

IMPACT OF TERRORISM ON HUMAN RIGHTS

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INTRODUCTION

Government grants inalienable rights such as Freedom of Speech, Freedom of Religion, protection for Unequal treatment in the court, protection from the invasion of privacy and out of all most importantly, the absence of torture and extrajudicial punishments and the political imprisonment enables the citizens to live life with freedom and security. On the other hand, the risk of having more human rights increases the country's security to internal and external threats. Terrorism affects human rights and diminishes government's respect for it such as extrajudicial killings, imprisonment and torture. We live in a globalised world where people are faced mostly with the dilemma of protecting human rights while fighting against terrorism. Therefore, I as a researcher in the paper have provided the impact of terrorism on human rights also, listed the measures to protect the human rights while fighting against terrorism with two arguments in the paper. They are¹.

1. Whether Terrorism itself is a threat to human rights? Is it necessary to make certain compromises in order to combat terrorism?
2. In the name of Counter terrorism, there are still illegal operations going on. How far have the measures been effective in controlling terrorism?

TERRORISM

Terrorism refers to the acts of violence which usually targets the civilians in the pursuit of various claims which are usually political and ideological. According to the General Assembly's Declaration on Measures to eliminate International Terrorism it stated that Terrorism also includes the criminal acts which are intended to produce a state of terror in the general public for various political, philosophical, ideological, racial, ethnic and religious purposes. The means used in order to meet their ends are usually unjustifiable. Webster defines terrorism as the systemic use of terror which is usually not free and is caused mostly by coercion.

In 2004, the General Assembly referred terrorism as those criminal acts which are directed against the civilians which are usually committed to cause death or bodily injuries with the purpose to produce a state of terror in the general public or group of persons so that they compel the government to do or not to do an act. Terrorism poses a threat to the successful functioning of the society. The General Assembly is currently working towards the adoption of a comprehensive convention against terrorism which would complement the existing definition of terrorism which includes unlawfully and wilfully causing damage.

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¹ Axel Dreher, Martin Gassebner and Lars-H. Siemers, 'Impact of Terrorism on Human Rights', Vol. 53, No. 1, pp 65-93

The many States define Terrorism in National law as that which has deferring degrees of elements². The term terrorist refers to a person who tries or commits the terrorist act. According to Mamdani in his article said that public reasoning also plays an important role in the definition of the term. For example, how they distinguish between Good Muslims and bad Muslims. Nowadays the image of terrorists is that of an Islamist suicide bomber or Osama Bin Laden. It is a biased image and not representative of a variety of individuals and organisations. However, the definition of terrorist depends on an individual's perspective. The distinction is drawn on arbitrary grounds. For example, Al Qaeda is defined by the various Governments across the world as the centralised enemy with organisational hierarchy³.

HUMAN RIGHTS

Human rights are natural rights which are guaranteed to all citizens irrespective of nationality, religion, sex and status. These rights are rights which are inseparable, associated and interrelated. Universal Human Rights are guaranteed to the citizens by the law which is in the form of treaties, customary international law and all other sources of international law. International Human Rights law lays down certain obligations for the government to act in certain obligated ways and also, to forgo certain acts so as to advance and secure human rights and fundamental freedoms of the individuals.

INTERDEPENDENT AND INDIVISIBLE

All human rights are inseparable whether they are civil and political rights. For example, Right to life, Right to equality and Freedom of Speech and Expression. There are certain economic, social and cultural rights which are guaranteed to the citizens such as Right to work, social security and education. The improvement of one right facilitates the progress of the other rights. In the like manner, the hardship of one right has an immediate effect on the other rights⁴.

INTERNATIONAL HUMAN RIGHTS LAW

International Human Rights law is reflected mainly by the core international human rights treaties and in customary international law. The international treaties include International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Other universal treaties are the Elimination of all forms of Discrimination which also includes racial discrimination and discrimination against women. The other covenant is to provide protection to the migrant workers and their families. They bind all the states together irrespective of whether they are part of the treaty or not. There are certain rights where there are no circumstances at all in which criticism from them is

² Human Right, Terrorism and Counter Terrorism”,

³ “Perspectives on Terrorism” file:///C:/Users/user/Downloads/38-138-2-PB.pdf (last accessed on March 23rd 4:44pm).

⁴ United Nations Human Rights”, <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx> (last accessed on March 21st 2015 11:25pm).

permissible. The prohibition of slavery, genocide, crimes against humanity are widely recognised as the most important norms⁵.

