.

Moreover, some international treaties dealing with terrorism also have overly broad definitions which undermine human rights protection while simultaneously fuelling terrorism. The most egregious example is the Arab Convention for the Suppression of Terrorism. The definition is so broad as to be virtually meaningless, makes no reference to international human rights or humanitarian law principles and only covers non-state actors, as if states could not commit terror. For example, the Convention's definition of terrorism includes attacks on legitimate military targets. While this violates domestic law and is probably treason, it should not be conflated with terrorism which is essentially an attack on civilians. It is clear that the governments are striving for the broadest possible definition to combat any form of opposition to their rule, armed or otherwise. This further underscores the need for the UN to come up with a binding and universal definition, one that incorporates relevant principles from international human rights and humanitarian law.

The Convention also confirms the right of peoples to oppose "all forms of foreign occupation, and aggression by whatever means, including armed struggle...." This fails to recognize the limits imposed by the Geneva Conventions and Protocols, which expressly prohibit the deliberate targeting of civilians. The plain truth is that you cannot resist armed occupation "by whatever means necessary," if those means include terrorism. The Convention does a disservice to those who are struggling against occupation by opening them up to the charge that by failing to distinguish between military and civilian targets they are terrorists, thus de-legitimizing their cause, however just it might be. This is an important lesson: using terrorism tarnishes the goal and undermines the "justness" of the effort.

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[26] I am indebted to Joe Stork of Human Rights Watch for highlighting this flaw in his excellent paper, "The Human Rights Crisis in the Middle East in the Aftermath of Sept. 11," in *Terrorism and Human Rights After Sept. 11*, conference papers published by the Cairo Institute for Human Rights Studies (Cairo: 2002) at 41.

4. The Security Council's Counter-Terrorism Committee and the UN Human Rights Machinery: How Can They Work Together?

In response to the September 11 attacks, the Security Council passed Resolution 1373 which created the Counter-Terrorism Committee (CTC). States are supposed to report to the Security Council on legislative, financial and other measures they have taken to combat terrorism. The first chair of the CTC, Sir Jeremy Greenstock, said that this committee would review and assess the reports submitted by member-states to show how they are fighting terrorism, but insisted that the CTC "is not a tribunal for judging states. It will not trespass into the competence of other parts of the UN system." In other words, the CTC would not consider whether the states' responses were consistent with human rights standards, it would leave that to other parts of the UN system. This decision needs to be revisited. No other part of the UN system has the legal authority and the political clout necessary to rein in states when they go too far in combating terrorism. Neither the UN Human Rights Commission, which is tainted by political manipulation and horse-trading, nor the various human rights treaty bodies whose findings do not have the same binding force as Security Council Resolutions issued under Chapter VII, can insure that the UN avoids the dire warning given by the Secretary-General. "We must never lose sight of the fact that any sacrifice of freedom or the rule of law within States…is to hand the terrorists a victory that no act of theirs alone could possibly bring."

Sir Nigel Rodley, a member of the Committee on Human Rights, which oversees compliance with the International Covenant on Civil and Political Rights, urged the Security Council to take a more direct and active role in assessing the quality of state responses to the CTC regarding human rights when he appeared before the CTC in June 2003. He repeated the Secretary-General's warning and noted, "It follows inexorably from this that the Council has a direct interest in ensuring that the human rights component is not lost sight of. And however inconvenient it may appear, the Council should not leave it wholly to those parts of the UN system that have a specific human rights mandate." Sir Nigel noted that Resolutions 1373 and 1456 represented a "paradigm shift towards depoliticization and a professionalization of what had been a supremely political discourse in our organization." He urged the CTC to raise concerns with states, pose questions on the human rights dimensions of their reports and include a human rights expert on the CTC staff. The very fact that the CTC sent a delegation to brief the Human Rights Committee in March 2003 and invited a member of the Human Rights Committee to brief it is an encouraging sign of greater cooperation and potential synergy.

Concerns consistently arise relating to administrative detention without effective judicial review; denial of entry or expulsion of persons at risk of being subjected to torture, cruel, inhuman or degrading treatment; and loose definitions of terrorism and "terrorist organizations" which violate the principles of legality and non-retroactivity of crimes and penalties. Yet the CTC has accepted without reservations the reports submitted by states, some of which raised concerns from a human rights perspective, as was pointed out by the Human Rights Committee to these states (Egypt, Estonia, Moldova, New Zealand, Sweden and the United Kingdom) when the Committee reviewed their reports. And the CTC's silence could be interpreted as approval by many states. Moreover, as Sir Nigel pointed out to the CTC, it must be very careful to avoid "seeming to suggest that the CTC was expecting measures to be taken that could be at odds with a State's human rights obligations." He cited the example of Slovakia where the CTC's questions on Slovakia's report could be understood "to be urging that State to overlook the principle that in no case should a person be sent to a territory where he or she faces torture…."

