



Cairo Institute For Human Rights Studies

Terrorism and Human Rights

***"Towards A Universal approach
For Protecting Human Rights
and Combating Terrorism"***

Cairo, 26-28 January 2002

Organized By

**Cairo Institute For Human
Rights Studies
(CIHRS)**

In Collaboration With

**International Federation
For Human Rights
(FIDH)**

**Euro-Mediterranean
Human Rights Network
(EMHRN)**

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**International Symposium on
Terrorism and Human Rights**

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man Rights and Combating Terrorism'
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CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES

9 Rustom St. 35 Garden City, Cairo, Egypt

Mailing address: P.O. Box 117 (Maglis el-Shaab), Cairo, Egypt

E-mail address :CIHRS@soficom.com.eg

Tel: (+202)7946065 -7951112

Fax: (+202)7921913

The Cairo Institute for Human Rights Studies

CIHRS is a professional, non-governmental research center specialized in the study of human rights in the Arab world.

CIHRS was founded in April 1993 and has started its activities in April 1994. The Institute views itself as part of the international and Arab human rights movement.

CIHRS is an Arab regional center concerned with studying the structural factors affecting the human rights situation in the Arab world and finding approaches to upgrade them, giving special attention to the issues of cultural specificity, human rights education and the dissemination of human rights culture.

CIHRS activities include conceptual and applied research, educational programs, seminars, courses, periodical and non-periodical publications, as well as providing research facilities and consultation to interested researchers.

CIHRS conducts several programs, and publishes a number of series of publications, a bulletin, a quarterly studies journal, in addition to two journals that feature translated articles from MERIP (Middle East Report) and (Reproductive Health Matters in consultation with their editorial boards).

CIHRS does not associate with any kind of politicized activity, and cooperates with other institutions on equal basis in all political matters, except when it comes to the International Human Rights Law.

CIHRS enjoys special consultative status with the Economic and Social Council of the United Nations and an observer status with the African Commission on Human and Peoples' Rights.

Introduction

An Unprecedented Challenge to the Moral Value and the Cheer Existence of the Human Rights Movement

The Cairo Institute for Human Rights Studies (CIHRS) held an International Symposium on "Terrorism and Human Rights," January 26-28, 2002 in collaboration with the International Federation for Human Rights (FIDH) and the Euro-Mediterranean Human Rights Network (EMHRN). The symposium gathered a number of experts and international and national NGOs from five continents to evaluate, and discuss means of overcoming, serious challenges following the September 11 attacks and its consequences and their impact on the idea and movement of human rights.

The CIHRS initiative called for convening this symposium in the framework of the early awareness of the human rights movement in Egypt of the grave hazards ensuing the emergence of non-state actors seeking to achieve political goals through acts of violence and terrorism, infringing upon human rights.

It is not an exaggeration to say that the human rights movement in Egypt has played, through combating this pattern of violations, a leading role in dealing with such violations as a duty that has to be undertaken by human rights NGOs and in asserting that setting aside human rights con-

siderations and restricting public freedoms and rights, under the pretext of combating terrorism, is a climate most suitable for disseminating the ideologies of violent and terrorist groups. The Egyptian Organization for Human Rights (EOHR) was the first to pose on the international community, through the 1993 Vienna World Conference on Human Rights and its regional preparatory meetings, the dire need that the UN pays special attention to grave human rights violations perpetrated by non-state actors that are not responsible before the state or the international community. This requires that the UN crystallize a definite vision to combat this pattern of violations in the framework of International Human Rights Law.

At that time, the EOHR, represented by myself and my colleague Dr. Mohammed El Sayed Said, the CIHRS Academic Advisor, managed to convince the NGOs Forum at the Vienna Conference to adopt and include this recommendation in the document submitted to the convening governments. However, they did not adopt this recommendation at the time. Moreover, one of the activities that we had undertaken in the Vienna Conference was holding a workshop, the first of its kind, entitled "Human Rights Violation by Non-State Actors."

