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## **HUMAN RIGHTS COUNCIL**

STATEMENT BY

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PRESIDENT OF THE HUMAN RIGHTS COUNCIL

ON THE

OCCASION OF THE LAUNCH OF THE

REPORT OF THE EMINENT JURISTS ON TERRORISM, COUNTER  
TERRORISM AND HUMAN RIGHTS

ON

***“ASSESSING DAMAGE, URGING ACTION”***

16 February 2009

I take great pride in participating in the launch, today, of the important report of the Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights entitled “**Assessing Damage, Urging Action**”. On behalf of the Human Rights Council, I would like to congratulate and commend the Eminent Jurists Panel that compiled this landmark document. “**Assessing Damage, Urging Action**” could not have come at a better time. As States and communities across the world grapple with the physical threats of terrorism, the world is also siezed with the difficult and complex moral questions engendered by this deadly phenomenon.

Terrorism did not start with the attacks on the Twin Towers and other targets in the United States on September 11, 2001, as we have been rightly reminded in this book. Rather, it has existed long before then, and several countries and communities have suffered from its effects. However, the events of September 11 did serve to heighten the concern and urgency surrounding terrorism and, more importantly, to call attention to the need for concerted international action to combat this scourge. Since then, lessons have been learnt, the most important probably the realization that terrorism cannot be countered unilaterally, or fought effectively outside the confines of the law.

This, to my mind, is the import of the book that we are launching today. While serving as an important addition to the existing corpus of materials on the subject, its significance also lies in the fact that it was put together by a body of highly respected persons of the highest integrity on the initiative of the International Commission of Jurists. The Eminent Panel has worked hard and consulted widely and wisely in the process of putting together this compilation. This lends a great weight to this book, thereby making it a basis of action to fight terrorism at all levels, while paying heed to human rights concerns.

Perhaps I should make this point clear. My remark here is not a review of the book, but only an attempt to put into perspective the human rights dimensions of the subject matter at hand. This has been admirably captured in Chapter 1 of the book. The Human Rights Council, as indeed its predecessor – the Commission on Human Rights – has been seized with the issue of terrorism, counter-terrorism and national responses. These issues have frequently been debated in both bodies.

For instance, as far back as 1997, the Sub-Commission on the Promotion and Protection of Human Rights appointed a Special Rapporteur (Ms. Kalliopi Koufa) to examine the nexus between human rights and terrorism. The Office of the High Commissioner has also put together valuable works of reference on the subject, one of which is the “*Digest of Jurisprudence of the UN and Regional Organizations on the*

*Protection of Human Rights while Countering Terrorism”.*

Also, successive High Commissioners, including Mrs. Mary Robinson, who is here with us today, as well as the former and present Secretaries-General of the United Nations have consistently warned against the infringement of basic human rights and *habeas corpus* as States act to counter the threats of terrorism. These warnings have been prescient in the light of revelations of gross violations of human rights that have taken place in several countries under the guise of action against terrorist threats.

The inhuman action of terrorists cannot be fought by the inhumane actions of the State. The moral dimension and the primacy of the law must never be overlooked, even as States respond, as they should, to the threat of terrorism. This I believe is the basic message conveyed in this book. The report stresses that human rights are the cornerstone on which any global counter-terrorism strategy must be based.

Human rights and the fight against terrorism are not mutually exclusive or contradictory. Both are complimentary. Consequently, any counter-terrorism strategy that willfully disregards or disrespects human rights is not only illegal but morally questionable. States must not fall into a moral vacuum while fighting terrorism. They must show the moral constraints that terrorists refuse to show in their indiscriminate and cowardly attacks. They must also treat suspects with the very standards of humanity and benevolence which the terrorists deny their victims. Any response to terrorism that disrespects basic human rights, while seeking to appease passion or placate anger, only creates ill will, rancour and renewed hostility. We must avoid this vicious cycle of violence.

The distinguished authors of this book have not only given us food for thought, but also guidelines to act responsibly and decently in attempts to counter the scourge of terrorism. Terrorism is, indeed, a scourge. Like all scourges, it has its roots, causes and effects. These must be clearly understood and taken into cognizance in the formulation and execution of counter-measures.

Terrorism does not exist in a vacuum of human emotions, but is largely grounded on the collective failure of society and the international community to address certain grievances and injustices. Lets be clear about this. To say that perceived injustice breeds terrorism does not, and cannot, in any way justify acts of terrorism. Such acts are barbaric and indefensible, and must be condemned unequivocally by all peace loving States. However, they cannot be wished away. They can however be confronted systematically and successfully by responsible, humane and judicious action.

The words of the late High Commissioner Mr. Vieira de Mello, in this respect still ring true. Addressing the Counter Terrorism Committee established by the Security Council on 21<sup>st</sup> October 2002, Mr. de Mello said *“the best - the only - strategy to isolate*

*and defeat terrorism is by respecting human rights, fostering social justice, enhancing democracy and upholding the primacy of the rule of law."*

In their wisdom, the Eminent Jurists have also addressed this moral dimension in great detail. Their appraisal of the issues in Chapter 3 of the book is of great import to States and individuals alike. The Jurists, under the able guidance of the Chair of the Panel, The Honourable Justice Arthur Chaskalson, have undertaken a difficult assignment and rendered a conscientious report. In doing so, they assessed *the damage* and *urged us into action*.

It is now left to States and national leaders to take heed and act accordingly. It is gratifying that pronouncements made by national leaders lately are tending to give credence to the conclusions of this book. I sincerely hope that these new changes in policy and perception will be sustained.

We in the Human Rights Council shall study this document diligently. I hope the member States will find it worth their while to translate the prescriptions and lessons generously furnished in this book into concrete action. In any or all human endeavours, respect and protection of human rights must be sacrosanct. .

In closing, let me thank the International Commission of Jurists for its foresight and determination to investigate the roots of such a complex topic, by appointing the Eminent Panel to undertake this important task. We are all the better because of your commitment and diligence.

I thank you for your attention.