It is simply not good enough for the CTC to be a passive recipient of state reports; it is in the position to uphold human rights standards immediately and forcefully in ways that are simply beyond the reach of other parts of the UN system, including the Human Rights Committee which meets only three times a year

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[27] Briefing by Sir Nigel Rodley to the Security Council Counter-Terrorism Committee, June 19, 2003

and considers at most the reports of 15 countries annually.

One possible innovation would be for the Human Rights Committee to name special emergency panels (three to five of its 19 members) which would review reports referred by the CTC for immediate assessment of their compatibility with human rights standards as established in the International Covenant on Civil and Political Rights. This external review by legal experts on the compatibility of a state's counter-terrorism measures with its existing international treaty obligations would be an important check on state behavior while also identifying acceptable actions for other states to adopt. The CTC does not have this legal expertise and probably never will yet this is clearly a crucial issue not only in the fight against terror but also in the effort to uphold human rights as a way to dampen the appeal of terrorism. Also, the Office of the High Commissioner for Human Rights and independent experts working for the

UN on Torture, Summary or Arbitrary Executions, Arbitrary Detention, Disappearances, Human Rights Defenders and the Independence of the Judiciary could also collaborate more closely with the CTC. This will require increased resources since these people are already over-worked and under-funded.

After decades of refusing to consider human rights questions, the Security Council has evinced a growing interest and an understanding of the close relationship between respect for human rights and international peace and security (see resolutions on Haiti, Iraq, Kosovo, East Timor, Sierra Leone, Liberia and the Congo). The entire UN system, both its Secretariat and its member-states, needs to think boldly about how it can re-align and fortify existing institutions like the Security Council, the Office of the High Commissioner for Human Rights and all the UN's existing human rights bodies to address this new and dangerous threat to international peace and security.

Questions for Upholding Human Rights While Fighting Terrorism

1. What is the proper balance between freedom and security in the struggle against terrorism? For example, is some type of "profiling" acceptable? Are certain human rights, like the prohibition on torture, really absolute or are there exceptions?
2. Are measures like increased surveillance, extended pre-trial detention, lawyers' access to their clients, incommunicado detention and secret trials effective in fighting terrorism and if yes, are they worth the price of restricted rights? Or do they play into the terrorists' hands by creating greater resentments and frustration which generate more support for terrorism?
3. How can the UN promote respect for human rights while at the same time deal with ruthless enemies who would not hesitate to insure that human rights would cease to exist if they ever came to power?
4. How can the CTC and the UN's own human rights bodies–OHCHR, Treaty Oversight Committees, Special Experts and Working Groups–combine their respective areas of expertise and mandates more effectively to combat terrorism while respecting human rights? Should the Security Council confront states that are violating human rights in the name of fighting terrorism?
5. Should the UN take a more active and visible role or should it be content with setting standards? What would be the most effective strategy for the Secretary-General to adopt regarding human rights issues and the counter-terrorism effort?
6. What is the best mechanism for national authorities to insure that their counter-terrorism efforts uphold human rights? What is the most effective way to insure that national oversight bodies are independent?
7. Can regional organizations play an enhanced role in countering terrorism? How can their superior knowledge of local and regional conditions best inform policies to prevent terrorism while respecting human rights? Since weak governance and capacity to enforce the laws fairly are commonly cited as enabling conditions for terrorism, what programs should regional organizations identify as priorities to address these flaws?

V. Conclusion

The war against terrorism requires enhanced vigilance on security matters but also increased awareness that our freedoms are both the foundation of our societies and the best inoculation from terrorism. The best defense is to uphold and spread the benefits of enjoying all human rights: vigorous debates by vibrant civil societies, free presses, open universities and a deep respect for diversity and tolerance. Education of the young is vital. This coupled with greater protection and respect for economic, social and cultural rights through more equitable development, would reduce disparities and insure that at the least the UN Millennium Development Goals, if met on time, will undercut the terrorists' appeal. Giving people hope, a sense that they have a future and a stake, will help counter terrorism along with the necessary intelli-gence, financial and policing initiatives. All of this will cost a lot of money and require a concerted and sustained effort. International cooperation at a level rarely seen before will have to be the norm, but as many have said, the threat posed by terrorism presents an unprecedented danger requiring equally innovative and fresh thinking.