Now, more than eight years after the Vienna Conference, we are re-discussing the same question, however after the expansion of the danger of international terrorism and after the declared war on terrorism became a war on human rights themselves.

The horrible terrorist attack against the United States resulting in the death of thousands of innocent American victims and others constituted an unjustifiable and inexcusable Crime against Humanity and a stain of disgrace on the forehead of human rights values. Too bad that the hysterical climate created by the September 11 attacks has made of the war on terrorism an actual war on human rights.

Human rights considerations were set aside. Rules of IHL were blatantly violated during the war launched by the US in Afghanistan in the name of the International Coalition against terrorism in cooperation with the Afghani armed

factions opposing the Taliban regime. It has become difficult to discern between major states of democratic traditions and third world authoritarian regimes in their contest of restricting civil freedoms, undermining human rights guarantees, privacy and adopting exceptional measures that threaten the rights of minorities and asylum-seekers in the name of security and stability requirements, and combating terrorism.

This development is further exacerbated considering that undermining human rights in democratically categorized states of international weight which are supposedly followed as an example, such as the US, is in itself a global visa to give a free hand to dictatorships and authoritarian regimes in the world in regards to violating human rights without being held accountable.

In furtherance to this, the political climate since September 11 has aggravated racist tendencies towards Arabs and Muslims in Europe and North America and allowed the widespread of racist ideas closely related to the clash of civilizations and the creep of the discourse of mutual hatred between the West on the one hand and Arabs and Muslims on the other hand. Moreover, these racist ideas have become an ideological cover employed by both parties to mobilize forces of extremism, fanaticism and hatred of the Other. This portends the undermining of global creative efforts exerted throughout many decades in regards to combating terrorism and ensuring the most suitable conditions for cultural coexistence in a context of respect for cultural diversity and the right of different cultures of equal self-expression.

Equally important in this regard is the continued marginalization of the role played by the UN in international affairs and in preserving international peace and security as portrayed in the wake of the September 11 events. The UN practical role was restricted to endowing the unilateral mechanisms of action, adopted by the US and the international coalition revolving in its orbit, with legitimacy. This entailed the paralysis or misuse of the mechanisms of international legitimacy in favor of the US interests and its

explicit, or implicit, goals in the framework of its war on terrorism.

Optimistically enough, however, is that moral forces throughout the world, on top of which the world human rights movement, did not sit on their own hands.

Human rights NGOs have proven their adherence to humanitarian moral principles and refused to trade them off in the name of combating terrorism. They asserted that prosecuting perpetrators of the attacks, and combating terrorism in general, should be undertaken in the framework of respecting, rather than marginalizing, rules of IHL and the universality of human rights. They also highlighted that the exacerbation of the phenomena of violence and terrorism is closely related to the blatant inequalities and injustices at the political, economic, social and cultural levels. Thus, combating terrorism should be focused on redressing these injustices if we are to put an end to terrorism.

Bin Laden attempted to use defending the rights of the Palestinian people as a pretext to justify the September 11 crime and endow it with legitimacy. However, the Israeli terrorist state of racist settler occupation was most successful in employing the consequences of September 11. It succeeded in deliberately portraying the legitimate right of the Palestinian people to resist the occupation and to self-defense in the face of the continued oppression by Israel, and given the failure of international mechanisms to support it with assistance and protection, as a kind of terrorism that Israel has to deal with in the same way terrorism was dealt with in Afghanistan.

Paradoxically, the United States did not manage to wait more than 26 days to launch a war in response to the September 11 attacks, whereas it wreaks its wrath upon the Palestinian people for not enduring the 34-year-old Israeli occupation and terrorism and 53 years of oppression, massacres and expulsion. Even worse, the US gave Sharon, the war criminal, the green light to proceed with shedding the blood of the Palestinians. Meanwhile, it continues, through its influence on the Security Council, to impede any possible international mechanism of protecting the Pal-

estinian people.

