

“Terrorism”, “Counter-terrorism” and Human Rights

Introduction: Three Readings on September 11 2001.

Reading 1

ZNET Q&A, about September 11 (www.zmag.org)

Q. Who did it?

A. The identity of the 19 individuals who hijacked the four planes is known, but what is not yet known is who provided the coordination, the planning, the funding, and the logistical support, both in the United States and elsewhere. Many indications point to the involvement of Osama bin Laden, but if his role is confirmed, this is the beginning, not the end, of the inquiry: Were any other organizations involved and, if so, which ones? Were any national governments involved and, if so, which ones? The danger here is that the U.S. government may answer these questions

based on political criteria rather than evidence.

Q. How should guilt be determined and how should the punishment be carried out?

A. The answers to these questions are all important. In our world, the only alternative to vigilantism is that guilt should be determined by an amassing of evidence that is then assessed in accordance with international law by the United Nations Security Council or other appropriate international agencies.

Punishment should be determined by the UN as well, and likewise the means of implementation. The UN may arrive at determinations that one or another party likes or not, as with any court, and may also be subject to political pressures that call into question its results or not, as with any court. But that the UN is the place for determinations about international conflict is obvious, at least according to solemn treaties signed by the nations of the world. Most governments, however, don't take seriously their obligations under international law. Certainly, history has shown that to U.S. policy makers international law is for everyone else to follow, and for Washington to manipulate when possible or to otherwise ignore. Thus, when the World Court told the U.S. to cease its contra war against Nicaragua and pay reparations, U.S. officials simply declared they did not consider themselves bound by the ruling.

Q. What should progressives do?

A. Change depends on organized resistance that raises awareness and commitment. It depends on pressuring decision makers to respect the will of a public with dissident and critical views. Our immediate task is to communicate accurate information, to counter misconceptions and illogic, to empathize and be on the wavelength of the public, to talk and listen, to offer information, analysis, and humane aims.

Reading 2

TRAGEDY IN AMERICA: Only Answer to Fundamentalism Is Humanism

Asian Human Rights Commission *Human Rights SOLDARITY* [Vol. 11 No. 10 - 11 OCT - NOV 2001]

People everywhere are sad about what happened in the United States on Sept. 11. Tears in the eyes of so many looking for their loved ones has brought tears to the eyes of everyone around the world. The pictures of the missing people exhibited by so many has touched the hearts of many in the world who have all too often seen similar scenes. Perhaps the most common factor in the human experience throughout the world today is tragedy.

During a tragedy, the best of humanity comes out even in societies which had previously been accused of being addicted to a consumerist culture. Even in a culture where, due to better economic circumstances, “love thy neighbour” had seemed to become irrelevant, tragedy has brought people together spontaneously and with great human warmth. Instead of being slavish to the market, human beings come face to face with each other, holding hands, lighting candles, singing songs, digging through rubble and fighting fires. Everyone is feeling the need to lighten the burden of the other.

It is at this moment that we must remind ourselves that the degeneration of the spirit due to the neglect of tragedies or the misuse of tragedies can have disastrous consequences to humanity. Terrorism, which brought about the present tragedy, is a consequence of such past tragedies and their misuse by various political elements. Fundamentalism in religion is essentially the separation of humanism from religion under the pretext of necessity. The religious rhetoric of appealing to the God of Vengeance to outsiders of such religions is a common element of fundamentalism. However, the God of Love is at the heart of humanising religion.

Grievances are on all sides. We can ruin ourselves by negative grieving or allow humanity to renew its human quality by dealing with these tragedies in a positive manner. People's response to tragedy is always positive. Meanwhile, the political manipulation of tragedy is always demeaning and is always negative.

People everywhere must safeguard themselves from "religious" leaders who cynically seek profit from tragedy. A common call for all victims to be united is an imperative of the day.

It is time to recall the spirit that prevailed at the end of World War II. It is time to assert justice as a common aim of humanity. It is time to say, "No more terrorism. No more war."

Victims themselves must redeem humanity from dehumanisation. Only they can do it. No one else can. No one can claim to hold a proxy for the victims or their families. This is too sacred a matter to be dealt with by proxies. All that others can do, and have a right to do, is to rally the support of the forces of humanism everywhere, to stand by and support the victims.

