

SUPPLEMENTARY HUMAN DIMENSION MEETING

“Human Rights and the Fight against Terrorism”

14 - 15 July 2005

HOFBURG, VIENNA

ANNOTATED AGENDA

OVERVIEW

Counter-terrorism measures that fall outside the framework of the rule of law and human rights standards effectively roll back well-established norms and lay the foundations for further insecurity.

The 2004 OSCE Ministerial Council adopted the Sofia Ministerial Statement on Preventing and Combating Terrorism. This Statement re-emphasizes the determination of the OSCE participating States “to combat terrorism in all its forms and manifestations, as a crime that has no justification, whatever its motivation or origin, and to conduct this fight with respect for the rule of law and in accordance with [their] obligations under international law, in particular international human rights, refugee and humanitarian law.” The OSCE also notes the declaration on the issue of combating terrorism contained in the annex to UN Security Council Resolution 1456 (2003), in particular the statement that states must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law.

Human rights are sometimes violated during the conduct of the fight against terrorism. These violations may take many forms including the limitation of fundamental freedoms such as freedom of religion and belief, freedom of expression and freedom of assembly. The right to life has also been threatened in certain circumstances and certain other non-derogable rights, as set forth in Article 4 of the International Covenant of Civil and Political Rights, such as the right to freedom from torture or inhuman and degrading treatment or punishment and the right to a fair trial have been limited by certain legislation and practices in the fight against terrorism. A strong and active civil society that is actively engaged in promoting democracy and tolerance is instrumental in combating terrorism. This must go hand-in-hand with civil society’s support to legitimate measures of the State’s authorities aimed at protecting everybody under their jurisdiction from terrorist acts.

The OSCE approach is one of co-operative security based on democracy, respect for human rights, fundamental freedoms, the rule of law and social justice. This concept’s key elements are the comprehensiveness and indivisibility of security and the allegiance to shared values,

commitments, and norms of behaviour. Respect for and compliance with international human rights law remains central to the efforts to prevent and combat terrorism.

This Meeting is designed to devise ways that participating States can enhance their efforts to fulfill these mutually reinforcing goals and OSCE commitments.

SESSIONS

Session I: Religious Freedom and the Fight against Terrorism

Freedom of religion or belief is a non-derogable right. In the aftermath of 11 September 2001 and 11 March 2003, a number of religious communities in the OSCE area have experienced growing distrust and hostility. As the fight against terrorism has been stepped up and the perceived threat of religious extremism has become a major focus of public debate, religious and immigrant communities have increasingly felt stigmatized or targeted for discrimination or abuse because of their beliefs.

This session will aim to look at how certain communities have felt that freedom of religion or belief has been undermined in the aftermath of 11 September 2001 and 11 March 2004, and how they have reacted to this new security climate. Also, the session will examine how governments can balance security concerns while allowing individuals and communities of believers to meet freely for worship, educate their followers and provide information about their beliefs to the public at large.

- How can freedom of religion be fostered as a tool in the fight against terrorism?
- What methods can be used to combat extremism while protecting freedom of religion or belief in society?
- How should governments balance security concerns while respecting religious freedoms?
- How can minority communities provide a positive element in a comprehensive strategy to combat terrorism?

Session II: Torture and the Fight against Terrorism

The right to life and the right to freedom from torture or cruel, inhuman and degrading treatment or punishment are absolute non-derogable rights in all circumstances. Unfortunately these rights have been threatened and limited by certain legislation and practices in the fight against terrorism. Any discussion of human rights in the context of preventing and combating terrorism must recognise the basic premise that state authorities must take steps necessary to protect society from terrorism but that the fight against terrorism cannot provide a justification for the use of or for collusion in torture or cruel, inhuman or degrading treatment or punishment. States must be vigilant to ensure that security measures taken and investigatory techniques used in the context of the fight against terrorism protect against torture and ill-treatment. Allegations of torture in prisons and interrogations in the context of

the fight against terrorism and trends in jurisprudence on the admissibility of evidence which may have been extracted through torture are of great concern in this regard.

- What can be done to reduce the risk of torture or cruel, inhuman and degrading treatment or punishment in the context of the fight against terrorism?
- Why should evidence extracted through torture not be relied upon?
- How can it be ensured that statements extracted through torture will not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made?

Session III: The Role of Civil Society and the Fight against Terrorism

The development of a strong and active civil society is essential for a well-functioning and stable and democratic State. This can be achieved through strengthening democratic institutions and non-governmental organisations that aim to promote human rights, tolerance and respect for diversity. Freedom of association and assembly, freedom of expression and freedom of religion or belief are human rights that states must respect. Since 11 September 2001, a number of participating States have introduced specific anti-terrorism, crime and domestic security legislation. There is a growing concern over prohibition and dissolution of political groups on account of their alleged extremist or terrorist activities. Some anti-terrorist measures may be open to abuse restricting certain fundamental freedoms by targeting, e.g. minority or religious groups, NGOs and independent journalists. A vibrant civil society is essential to combating terrorism, to promote democracy and tolerance and to hold governments accountable.

- How can civil society engage with governments to combat terrorism?
- How can civil society act as a check on potential excesses in the fight against terrorism and promote best practice and accountability?
- How can civil society foster an atmosphere which discourages recruitment to terrorism and builds bridges in society?