STATE OBLIGATIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW

Human rights law obliges States, essentially, to do certain things and avert them from doing others. States have an obligation to regard, ensure and safeguard human rights. Regard for human rights essentially includes not interfering with their happiness. Measures should be taken to make positive moves to guarantee that others don't interfere with the happiness with respect to rights. The fulfilment of human rights obliges the States to adopt suitable measures like authoritative, legal, regulatory or educative measures, in order to satisfy the legal obligations⁶

IMPACT OF TERRORISM ON HUMAN RIGHTS

Terrorism attacks the human rights mainly the vote based system and the rules of law. It destroys the qualities that lie at the heart of the Charter of the United Nations and other Universal instruments: regard for human rights which are the principle of law, respect for human rights, rules which aim at providing protection to people and the civilians, resolving conflicts among people groups and countries through tranquil measures.

According to the concept of International Law, human rights are usually protected and similarly violated by the States only. Human rights are the state's obligations towards the individuals. Terrorism has a direct effect on the pleasure of human rights specifically the right to life, freedom and physical uprightness. Terrorist acts can destabilize the Governments undermine the civil society, disturb the peace and security, reduces the social and financial advancement and may also influence certain gatherings. These have a direct effect on the pleasure of human rights.⁷

ANALYSIS

TERRORISM AND DRUG TRAFFICKING

Terrorism is one of the key concepts in the International Politics. In general, it is a threat to the society. Now, the terrorist groups are using more sophisticated weapons to exploit the media, they use violence to influence the government and organisations. The acts of terrorism are linked to drug trafficking era which aims at the destruction of human right, freedom and democracy. Drug production and trafficking have gone global with organisations which are those of legitimate businesses. The drug trade is usually with weapons, smuggling of stolen

⁵ "Terrorism, Human Rights and Counter Terrorism", <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> (last accessed on March 21st 2014, 11:30pm).

⁶ A.S Narang and Pramila Srivastava "Terrorism the Global Perspective (last accessed on March 23rd 2015, 4:54pm).

⁷ "Terrorism, Human Rights and Counter Terrorism", <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> (last accessed on March 23rd 2015, 5:54pm).

art objects, illegal immigration abuse of children, gambling and prostitution. They start with the terrorization of the peasants in the big cities in the world.

The crimes with the drugs involve drugs such as cannabis, heroin, cocaine and others. Trafficking drugs have led to the participation of many entities. The Golden Triangle region involves more than 65 percent of total world's opium. New mafias have emerged who deal in the trafficking of drugs. This has a greater impact on the lives of the individuals as the children are more vulnerable to get access, the relations between the states spoil mostly because of the urge to procure more drugs.

Usually, the traffickers want to exploit the societies whose legislative and judicial systems are most vulnerable. This happened in the case of Eastern Europe. Violence is associated with narco-terrorism where they use coercion to kidnap, torture, murder and massacre. The threat is more serious if there exists state sponsorship which is usually described as support offered in many ways to the terrorists. The result is because of the corrupted public authorities and also the destabilisation of the whole economy which was seen in Columbia.

Some governments are accused of giving state sponsorship to the terrorism. Money laundering helps in transforming the funds generated by terrorism a less suspicious activity, makes it difficult to trace the origins. The profit is deposited in various banks or is used in running the restaurants, nightclub and shopping malls.

The PKK established in 1978, seeks to establish a Kurdish state in the south eastern part of Turkey. It was involved in the robbery, extortion, armed smuggling, labour trafficking and narcotics smuggling. It smuggled heroin from Golden Crescent to Turkey. In Rumania, the organisation hides under the Association of Eastern Businessman Minors, who are associated with PKK are apprehensive in many ways. This shows that drug trafficking and terrorism have a greater impact on the human rights⁸.

IMPACT ON RIGHT TO LIFE

The right to life is absolute. According to the International Covenant on Civil and Political Rights, it states that no person should be deprived of his/her life. Right to life is absolute and cannot be deprived. The combatants use the weapons due to which it leads to loss of life and freedom of many individuals. It is shocking that in most of the situations terrorists attack not only adults but also children are killed. It upholds the value and human life and right of every human being to claim such a right. On September 11th thousands of human beings were killed including the innocent civilians and large number of people. They were deprived of the most fundamental right that is right to life. It is a crime against humanity.

The major terrorist attack at Godhra in February 2002, a Muslim mob set to fire the train in which the Hindu activists were present. Many people were killed and they joined the hands

⁸ "A.S Narang & Pramila Srivastava", Terrorism The Global Perspective, (last accessed on March 23rd 2015, 9:15pm).

with the BJP and killed two thousand Muslims in the state. Therefore, the definition of terrorist for some people is that Muslims are terrorists.

As Richard Jackson notes in *Writing the War on Terror: Language, Politics and Counter-terrorism*: the estimated yearly deaths from terrorism as 1000-7000. About 500,000 people die with the use of arms and weapons. The threat to life from terrorism is large. We can never achieve security by sacrificing human rights. Hence, the people and government should strive hard to encourage people to respect their own human rights as well the rights of others. The fight for justice should be in accordance with the rule of law⁹.