As the historian Timothy Garton Ash has noted: "I would rather take a one in 10,000 chance of being blown up by a terrorist than a one in 10 chance of having my e-mails read by a spook."[28] The UN, all its agencies and departments, should be working to insure that by promoting and protecting all human rights, it helps decrease the odds of a terrorist attack and diminish the appeal of terrorists, precisely because the UN is increasing freedom and the right to a decent, dignified existence that the very laws created by the UN guarantee.

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[28] Timothy Garton Ash, "Watch out for the terror trap," in **The Guardian Weekly**, Oct. 24-30, 2002 at 11.

APPENDIX II: Conference Agenda

Human Rights, the United Nations and the Struggle against Terrorism

Friday, 7 November 2003

Convened by the International Peace Academy, the United Nations High Commissioner for Human Rights and the Center on International Organization at Columbia University

With the support of the Government of the Netherlands

FRIDAY, 7 NOVEMBER

0830-0900   *Breakfast*

0900-0930   *Opening Remarks*

Chair: **Rita E. Hauser, Esq.**
Chair, International Peace Academy

H.E. Mr. Dirk Jan van den Berg
Permanent Representative of the Kingdom of the Netherlands to the United Nations

Dr. Bertrand Ramcharan
United Nations Acting High Commissioner for Human Rights

David M. Malone
President, International Peace Academy

Dr. Edward Luck
Director, Center on International Organization, Columbia University

0930-1100   *Session One – Terrorism and the Violation of Human Rights: A Vicious Circle*

Chair: **Ms. Anneke Adema**
Chief of Human Rights Division, Netherlands Ministry of Foreign Affairs

Speakers: **Ambassador Andrés Franco**
Representative in Peru, United Nations Children's Fund

Mr. Hanny Megally
Program Director, International Center for Transitional Justice

Dr. Willie Mutunga
Executive Director, Kenya Human Rights Commission

1100-1130   *Coffee Break*

1130-1300   *Session Two – National Counter-Terrorism Strategies and Human Rights*

Chair: **Dr. Edward Luck**
Director, Center on International Organization, Columbia University

Speakers: **Mr. Glenn A. Fine**
Inspector General, United States Department of Justice

Ms. Hina Jilani
Director, Legal Aid Cell, Pakistan

Mr. Bahey El Din Hassan
Director, Cairo Institute for Human Rights Studies, Egypt

1300-1400   *Lunch*

1400-1530   *Session Three – Regional Approaches to the War on Terrorism*

Chair: **Ambassador John Hirsch**
Senior Fellow, International Peace Academy

Speakers: **H.E. Ms. Margarita Escobar**
Permanent Representative of El Salvador to the Organization of American States (OAS)

Professor Ibrahim Gambari
United Nations Under-Secretary-General and Special Adviser on Africa

Mr. Peter Keay
Coordinator on Anti-Terrorism Issues, Office for Democratic Institutions and Human Rights, Organization for Security and Co-operation in Europe (OSCE)

1530-1600   *Coffee Break*

1600-1730   *Session Four – Challenges Ahead for the United Nations*

Chair: **David M. Malone**
                 President, International Peace Academy

Speakers: **Mr. Michael H. Posner**
                 Executive Director, Lawyers Committee for Human Rights

                 H.E. Mr. Kishore Mahbubani
                 Permanent Representative of the Republic of Singapore to the United Nations

                 Dr. Bertrand Ramcharan
                 United Nations Acting High Commissioner for Human Rights

APPENDIX III: List of Participants

H.E. Mr. Nasser Al-Kidwa
Permanent Observer Mission of Palestine
to the United Nations

Ms. Remi O. Alapo
Hague Appeal for Peace

Ms. Andrea Craig Armstrong
International Center for Transitional Justice

Ms. Ewa Marie As
Hague Appeal for Peace

Mr. Cosmas Attayi-Elaigu
News Agency of Nigeria

Mr. Steven Avedon
United States Department of the Treasury

Mr. Manfred Bardeleben
Friedrich Ebert Stiftung Foundation

Ms. Karima Bennoune
Rutgers School of Law

Mr. Pierre Bertrand
United Nations Office of the High Commissioner
for Refugees

H.E. Ms. Paulette Bethel
Permanent Mission of the Commonwealth
of the Bahamas to the United Nations

