

INTERNATIONAL COMMISSION OF JURISTS

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COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

UN to take leadership in upholding human rights in counter-terrorism Prominent Jurists Present Three Year Counter-terrorism Investigation at the UN headquarters

May 4, 2009

"We need the leadership of the United Nations in ensuring respect for human rights in the global response to terrorism", said **Mary Robinson**, President of the ICJ, former President of Ireland and former UN High Commissioner for Human Rights. *"Human rights should be seen as a truly integral part of any aspect of UN counter-terrorism policy, including in the work of the UN Counter-Terrorism Committee."*

The remarks come as the International Commission of Jurists presents the findings of a worldwide inquiry by a panel of some of the most prominent jurists into the impact of counter-terrorism laws on human rights at the United Nations in New York. The report of the **Eminent Jurists Panel** concludes that many governments have confronted the threat of terrorism with ill-conceived measures that have undermined cherished values and resulted in serious violations of human rights. It illustrates the devastating effects that notorious counter-terrorism measures such as extraordinary rendition, torture, arbitrary detention, and unfair trials have had on human rights worldwide. It warns of the increasing secrecy preventing accountability, and the danger of "temporary" measures becoming permanent features of law and practice in many states.

"Placing individuals and entities on UN lists of suspected terrorists without effective means to challenge this decision is unacceptable and has greatly undermined the credibility of the international fight against terrorism." said Professor **Robert Goldman**, Professor of Law at American University Washington College of Law and member of the panel. *"The reform of this system is long overdue and must include the introduction of a genuinely independent complaint mechanism, a clear listing and de-listing process and strict time limits. The Security Council has to comply with the very principles of law on which the United Nations are based."*

In a central conclusion the report calls for a fundamental rethink of counter-terrorism laws and policies at the global, regional and national level. Acting ICJ Secretary General, **Wilder Tayler**, emphasized that the panels findings provide guidance for the implementation of the four pillars of the UN Global Comprehensive Strategy on terrorism and stressed that the criminal justice system should be at the heart of the global counter-terrorism response. *"Instead of sidelining the criminal justice approach, we should double our efforts to build strong independent justice systems, that ensure accountability and bring those responsible for terrorist acts to justice."* he noted

The report '*Assessing Damage, Urging Action*' will be presented at the United Nations Headquarters in an event hosted by the delegations of Mexico and Liechtenstein. The ICJ will also hold private meetings with senior representatives of the UN and its member states.

Background information

The Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights was an independent body commissioned by the ICJ to conduct a global inquiry on the impact of counter-

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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terrorism. Its final report launched in February 2009 entitled '*Assessing Damage, Urging Action*' is based on sixteen public hearings covering forty countries in all regions of the world.

The members of the Eminent Jurists Panel:

- **Justice Arthur Chaskalson** (South Africa), former Chief Justice of South Africa, first President of South Africa's Constitutional Court and Chair of the Eminent Jurists Panel;
- **Ms. Mary Robinson** (Ireland), former President of Ireland, former UN High Commissioner for Human Rights, and ICJ President;
- **Professor Robert K. Goldman** (USA), Professor of Law at the American University in Washington D.C. former President of the Inter-American Commission on Human Rights and former Independent Expert of the United Nations Commission on Human Rights on counter-terrorism and human rights;
- **Professor Georges Abi-Saab** (Egypt), Emeritus Professor of International Law at Graduate Institute of International and Development Studies, Geneva, former judge at the International Criminal Tribunals for the Former Yugoslavia and Rwanda, and member of the World Trade Organization's Appellate Body;
- **Ms. Hina Jilani** (Pakistan), lawyer of the Supreme Court of Pakistan and former UN Special Representative of the Secretary General on the situation of human rights defenders;
- **Professor Vitit Muntarbhorn** (Thailand), Professor of Law at Chulalongkorn University, Bangkok and UN Human Rights Council's Special Rapporteur on the situation of human rights in North Korea;
- **Professor Stefan Trechsel** (Switzerland), judge *ad litem* at the International Criminal Tribunal for the former Yugoslavia, former President of the European Commission on Human Rights and Emeritus Professor of Law at University of Zurich;
- **Justice Raúl Zaffaroni** (Argentina), Judge of the Supreme Court of Argentina, Emeritus Professor at the University of Buenos Aires and former Director of the UN's Latin American Institute for the Protection of Crime and the Treatment of Offenders.

Countries and regions covered by the investigation:

Australia, Canada, Colombia, East Africa (Kenya, Tanzania and Uganda), the European Union and its member states, Israel and the Occupied Palestinian Territory, the Middle East (Egypt, Jordan, Syria and Yemen), North Africa (Algeria, Morocco and Tunisia), Pakistan, the Russian Federation, South Asia (Bangladesh, India, Maldives, Nepal and Sri Lanka), South-East Asia (Indonesia, Malaysia, the Philippines and Thailand), the Southern Cone countries of Latin America (Argentina, Brazil, Chile, Paraguay and Uruguay) on lessons from the past, the UK (London and Belfast) and the United States. The panel also met with senior UN officials.

A copy of the executive summary and of the report can be viewed at www.icj.org.

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