Reading 3

Excerpt from a poem by Eve Ensler, reflecting on September 11.

I have been thinking about
why;
what would make people do that?
I have been thinking about
the words *retaliation* and *punishment* and
acts of war.

I have been thinking about
violence,
what it feels like to be
nothing to someone else,
what it feels like to be
a consequence of someone else's
disassociated rage, disconnected fury.

I have been thinking about
the cycle of hurt for hurt,
nation against nation,
tit for tat.

I have been thinking about
how deeply something else is required.

I have been thinking about
the courage it requires
to think about something other than
violence as a response to violence.

I have been thinking about
the complexity of this and
the loneliness of this and
the helplessness and
the sorrow that would be felt in the
space where violence was once and
the grief.

I have been thinking that
for those of us who are living on the planet
right here, right now,
nothing less will do if
we are to go on as a species.

I have been thinking that
we must live in this dangerous space,
allowing the helplessness, the grief, the
sorrow
to create new wisdom that
can and will and must
free us from this terrible world of violence.

I urge you,
each one of you –
fall into this space, weep,
be lost, let go,
die into the grief –
on the other side it will be
revealed.

Introductory Questions:

- * What was your initial reaction to the attack on the World Trade Centre on September 11?
- * Have your feelings and opinions changed since then? Why?
- * What kinds of questions arose in your mind in the aftermath of the attack and the events that followed?
- * Share with each other your general responses to the 3 readings presented above.

THE LESSONS

- A. Defining “terrorism”
- B. Countering “terrorism”, protecting Human Rights
- C. International Law :UN Security Council Counterterrorism Resolution

A. Defining “terrorism”

The following report was published by *UN Wire*, 21 January 2002:

TERRORISM: Security Council Begins Evaluating Counterterror Measures.

UNITED NATIONS — The effort to forge a united international front against terrorism entered a new phase today as the U.N. Security Council began examining reports on how governments are complying with council requirements for strengthening national laws against terrorism. With only a small number of reports published, it is clear there is consensus that action must be taken but not so clear against whom that action should be taken.

A ... controversy that will come up during this phase of the Counterterrorism Committee (CTC) work is the definition of “terrorist.” There is no internationally recognized definition of the word. Resolution 1373 does not provide one and negotiations on a draft comprehensive treaty on terrorism are stalemated over this problem.

Therefore, governments in their reports to the council define a terrorist in various ways.

– Syria, for example, which began a two-year term on the council this month, in its report says it adheres to the 1998 Arab Convention for the Suppression of Terrorism “which distinguishes between terrorism and legitimate struggle against foreign occupation.”

– Conversely, the United States in its report lists more than 60 organizations it considers terrorist, including groups Syria and other Arab states consider legitimate liberation movements.

– In his statement to the council today, **Fayssal Mekdad** of Syria argued, “Foreign occupation is the most brutal form of terrorism,” therefore Palestinian resistance to Israel is “a legitimate form of struggle.” He said Israel’s attempt to link its policies to the fight against terrorism is “an attempt to hoodwink the world.”

– Later in the day, Israel’s Ambassador **Yehuda Lancry** called the Syrian comments “baseless allegations ... His statement was a transparent attempt to divert attention from Syria’s own record as a country that supports, encourages, finances, and harbors a vast gamut of terrorist organizations.”

The Asian Human Rights Commission, in its 10 December 2001 Message <http://www.ahrchk.net/statement/mainfile.php/statement200112/36/> states:

“... .. The willingness of Asia’s governments to join the international coalition against terrorism .. is part of their domestic political strategy to stifle dissent and to deny people their right to freedom of expression and association and, most importantly, their right to self-determination.

Already the government of **India** has labelled as terrorists Muslims in **Kashmir** seeking an alternative to the political and territorial status quo.

Likewise, the government of **China** has pinned the word *terrorist* to the **Uyghur** movement of Muslims in Xinjiang Province who desire a homeland for themselves (East Turkistan).