Ms. Nicole Bieske
Fifty-Eighth Session of the United Nations
General Assembly

Mr. Bassim Blazey
Permanent Mission of Australia to the United Nations

Ms. Sofia Busch
Conflict Prevention and Peace Forum

The Honorable Loncar Budimir

Mr. Fikry Cassidy
Permanent Mission of the Republic of Indonesia
to the United Nations

H.E. Mr. Boniface G. Chidyausiku
Permanent Mission of the Republic of Zimbabwe
to the United Nations

Mr. James Choi
Permanent Mission of Australia to the United Nations

Mr. Tan York Chor
Permanent Mission of the Republic of Singapore
to the United Nations

Ms. Sarah Colt
David Grubin Productions

Ms. Karen Colvard
The Harry Frank Guggenheim Foundation

Ms. Tatiana Cosio
United Nations Department of Political Affairs

H.E. Mr. Luis Alfonso de Alba
Permanent Mission of Mexico to the United Nations

Ms. Raghida Dergham
Al-Hayat

Dr. Zlatko Dimitroff
Ministry of Foreign Affairs, Bulgaria

Mr. Amir Dossal
United Nations Fund for International Partnerships

Ms. Tala Dowlatshahi
Reporters Sans Frontiéres/Reporters Without Borders

Mr. Michel Duclos
Permanent Mission of France to the United Nations

H.E. Mr. Nana Effah-Appenteng
Permanent Mission of Ghana to the United Nations

Ms. Michelle Evans
International Service for Human Rights

Ms. Maggie Farley
Los Angeles Times

H.E. Mr. Manuel E. Felix
Permanent Mission of the Dominican Republic
to the United Nations

Mr. Edward J. Flynn
United Nations Office of the High Commissioner
for Human Rights

Mr. Dennis W. Frado
Lutheran Office for World Community

Mr. Daniel Frank
Permanent Mission of Switzerland to the
United Nations

Mr. Lex Geerts
Permanent Mission of the United Kingdom
of Netherlands to the United Nations

Ms. Emanuella Gillard
International Committee of the Red Cross

Ms. Amanda Gorely
Australian Permanent Mission to the United Nations,
Geneva

Ms. Ivana Grollová
Permanent Mission of the Czech Republic to the
United Nations

Ms. Greta Gunnarsdottir
Permanent Mission of Iceland to the United Nations

H.E. Mr. José Luis Guterres
Permanent Mission of Timor-Leste to the
United Nations

Mr. Austin Hare
UN Foundation

Colonel Michael E. Hanrahan
Permanent Mission of Canada to the United Nations

Mr. Heinrich Haupt
Permanent Mission of Germany to the United Nations

Mr. Patrick Hayford
United Nations Executive Office of the
Secretary-General

H.E. Mr. Paul Heinbecker
Permanent Mission of Canada to the United Nations

Ms. Elahé Hicks
Human Rights Watch

Mr. Neil Hicks
Lawyer's Committee for Human Rights

Mr. Peter Derrek Hof
Permanent Mission of the Kingdom of Netherlands
to the United Nations

Mr. Asif Husain-Naviatti
United Nations Department of Public Information

Mr. Hiroshi Ishikawa
Permanent Mission of Japan to the United Nations

Ambassador Andrew Jacovides
Former Permanent Representative of Cyprus
to the United Nations

H.E. Mr. Gints Jegermanis
Permanent Mission of the Republic of Lithuania
to the United Nations

Dr. Bruce Jones
New York University Center on International
Cooperation

Ms. Lisa Jones
United Nations Department of Political Affairs

Colonel Steve Jones
Permanent Mission of Australia to the United Nations

Ms. Besiana Kadare
Permanent Mission of the Republic of Albania to the
United Nations

Ms. Louise Kantrow
International League for Human Rights

H.E. Mr. Yerzhan Kh. Kazykhanov
Permanent Mission of the Republic of Kazakhstan
to the United Nations

Ms. Peggy Kerry
United States Mission to the United Nations

Mr. Asif Khan
United Nations Department of Peacekeeping
Operations

Ms. Maarit Kohonen
United Nations Office of the High Commissioner
for Human Rights

H.E. Mr. Jagdish Koonjul
Permanent Mission of the Republic of Mauritius
to the United Nations

Mr. Markiyan Kulyk
Permanent Mission of Ukraine to the United Nations

H.E. Mr. Victor Manuel Lagos Pizzatti
Permanent Mission of El Salvador to the
United Nations

H.E. Mr. Moktar Lamani
Office of the Permanent Observer for the Organization
of Islamic Conference to the United Nations