Any discussion of the feelings of hatred between the west on the one hand, and the Arabs and Muslims on the other hand, can not but deal with the rights of the Palestinian people. One cannot be indifferent to the accumulated feeling of injustice that the Arabs suffer from because of the Israeli occupation crimes that the US, in collusion with Europe, endows with impunity and protection. Consequently, this undermines the credibility of the international human rights law and the IHL and increases the reservation of many people in the Arab and Islamic world in regards to the universality of human rights' principles and values. The international community's lack of political will necessary to implement the UN resolutions relating to Palestine, some of which date back to more than half a century, undoubtedly reflects the subjection of the international community to the blackmailing of one state: Israel. The latter threatens international peace and security, occupies the territories of another people, exercises terrorism and violence, uses artillery, F16 airplanes, military vessels and tanks against the civilian population, wages a war of starvation and imposes a racist and apartheid regime. However, the international community dares not apply to Israel the same criteria of accountability applied to the rest of the world.

I believe that this constitutes one of the most serious challenges facing the universality of human rights and the one universal umbrella, which is supposed to protect these rights. This also constitutes a fertile land for the creep and dissemination of tendencies of violence and terrorism in our region.

Our responsibility as a human rights movement also requires us to stand up to international forces that manipulate human rights, intentionally disable mechanisms of the international law of human rights, exempts a certain state of being held accountable and excludes whole groups and peoples of the protection of international law. What happened in Guantanamo is no different than what is happening in Ramallah and Gaza in the Occupied Territories.

The world human rights movement has become more

than ever in dire need for adopting new methods for achieving its goals. The question posed after the September 11 events is not only about the effectiveness of the movement but rather about the feasibility of its sheer existence.

The human rights movement should come up with new means of action and pressure on the US for what the US is doing can change the whole world to a jungle where there is the law of force instead of the force of the law.

Perhaps the failure of the US last year in the elections of the UN Commission on Human Rights was not a coincidence. I believe that unless the US reviews its policies, resorting its seat in the coming elections would be the wrong message to be addressed by the international community to the American administration and people.

We are in dire need to mobilize international consensus to adopt effective strategies to combat and eliminate international terrorism, which constitutes a main source of human rights violations and provides governments with a pretext for further violation of human rights, and to give a momentum to unbiased efforts aiming at combating terrorism in accordance with a framework that puts a disciplined definition of terrorism and the terrorist crime. Such definition should not criminalize naturally peaceful activities and should not stain the rights of peoples to national liberation and resisting occupation with terrorism. The final report of the symposium sought to come up with mechanisms of combating terrorism while respecting the international human rights law and putting a limit to human rights violations.

Bahay El Din Hassan,
CIHRS' Director

International Symposium on Terrorism and Human Rights

Final Report

The symposium provided an opportunity, the first of its kind, to consider the human rights movement's responses to the events of September 11. Themes and issues raised by participants and suggestions made were as follows:

Causes of Terrorism

◆ That the international community, all in all, has failed to respond adequately or effectively to terrorism over many decades;

◆ That the North is marginalizing the South in addition to the growing neglect of the poor and underdeveloped that may lead not only to a 'clash of civilizations' but to a potentially disastrous clash of interests;

◆ That there has been a short sighted and misguided emphasis by the North on economic rather than political forces in determining the shape of the world over the last decades;

◆ That there is a continuing and expanding gap between power and the rule of international law and a keenness by some northern States to exploit this gap in furthering its in-

◆ This report has been prepared by the sponsoring organizations to reflect the range of themes and ideas raised in the two day meeting. It is not intended to be exhaustive. The report is a record of the points made in the Symposium. It does not represent the collective views of the other participating organizations. The numerous papers submitted to the Symposium will be published later.

terests across the globe;

✦ That there is a sharp contradiction in the North's foreign policy, in particular in regards to:-

✧ Palestinian rights, especially the United States blind support of Israel in the conflict

✧ The support of some corrupt and despotic regimes in the pursuit of self interest, profit and geopolitical power

✧ The undermining of economic, social and political human rights in the South.

✦ That many other states in the south as well as the north were following this example and adopting a similar approach of double standards in their foreign and human rights policies.