Similarly, Prime Minister Mahathir Mohamad in **Malaysia** has sought to link the main Malay opposition party, Parti Islam Se Malaysia (PAS), with the Malaysian Mujahidin Group (Kumpulan Militan Malaysia or KMM, a reportedly militant Islamic group) in order to discredit PAS and reinforce the Malay community’s support for Mahathir’s United Malays National Organisation (UMNO). “

Questions:

1. What actions have been called “terrorism” in your country, and / or in neighbouring countries?
2. Is there consensus on what constitutes terrorism? Who actually defines “terrorism/terrorists” in your country?
3. Who are being called “terrorists” in your country? Do you agree?
4. Whatever the definition of terrorism, which acts are threatening to the society in general, and should not be allowed?
5. Are there already laws in your country to forbid and punish these acts? Are they being implemented? If not, do you know why?
6. What can be done to improve the enforcement of such criminal laws?

B. Countering “terrorism”, protecting Human Rights

UN Secretary –General Kofi Annan, in his address to the UN Security Council gathered to evaluate the results of counterterrorism measures 3 months after Sept. 11:

“We should all be clear that there is no trade-off between effective action against terrorism and protection of human rights. On the contrary, I believe 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 ... It will be self-defeating if we sacrifice other key priorities — such as human rights — in the process [of preventing terrorism].”

Human rights groups warned late last year that some governments were likely to use the Security Council mandate to smear and attack political opponents.

Human Rights Watch, in its annual report, said this week that some states, including U.S. allies in its war in Afghanistan such as Saudi Arabia, Egypt, Russia and Uzbekistan, are using the anti-terrorism campaign for illegitimate ends. The advocacy group also criticized the United States for not following international humanitarian law in its treatment of prisoners captured in Afghanistan.

In an open letter to the council, Amnesty International said it had already studied several national reports “and notes that governments are simply describing the action they are taking, without indicating whether these actions are in conformity with their international human rights obligations.”

Asian Human Rights Commission said, in its 10 December message: “.. the war on terrorism in Asia can easily become a war on human rights in the region.

To combat terrorism – rather than fight the violence of terrorism with further state-initiated violence – the world must first of all address people’s poverty and ensure that functioning institutions of justice are in place.

There must also be recognition and respect for people’s human rights—their social and economic rights as well as their civil and political rights.

Without providing hope in the form of alleviating poverty and offering a forum for grievances to be fairly decided, terrorism will be seen as an answer to despair.”... ..

Questions:

7. What measures exist in your country to counter “terrorism”?
 - before September 11 2001
 - after September 11 2001
8. Do these measures really protect the people?
9. What are the effects of these measures on the human rights of people in general?
10. Governments use the term “Countering terrorism” synonymously with “protecting the security” of the people. What do you think really threatens the security of the people?
11. How do you think real security can be guaranteed?
12. Can you think of other ways to ensure the security of the people without compromising their human rights?

C. International Law : UN Security Council Counterterrorism Resolution 1373.

[\[http://www.un.org/Docs/scres/2001/res1373e.pdf\]](http://www.un.org/Docs/scres/2001/res1373e.pdf)

From the same UN Wire report:

“ ... The council’s counterterrorism resolution, 1373, which was unanimously adopted two weeks after the Sept. 11 terror attacks on the United States, contains a long list of legally binding demands on member states to suppress and prevent terrorism. The CTC was set up by this resolution to monitor nations’ implementation of the resolution.

This is the second 90-day period in the life of the resolution. The first phase, which ended Dec. 27, was simply to collect national reports and provide technical assistance to “the willing but less capable” states, in British Ambassador Greenstock’s words, Shortly after the committee was established, Greenstock said, “It’s not the role of the CTC at this stage to pursue any state in a law enforcement sense ... It is not getting into the business of scrutinizing national legislation.”

Unlike submissions to General Assembly requests (the import and export of certain categories of weapons, for example), which are accepted without comment or criticism, reports to the council will be evaluated for their veracity. Until now, these reports have been transmitted to the council without comment, but the CTC has appointed six outside experts to help the committee evaluate the reports. So far, 123 of 189 U.N. member states have submitted reports. Only 27 have been published, pending translation into the world body’s six official languages.

The six experts who will assist the committee in evaluating the reports are:

Walter Gehr of Austria, *Heidi Broekhuis* of the Netherlands and *Joel Sollier* of France are experts in international law; Col. *Benedicto Jimenez-Bacca* of Peru is an expert on police issues; *M.R. Sivaraman* of India specializes in financial controls, including hawala, the informal banking system common in the Middle East and South Asia (a system the United States believes was used by suspected terrorist mastermind Osama bin Laden to finance his al-Qaeda network without detection); and *Jeremy Wainwright* of Australia, a counterterrorism expert.