LIBERTY AND SECURITY OF PERSON

All persons are secured against the unlawful or self-assertive interference with their freedom. This protection is appropriate in the setting of criminal transactions, and also in areas where the State may influence the freedom of persons. Terrorism undoubtedly poses a threat to the security of the nation. It involves the use of violence in order to meet their political ends. There is a direct impact of terrorism on national security and also on human security.

On 11th March 2004, several bombs exploded in four trains in Real Madrid. While countering terrorism importance should be given to human security as the terrorists usually target the innocent civilians which mean that people are threatened during their day to day lives. About twenty thousand people were killed during the 2006 attacks. There can be various effects of terrorism on the lives of the people, environment, infrastructure and health. According to the UNDP, it defines human security as that which is concerned with food, shelter, health, personal and political security. Many historical structures and monuments are destroyed. The infrastructure of the country is disturbed during the attacks which in turn has an effect on the health and food issues.

The term terrorism and security are interrelated and cannot be ignored. Hence, the state should adopt various measures to curb the problem of terrorism¹⁰.

FREEDOM OF ASSOCIATION

The right to freedom of association, in the same way as the freedom of expression, is a stage to exercise the resistance of other rights, for example, political interest rights and social rights. Human rights guards frequently utilize this legitimate right as a basis for their activity. It is key to a democratic society. However, this right is limited by the state when there is a terrorism threat. Therefore, the state must ensure that the right to freedom of association is not limited in any case whether it is in a treaty. The Organisation has the right to defend the rights which are guaranteed to the citizens and in cases where they are deprived of their rights. They should be given full freedom to go and criticize the government action.

⁹ "Protecting Terrorism while Countering Human Rights", <http://www.e-ir.info/2012/02/14/protecting-human-rights-while-countering-terrorism/> (last accessed on March 24th 2015, 10:34am).

¹⁰ "Does Terrorism threaten Security?", <http://www.e-ir.info/2010/11/22/does-terrorism-pose-a-real-threat-to-security-2/> (last accessed on March 24th 2015, 11:54am).

FREEDOM FROM DISCRIMINATION

Dissatisfaction of majority and the minority is the major cause of terrorism. Discrimination can also be the major cause for terrorism. Hatred against a particular group or community could be the reason for terrorism. It is the injustice that leads to frustration among them and hence they resort to illegal methods in order to revenge.

The state prohibits discrimination on grounds of colour, race, sex, caste and creed. This right is being violated as the terrorist's. Hence; the terrorism violates the freedom from all forms of discrimination. For example, the Arabs and Muslims from stereotypes associating them to terrorists and extremists.

COMPROMISES TO BE MADE TO CURB THE IMPACT OF TERRORISM ON HUMAN RIGHTS

Some people think that Terrorism itself is a threat to human rights while the others think that it poses a threat to security of the nation and humans. Hence, in order to curb terrorism certain compromise between the nations has to be made in order to protect the human rights.

1. The victims should be treated with respect and dignity. Awareness should be created about the basic rights which are guaranteed to them by the Government. They should be given an opportunity to represent themselves and this right should not be deprived even in cases of threat of terrorism.
2. The major cause of terrorism is Poverty. Few countries are endowed with efficient natural resources and some countries are not bestowed with natural resources. It is poverty which forces people to engage in the illegal activities. The Mafia gangs are forcing the people to kill the innocent civilians and in return, they are motivating them to get some amount of price. Therefore, reducing poverty would control poverty.
3. We can see a lot of injustice in the Third World Countries particularly between Afghanistan and Pakistan. The situation is very unjust in obtaining justice. Injustice is the main cause for the growth of terrorism and, therefore, people take law in their hands. The income inequalities among the people. The rich are getting richer and the poor are getting poorer. This gap has forced people to engage in terrorism to meet their ends. If we want to curb terrorism then injustice should be ended.
4. Political leaders in the third world countries are corrupted and are using their power to extract money through illegal means. Corruption is increasing day by day. Hence, corruption should be controlled¹¹.
5. Various treaties should be implemented to curb terrorism. The acts which involve the use of violence should be incorporated in domestic laws and regulations. Measures

¹¹ "Psychological Impact of terrorism", <http://www.jstor.org/stable/pdf/41345042.pdf?acceptTC=true> (last accessed on March 24th 2015, 3:41pm).

should be taking before granting asylum to the refugees to ensure that the asylum seeker has not planned any terrorist activity.¹²

COUNTER TERRORISM OR HUMAN RIGHTS VIOLATION

While fighting terrorism Government must ensure that the counter terrorist movements do not violate international human rights, humanitarian and refugees law. Secretary General Kofi Annan after the September incident said that there shall be no tradeoff between human rights and fighting terrorism. However, there are human rights violations taking place in the name of counter terrorism.