Failure of the International Community to respond properly to the consequences of September 11

✦ The international community has, following September 11, failed to ensure that highly questionable actions, both in the domestic and international spheres, by its members against terrorism are consistent with the clearly established principles, rules, procedures of the international law of human rights, laws of armed conflict and refugee law.

✦ Although Security Council resolution 1373 talks of the elimination of terrorism, it is not possible to eliminate terrorism by military means alone either immediately or in the long term

✦ The international community should be more critical of US actions and should not collude in current open ended U.S policies on terrorism

✦ The U.S and its allies marginalisation of the United Nations and failure to respect the principles of international law have demonstrated a failure on their part to respond correctly to the crisis

✦ The international community should come to a common consensus on the definition of terrorism. The absence of definition is being exploited for human rights abuses against dissenting voices

✦ The U.S should define and limit its war on terrorism.

✦ The international community should recognize that security and respect for human rights are directly inter-related and ensure that fundamental human rights are protected, in line with international standards.

The Dangers that now face us

✦ Failure of the international community to support human rights in a time of crisis entails many dangers. Participants voiced different fears including:

✦ The escalation of human rights abuses in the U.S and Europe and the rest of the world such as arbitrary detention, trial by military tribunals and deportation of suspected terrorist sympathisers. Condemnation was expressed of the already apparent abuses that are taking place under the pretext of anti-terrorism actions, such as, arbitrary detention, unfair trials and the ill treatment of prisoners, in the United States, but also in Africa, Asia and the Middle East as well. Also, the UN Special Rapporteurs voiced their concern regarding violations against 'human rights defenders, migrants, asylum seeker and refugees, religious and ethnic minorities, political activists and the media', was noted.

✦ An escalation of violence between India and Pakistan

✦ A further deterioration of the situation in the Palestinian occupied territories and the unjust delegitimisation of the Palestinian cause by the US-propagated rhetoric that delegitimise resistance of occupation and self-defense by branding it as a kind of terrorism.

✦ An increase in human rights abuses across the globe under the pretence of fighting terrorism

✦ That the 'war on terrorism' will be used as a tool for state control and further violence in conflicts such as Chechnya, Palestine and Turkey

✦ A global increase of state censorship and the continued restrictions on freedom of expression

✦ That in the current campaign against terrorism the disregard for international law and domestic human rights abuses by the United States and its allies will give greater encouragement to other states to do the same.

What should be done?

The following suggestions were made:

Short term

✦ That the UN and not the US should be combating terrorism and that there should be a general move against unilateralism and a uni-polar world dominated by the US.

✦ That although many acts of terrorism are already addressed by international law, such as war crimes, the international community should ratify the Statute of the International Criminal Court as soon as possible. There should be a commitment by Arab states to ratify the statute by the end of 2002.

✦ That human rights groups should systematically monitor the implementation and administration of anti-terrorism laws in all countries and regions and make this information available to human rights organizations as well as the Office of the High Commissioner for Human Rights and the Security Council Anti-Terrorism Committee.

✦ That States should not use resolution 1373 as a pretext to suppress legitimate opposition and should condemn those who have already done so

✦ The Security Council's Anti-Terrorism Committee was criticized for its lack of response to requests from the UN High Commissioner for Human Rights and others that it should advise states to comply with international human rights standards

✦ That the international community draws up a comprehensive UN Convention on Terrorism to include a definition of terrorism. This definition should include state terrorism and ensure that states or non-state actors are not encouraged to abuse human rights. Further that any such definition should be consistent with the principles of human rights and humanitarian law. Also, this definition should not criminalize national liberation movements.

✦ Some participants hoped that the mandate of the Convention against Terrorism would cover social economic

and cultural rights as a safeguard against the future development of terrorist activities

✧ As a caveat to the definition of terrorism by the Convention, some participants asked that the Arab states review the Arab Convention against Terrorism, further define its definition of terrorism and not to use it as an opportunity to extend state interests at the expense of human rights

✧ That all states should abide by international law in this time of conflict.

✧ Democratic states should use this opportunity to mobilise moral pressure on states that abuse human rights and not to work with such states.

