



General Assembly

Distr.
GENERAL

A/HRC/10/NGO/12
23 February 2009

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement* submitted by Himalayan Research And Cultural Foundation
(HRCF), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

Human Rights and Terrorism

The scourge of terrorism which has manifested in destruction of human rights and fundamental freedoms; ethnic-religious cleansing of minorities; hostage taking; target killings; mines and bomb blasts; subverting the legitimate civil and political authority in the states; undermining the democratic and pluralistic socio-political order; has been universally recognised as the main challenge threatening domestic and international peace and security. The UN General Assembly and other UN bodies have time and again reiterated the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of states, destabilising legitimately constituted governments, undermining pluralistic society and the rule of law having adverse consequences for the economic and social development of the State.

Despite repeated condemnations and appeals by the international community for an end to acts of terrorism perpetrated by terrorist groups, their atrocities have assumed even more violent and barbaric manifestations of *fidayeen* (suicide) and car bomb attacks, kidnappings, hijacking, beheading of innocent victims including women and children. The phenomenon of terrorism has acquired multiple and dangerous dimensions, particularly the increased role of religious terrorist groups, proliferation of small arms, narco-terrorism, money laundering and proxy war by a state using mercenaries and terrorists against the other state. Taking due cognizance of the grave threat posed by terrorism to democracy, civil society and the rule of law, the UN Security Council adopted a Resolution 1269 on 19 October 1999, calling upon “all States to take appropriate steps to (i) prevent and suppress terrorist acts, protect their nationals and other persons against terrorist attacks and bring to justice the perpetrators of such acts; (ii) prevent and suppress in their territories through all lawful means preparation and financing of any acts of terrorism, and (iii) deny those who plan, finance or commit terrorist acts, safe havens by ensuring their apprehension and prosecution or extradition.” UN Security Resolution 1373 of 28 September 2001 reflects the global concern and resolve to fight terrorism. Resolution 1373, while reaffirming the right of individual or collective self-defence, stresses the need to combat by all means threats to international peace and security caused by terrorist acts. The resolution has laid down the programme of action required to be taken by states to prevent and suppress terrorism, its financing, assistance by other states and calls for adequate punishment under domestic law to curb terrorist acts/offences.

It is globally recognized that international terrorism poses serious challenge to international peace and security. The emergence of lethal combination of cross-border terrorism, religious extremism, drugs and arms smuggling has been posing a serious threat to human rights of civilians and international peace and security. It is high time that this menace is confronted and combated firmly. Acts of terrorism by armed bands, religious groups and their sponsors need to be monitored and dealt with effectively. The semantic muddle over the definition and interpretation of terrorism, as it relates to the terrorist campaigns launched in the name of holy war against ethnic-religious minorities, is being misused as a cover-up by some states in their support of trans-border terrorism and in pursuit of their foreign policy strategy against other states. With the result, the impasse over the definition of terrorism and the adoption of a Comprehensive Convention on International Terrorism continues, even after the world has experienced 9/11 in USA and

the recent attacks in Mumbai (India) on 26 November 2008. It, therefore, becomes imperative to remove forthwith any such existing loopholes which impede the process of firm and deterrent action against terrorism and its perpetrators, without any exception being made for political or other considerations.

Terrorism has both internal as well as external explosive dimensions. In its external dimension, international terrorism has the potential of impinging upon friendly relations among states and evoking even strong responses from the states affected by it. In its internal dimension, terrorism creates chaos and instability, which undermines human rights and fundamental freedoms. Since the subject of human rights and terrorism has assumed centrestage in the discourse on international cooperation to combat terrorism, three approaches are proposed to arrive at a consensus on the part of states. The first approach should be laying down a legal framework and creating mechanisms within the states to deal with the terrorists for their activities within state(s). However, the framework should strictly conform to human rights and humanitarian law. Secondly, there should be inter-state cooperation in dealing with global terrorism. In this context, a mechanism needs to be evolved through which states could cooperate with other state(s) by way of sharing information, identifying the culprits along with their networks and support systems within their territory. The third approach is to identify and censure states, which are sponsoring and sustaining terrorism in order to achieve their strategic objectives. It may be pointed out that international efforts to eliminate the phenomenon of terrorism would bear little fruit in case the process of state sponsorship of terrorism continues. The international community should bring pressure on these states to earnestly stop these activities and help in the fight against global terrorism.

In order to achieve definite results in the battle against terrorism and in keeping with the spirit of the UN Security Council Resolutions, certain basic principles need to be followed by states and international community:

- a) All measures to combat terrorism need to be taken in a manner so that human rights and fundamental freedoms are not violated.
- b) Trans-border and international terrorism be dealt with effectively, through strong international cooperation between states, international and regional organisations and the UN bodies, so as to ensure the arrest, extradition and prosecution of terrorists.
- b) The UN bodies and states should come out openly against acts of terror in all their forms and manifestations, without getting influenced by their own political priorities and compulsions. There should be no room for any ambiguity or misinterpretation of the definition of a terrorist.
- c) The international community and UN should impose sanctions against the identified terrorist organizations, its members and more importantly the states which are sponsoring and harbouring such terrorists. All types of international assistance to such states be made dependent upon their actions towards dismantling and destroying the terrorist networks, their bases and infrastructure. This becomes necessary for deterring such states from supporting terrorists. Ensuring accountability and compliance is an essential element of global strategy against terrorism.
- d) All the assets including bank accounts, moveable and immovable properties belonging to terrorist organizations, their members, sponsors/donors and sympathizers be seized and deposited in an

international fund, as was suggested by the UN Security Council Resolution 1566 of 8 October 2004. The victims of terrorists and their families be provided relief and rehabilitation out of thus created fund, besides the concerned government measures.

- e) Necessary steps be taken to apprehend and destroy the terrorist groups, their bases and infrastructure and even follow hot pursuit when the terrorists are operating from their bases in other countries.
- f) Principle of non-use of the territory of one state for terrorist activity against the other be applied strictly.
- g) Criminal proceedings related to different types of terrorist crimes be set in motion to ensure expeditious trial, prosecution and deterrent punishment of terrorists.
- h) The society at local, regional, national and international levels needs to galvanise its social support and create a social milieu in which such terrorist activities are not tolerated.
- i) UNESCO and other international and national educational/cultural institutions need to launch a concerted and coordinated drive to provide scientific and modern education to the youth and children, particularly in countries where religious extremist and terrorist groups are busy recruiting their cadres with extremist ideologies and distorted world view.
- j) UNESCO and other international, national and regional cultural organizations should regularly organize international seminars, workshops, festivals, publications of literature etc. to promote dialogue among civilizations so as to bring about better inter-faith and inter-cultural understanding.
- k) Media should strike a balance in their coverage of terrorist activities in order to contain rather than facilitate the spread of terrorist activities and the related ideologies.

The terrorists and their sponsoring/harboursing states need to be denied access to nuclear materials and advanced technology, so that any possibility of the terrorists using weapons of mass destruction, and inflicting catastrophes, is averted. This implies securing and eliminating nuclear materials and related technology in states known to be harbouring/sponsoring terrorists.
