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Address by  
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The High Commissioner for Human Rights

To the  
Counter-Terrorism Committee of the Security Council  
21 October 2002

Mr. Chairman,

Distinguished members of the Counter-Terrorism Committee,

Thank you for inviting me to meet with the CTC and seek to build on the valuable interactions my predecessor enjoyed with you.

I am aware of the enormous responsibility you have on your shoulders to advance the international community's capacity and resolve to eliminate terrorism. This evil, which has been with us for decades, has taken on a different dimension with the monstrous attacks of 11 September, 2001. One year, one month and one day later, the horrific bombings in Bali further underscored the need to redouble efforts to deal with this scourge. In my statement to the one-day session of the Commission on Human Rights, this 24 September, I reiterated my total support for the need to combat terrorism as vigorously as we could.

It will come as no surprise to you to hear from me my firm-held belief that upholding human rights and demonstrating respect for the dignity and worth of all people is crucial to our efforts in this regard. Human rights violations create a ripe environment for terrorism. Fundamental grievances, embedded in a denial of human rights and basic justice, must be addressed if we are to ensure that terrorist groups cannot cloak their acts with a spurious veil of justification.

I am convinced that the best – the only – strategy to isolate and defeat terrorism is by respecting human rights, fostering social justice, enhancing democracy and upholding the primacy of the rule of law. We need to invest more vigorously in promoting the sanctity and worth of every human life; we need to show that we care about the security of all and not just a few; we need to ensure that those who govern and those who are governed understand and appreciate that they must act within the law.

Terrorism – including global terrorism – has many manifestations and a variety of causes, but allow me to be candid. There would be a pregnant silence if I failed to mention at this point the tragically internecine conflict in the Middle East. This situation is breeding hatred. And this hatred is inspiring terrorism. Force alone (often entailing serious abuses of human rights) does not break this chain – rather it strengthens it.

We need to give this protracted conflict our priority attention. A solution must be found that stops the bloodshed and secures peace and justice for all. The elements of the solution are out there. Every day that passes without a lasting resolution to this conflict further undermines the right to live in peace and security in the Middle East. It also undermines the security of us all.

We live in a world where perception is often as important as fact. Since being appointed High Commissioner, I have been struck by just how strong a perception there is both of a rising tide of new forms of anti-Semitism and, equally disturbing and dangerous, of a vilification of the Islamic world. The fight against terrorism must not single out, or be seen to single out, a religion or a group of people. If we are to combat terrorism – and succeed – we must be united. If we are to unite, we must address these perceptions, however grounded or not they are in reality, earnestly and with sensitivity.

Mr. Chairman, Distinguished Members,

Your Committee has been encouraging all States to act with vigour and resolve to implement Security Council resolution 1373. States do not simply have the right, but the duty to protect their citizens from terrorism. I particularly appreciate your approach in ensuring not only that States know what they should do, but also in assisting them in how it can be done. Here the human rights discourse is helpful. Human rights principles provide guidance on what States can do to fight terrorism and remain within the rule of law.

Human rights norms recognize that measures can be taken and some rights can even be suspended in times of a public emergency that threatens the life of a nation. The measures must, however, be taken within the framework of the law, for not even States are above the law. They should be taken in transparency, they should be of short duration, and they must respect the fundamental non-derogable rights embodied in human rights norms.

Even in the absence of an emergency, many human rights are not absolute. They can be limited in certain circumstances for aims such as respecting the rights of others; protecting national security or public order; or for reasons of public health or morals. Human rights treaties provide some criteria on when and how these limitations can be introduced, requiring for instance that they be provided by law, that they must be necessary in a democratic society, or necessary to achieve a legitimate purpose.

These important nuances should be brought to the surface in a more forthright way because they will help States to act within the framework of their international obligations. The UN human rights mechanisms have provided useful guidance about the exact scope of these considerations. But their work is often not sufficiently highlighted.

Mr. Chairman, Distinguished Members,

While there is no contradiction at all between implementing Security Council resolution 1373 and respecting human rights, I am concerned by reports I have been receiving, for example, from the Special Rapporteur on the Independence of Judges and Lawyers, of too many states enacting anti-terrorism legislation that is too broad in scope (namely, that allows for the suppression of activities that are, in fact, legitimate), or who are seeking to fight terrorism outside the framework of the court system. In other words, I am concerned that yet one more casualty of the terrorist has been the erosion in some quarters of fundamental civil and political rights.

My Office is at your disposal to engage systematically and regularly with you on relevant human rights issues. I say this with full appreciation that yours is not a human rights forum. Our intention is not to turn you into one: rather it is to assist you in encouraging the non-abuse of 1373; in other words, that it is not used for purposes other than those strictly intended by the Security Council or which are not permitted, in any circumstance, by our human rights laws. To that end, I would urge you to consider once more the value of appointing a human rights advisor to the CTC. I for one am convinced that this would only strengthen our collaborative efforts in fighting terrorism.

My Office stands ready to continue to provide you with information that could help you in ensuring 1373's proper implementation. For example, we could provide advice on appropriate standards and principles (such as explanations of the exact scope of non-derogable rights and the need for transparency through the notification of the derogable ones), or furnish you with the conclusions and recommendations of the UN human rights mechanisms on relevant issues. After all these are organs created by the Member States of our Organization. If you find this information useful, I would urge you to place it under the Directory of Assistance on your Committee's web site.

You may also wish to benefit from a direct exchange with the UN human rights mechanisms to clarify some aspects of how States can pursue terrorism without sacrificing the rule of law. I particularly encourage you to strengthen links with the Human Rights Committee, but also recommend that contact be developed not only with relevant treaty bodies, but also with our special procedures, as appropriate.

Mr. Chairman, Distinguished Members,

I am pleased that the report of the Policy Working Group on the United Nations and Terrorism, which was set by the Secretary-General, has recommended that all relevant parts of the United Nations system should emphasize that key human rights must always

be protected and never derogated from. The report identifies the independence of the judiciary and the existence of legal remedies as essential elements for protecting fundamental human rights in all situations involving counter-terrorism measures. It recommends that my Office, in cooperation of the Department of Public Information, publish a digest of core human rights jurisprudence in the area of terrorism. It further recommends that my Office convenes a consultation on the protection of human rights in the struggle against terrorism. I believe that these are wise and pertinent recommendations and I am committed to implementing them and implementing them soon. I know I can count on the full support of the CTC in so doing.

Finally, allow me to end with an appeal. We all know well that terrorism can only be defeated by both bringing to justice its perpetrators, and by addressing its root causes. To acknowledge the latter is not to excuse the former. We must acknowledge the impact on us of poverty, destitution, protracted humiliation, and perceptions of systematic injustice and double standards, as well as the dangers of appearing to single out a people or a religion in the application of preventative measures. These should be as much a part of our considerations as the efficacy and compliance with human rights standards of enforcement measures taken in the fight against terrorism. In other words, an all-encompassing approach is required. Human rights can help provide such a framework.

Let me thank you once again for this valuable opportunity to discuss with you practical ways of cooperation. I hope that this is the start of a fruitful relationship and I assure you of my utmost support and commitment to you in your work.