✧ The participants debated that the international community should do everything in its power to halt the conflict in Palestine immediately. They asked that UN relevant resolutions in regards to Israel be implemented in addition to immediate withdrawal from the occupied Palestinian territories.

Long Term

✧ That the international community should respect and support the institution of the United Nations and help it reassert its role in this time of conflict

✧ That there is a need for comprehensive reforms of the Security Council and strengthening of international judicial institutions to ensure that international conflict is brought under judicial review.

✧ That the participants support and endorse the statements of the U.N secretary general that 'in the long term we shall find that human rights, along with democracy and social justice, are one of the best prophylactics against terrorism' and that in combating terrorism 'it will be self defeating if we sacrifice other key priorities such as human rights in the process'.

✧ That all states should ensure respect for freedom of speech and the curtailment of censorship in the interests of international debate, discussion and the search for a peace-

ful solution

✧ The media in both the North and South should take more responsibility in reporting the conflict and providing balanced views and analysis.

✧ That governments must not use refugees and asylum seekers as a political scapegoat in the war on terrorism and must ensure that their rights are protected. It would be a bitter irony if refugees fleeing from persecution and conflict around the world should be subject to further persecution due to the war on terrorism.

✧ Participants stressed that the global fight against terrorism should not weaken the international protection regime

✧ That the international community must address the long term causes of terrorism and seek to promote economic and social equality for all

✧ The powerful member states must listen to and support the poorer and include them as equal partners in the global community

✧ That participants consider attempts of implementing an international system for the protection of minorities and religious and ethnic groups that could lead to a peaceful and satisfactory solution to such problems. The UN and the Security Council should do more to try and resolve nations disputes over boundaries and self-determination claims. These are human rights concerns and also raise issues of international peace and security

✧ That in regards to religious extremism, Islamic, Christian and Jewish, there should be more attempts to find ways in which Westophobia and Islamophobia could be further understood and combated

✧ That there should be a "Global Coalition On Human Rights" as a counter-balance to the "Global Coalition Against Terrorism" and there should be attempts to find a space where the debate between East and West and North and South could be peacefully resolved.

Conclusion

All participants expressed their appreciation of the rich diversity of views discussed at the symposium. There was a general consensus that the meeting was useful and that there was a need to meet again to further discuss the issues involved. All participants agreed that governments must uphold principles and rules of international human rights law, international humanitarian law and refugee law in the current global campaign against terrorism and that a new emphasis should be made on connecting human rights activists and other movements in the prevention of terrorism through the prevention of human rights violations and a commitment to the struggle for global social justice. Participants further agreed that it was very important at this time for all parties of the human rights movement to reaffirm their commitment to international solidarity and mutual support based on the principles of the universality and indivisibility of human rights and freedoms.

Participating Organizations in the Symposium

- Amnesty International
- Article 19
- Association for Defending Liberties (Lebanon)
- Cairo Institute for Human Rights studies
- Center for Documentation, Information and Formation of Human Rights (Morocco)
- Center for Media Freedom in the Middle East and North Africa (London and Casablanca)
- Columbian Commission of Jurists
- Euro Mediterranean Human Rights Network
- European Arab League (Belgium)
- Friedrich Naumann Foundation (Middle East Office)
- Human Rights Center for the Assistance of Prisoners (Egypt)
- Human Rights Watch
- Institute for Human Rights and Criminal Justice Studies (South Africa)
- Interights
- International Federation for Human Rights
- International Movement for a Just World (Malaysia)
- International Rehabilitation Council for Torture Victims (Denmark)
- The Palestinian Society for the Protection of Human Rights and Environment (LAW)
- Lawyers Against the War (USA)
- Lawyers Committee for Human Rights
- Moroccan Organization for Human Rights
- Palestinian Organization for Human Rights (Lebanon)
- United Nations High Commissioner on Refugees (Middle East Office)
- United Nations High Commissioner for Human Rights

The sponsoring organizations express their gratitude for the fruitful participation of other individual experts