True Security is about creating and ensuring a safe environment for all the citizens of the country where all their rights are respected and protected, ensuring that they live a peaceful life without constant threat to their security and life.¹³ The main question is

- whether the human rights are protected while countering terrorism
- Are the measures taken by the Government to combat terrorism effective?

CLANDESTINE OPERATIONS

A clandestine operation is a military operation which is usually conducted without the notice of the general population. It is usually conducted by the Government or the agencies with the assurance that the operation is conducted secretly. It emphasises on the concealment of the operation. It is usually conducted by the placement of the underwater communication taps, cables, cameras, microphones and monitors so that the mission goes unnoticed.

During the Vietnam war, the officials were completely unaware of the sensors which sensed the ignition were placed. In September 2002, Georgian officials confirmed then backtracked on reports of extradition and clandestine operations which were taking place. Hence, even after the measures taken by the Government still there are clandestine operations which take place which still makes it a burden on the Government to introduce strict measures to curb the problem of terrorism¹⁴.

GLOBAL WAR AND TERROR

The War on Terror also known as the Global War on Terrorism was a military campaign which was started by the United States after the terrorist attacks in the United States on September 2001. The US led a coalition to the NATO and non -NATO nations with the urge to destroy the Al-Qaeda and other extremist organisations. Its primary aim was to focus on

¹² In the Name of Counter terrorism: Human rights Abuse”, http://www.hrw.org/sites/default/files/reports/counter-terrorism-bck_0.pdf (last accessed on March 24th 2015, 4:01pm).

¹³ Ibid

¹⁴ “Special Operations and Covert Actions”, <http://fas.org/man/eprint/gross.pdf> (last accessed on March 24th 2015, 7:13pm).

Muslim countries which are associated with Islamic terrorism organisation like Al-Qaeda and the others.

Richard Jackson said that the War on Terror includes wars, covert operations, agencies and institutions. The Authorisation of Use of Military force against terrorists was made a law on September 2001. Back then, the President George Bush elucidated the objectives of the War on terror. The main objectives were to defeat terrorists like Osama Bin Laden and Abu Musab and also to demolish their organisations and end their state sponsorship to terrorism. Global War and Terror is, in turn, affecting the lives and the laws of the country. Where the Government is striving hard to combat terrorist organisations are coming together to destroy terrorists organisations which in no way is a solution as this again leads to destruction and deaths¹⁵.

VIOLATION OF NATIONAL LAWS

While fighting terrorism, the national laws are violated. There is an effect on the rule of law, good governance and human rights. Respect for human rights and the rule of law are the primary characters in fighting against terrorism. The National law enforcement agencies are affected. Hence, the state should take appropriate measures to ensure that while combating terrorism none of the human rights or national laws is violated¹⁶.

CONCLUSION

In my project, I have highlighted the impact of terrorism on human rights with two arguments in the paper. I, as a researcher have relied on various journal articles which were taken from websites and were cited accordingly.

After my research, I understood the various ways in which terrorism has the impact on the states and our lives particularly the way it has an impact on human rights. Terrorism is a global issue and it's not an issue which is only limited to a particular country or a state but to the whole nation. It is a threat to the whole society as it causes death to thousands of people and they are deprived of their basic right which is guaranteed to them by the constitution that is the Right to Life. Innocent Civilians are killed in this battle. There is a lot of violence and bloodshed. Various historical monuments are also destroyed in this process.

The Stereotypical view that most of them, have about the word "terrorists" that they are usually the Muslims. Most of the Americans have a view that Muslims are violent and are not trust worthy. They were theories with respect to the stereotypical depiction of Muslims in India. This shows the attitude of the people who are living in the society. It does not have to necessarily mean that terrorists are always the Muslims or the Afghans. It could be anyone irrespective of their religion, caste and race.

¹⁵ "Global War on Terror and Sliced Four Ways", <http://www.jstor.org/stable/pdf/40210210.pdf?acceptTC=true> (last accessed on March 24th 2015, 8:31pm).

¹⁶ Supra 5

Corruption in our society is increasing day by day. People are fighting against each other for the lust of power and to acquire more wealth. Political leaders, especially in the third world countries, have no concern about the political and economic problems the country is facing. They are always looking for more power and wealth and therefore, are engaged in various illegal activities and scams. The legal system in various countries is spoilt because of “bribery”. No legal work can be done without offering the person a certain amount of bribe. This shows how our legal system is corrupt and the State is not able to protect the rights of the people.

Therefore, In order to combat terrorism, we the people along with our representatives and the State should adopt all the possible measures which are required in order to curb terrorism. Education can be used as a weapon to change the world in cases where there are stereotypical views with regard to the definition of terrorist. Awareness among the people should be created with respect to the rights they possess and state or anyone else for that matter should not be given the opportunity or authority to deprive them of their rights. Hence, if we citizens with the support of the Government and State come together and strive hard we can combat terrorism and protect our human rights.