Mr. Jeffrey Laurenti
United Nations Foundation

H.E. Mr. Gilbert Laurin
Permanent Mission of Canada to the United Nations

Dr. Roy E. Licklider
Rutgers University

Ms. Faye Liu
Permanent Mission of the Principality of Liechtenstein
to the United Nations

Ms. Debra Long
Association for the Prevention of Torture

H.E. Mr. Johan Ludvik Løvald
Permanent Mission of Norway to the United Nations

Mr. Rafat Mahdi
United Nations Department of Peacekeeping
Operations

H.E. Mr. Augustine Philip Mahiga
Permanent Mission of the United Republic of
Tanzania to the United Nations

Mr. Ram Manikkalingam
The Rockefeller Foundation

Mr. Michael McClintock
Lawyer's Committee for Human Rights

Mr. Rohington Medhora
International Development Research Centre

Ms. Alicia Miller
Mennonite Central Committee

Ms. Unn Elin Maria Miller
Permanent Mission of Sweden to the United Nations

Ms. Gyula Misi
Permanent Mission of the Republic of Hungary
to the United Nations

H.E. Mr. Hamid Mohammed
Office of the Permanent Observer for the Caribbean
Community to the United Nations

H.E. Mr. Rastam Mohd. Isa
Permanent Mission of Malaysia to the United Nations

Ms. Steve Monblatt
Organization of American States

Ms. Yanerit Morgan Sotomayor
Permanent Mission of Mexico to the United Nations

Mr. Edward Mortimer
United Nations Executive Office of the
Secretary-General

Mr. Brynjlf Mugaas
International Federation of Red Cross and Red
Crescent Societies

Ms. Joanne Myers
Carnegie Council on Ethics and International Affairs

Dr. Thant Myint-U
United Nations Department of Political Affairs

Ms. Albuquerque Nazaré
Catholic Relief Services

Mr. William O'Neill

Amabassador Herbert S. Okun
School of Advanced International Studies, Johns
Hopkins Univerisity

Mr. William Orme
United Nations Development Programme

Mr. José A. Ory
Ministry of Foreign Affairs, Spain

Colonel George Owinow
Permanent Mission of the Republic of Kenya
to the United Nations

Ms. Nazia Parvez

H.E. Mr. Joe Robert Pemagbi
Permanent Mission of the Republic of Sierra Leone
to the United Nations

Ms. Linda Perkin
United Nations Department of Political Affairs

Ann Phillips
IPA Board of Directors

H.E. Ms. Adriana Pulido
Permanent Mission of Venezuela to the
United Nations

Ms. Shazia Rafi
Parliamentarians for Global Action

Mr. Fredrick Rawski
Stroock & Stroock & Lavan

Ms. Susanne Riveles
Church World Service

Mr. Eric Rosand
United States Mission to the United Nations

Mr. Mikael Rosengren
United Nations Department of Political Affairs

Mr. George Rossides
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Mr. Nicolas Rostow
United States Mission to the United Nations

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Permanent Mission of the Republic of Sierra Leone
to the United Nations

Ms. Rhea Saab
United Nations Children's Fund

Mr. Matt Scott
World Vision

Mr. Syed Haider Shah
Permanent Mission of the Republic of Pakistan
to the United Nations

Ambassador A. Missouri Sherman-Peter
Fifty-Eighth Session of the United Nations
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Professor George Sherry
Occidental College

Ms. Carmen Silvestre
Permanent Mission of Portugal to the United Nations

H.E. Mr. Alpha Ibrahima Sow
Permanent Mission of the Republic of Guinea
to the United Nations

Ms. Jacqueline Spann
Education and Literacy Fund for Africa

Dr. David Speedie
Carnegie Corporation of New York

Ambassador V.W. Jim Steward

H.E. Mr. Wegger Christian Strømmen
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Mr. James Sutterlin
United Nations Department of Political Affairs

Ms. Yvonne Terlingen
Amnesty International

Mr. Peter Tesch
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Dr. Amare Takle
Permanent Mission of Eritrea to the United Nations

Ms. Elizabeth Tison
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Ms. Eva Tomic
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International Peace Academy

Mr. Mark Turner
The Financial Times

Mr. Yashiro Ueki
United Nations Department of Public Information

Mr. Vasu Vaitla
Initiatives of Change

Mr. Andras Vamos-Goldman
United Nations Security Council Counter-Terrorism
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Ms. Fatma Waheb-Wassie

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Mr. Abiodun Williams
United Nations Executive Office of the
Secretary-General

Mr. Richard Wood
Permanent Mission of the United Kingdom to the
United Nations