When asked why there is no expert on Islamic law, Greenstock said such a person had been identified but is currently working for the United Nations in a different capacity and will join the team later.

The Amnesty International letter said the group is “concerned that none of the six are experts in human rights” and urged the council to appoint such an expert. ...”

Questions:

12. How can you / your organisation monitor the proceedings of this Counter-terrorism Committee (CTC)?
13. How can you lobby the CTC to appoint a human rights expert?
14. With which organisations can you cooperate in order to do this?

Concluding Question:

15. Considering the thoughts in the 3 Readings in the Introduction to this lesson, how do you think you could work locally to cultivate a culture of truth, non-violence and humanism which would offset the threat of “fundamentalism” and “terrorism” in Asian societies?

A few selected references:

1. “Rights At Risk” : Amnesty International’s Concerns Regarding Security Legislations and Law Enforcement Measures. (AI Index: ACT 30/001/2002)

“Rights at Risk” describes human rights violations arising from “anti-terrorist” measures taken by countries around the world both before and after the attacks of 11 September. They include:

- indefinite detention without charge or trial;
- incommunicado detention, which facilitates torture;
- unfair trials;
- infringement of rights to freedom of expression, association and assembly.

“When the security of a State and the safety of its people are at risk,” Amnesty International said, “it is vital that human rights standards and the rule of law are upheld. Respect for all human rights is the only way to ensure real security for all.”

This Report can be accessed at AI web-site:

<http://web.amnesty.org/ai.nsf/recent/ACT300012002?OpenDocument>

2. Z Magazine : An on-line Political Monthly

<http://www.zmag.org/ZNET.htm>

Z is an independent political magazine of critical thinking on political, cultural, social, and economic life in the United States. It sees the racial, sexual, political, and class dimensions of personal life as fundamental to understanding and improving contemporary circumstances and it aims to assist activist efforts to attain a better future.

You can find a continuously up-dated collection of articles and essays on this web-site on the events of September 11 2001 and the consequent “war against terrorism”.

The most recent and selected ones are:

Chomsky: After 9/11

A long talk for AFSC

Chomsky Talk (Madras)

Q & A Session

Chomsky: MIT Talk Transcript_(Audio)

Lucid as always Chomsky discusses current events

Chomsky Answers Albert Questions

More background and analysis

Chomsky Interview 5/4/3/2/1

Short Q &A with Noam about current Events

Roy: War Is Peace

Roy challenges the madness currently posing as leadership

Roy: Algebra of Infinite Justice

“What we’re witnessing here is the spectacle of the world’s most powerful country reaching reflexively, angrily, for an old instinct to fight a new kind of war.”

Albert/Shalom: Q&A Nov. 15 [More queries immediately post the Northern Alliance taking of Kabul](#)

Albert/Shalom: The War In Afghanistan

55 questions and answers on war, terrorism, and other related topics

Albert: What’s So Complex About It?

Complex as events may seem Albert points a clear path to take

Albert and Shalom: Sept 11 Talking Points

Written six days after the Bombing, a concise history relevant to current events

Albert/Shalom Five Arguments Against War

Five quick reasons that war is unconscionable

- Tanter: Oil's Actual Role
- What's oil got to do with it
- Fisk: Awesome Cruelty
- What could lead to such crimes against humanity?
- Ansary: Afghan View
- A look at current events from an Afghan perspective
- Pilger: Inevitable unimaginable
- Is anyone really surprised about current events?
- Herman: Distaste for Civilization?
- ZNet Commentary on non-American/European Cultures
- Albert: Stop the Killing Train
- Old essay, timeless message, now more than ever
- 3. Some Web Sites to check out through <http://www.zmag.org/ZNET.htm>
- War On War
- Media Workers
- Against the War
- AFSC
- War Resisters League
- MADRE Toolkit
- Global Exchange
- Peaceful Justice
- RAWA
- Ins. for Publ. Accuracy
- Just Response
- Common Dreams
- Oneworld.net
- Foreign Policy in Focus
- Second Press
- Working for change
- 911 Peace
- Move On Campaign
- American Arab
- Anti-Discrimination
- ANSWER