



COUNTER-TERRORISM COMMITTEE EXECUTIVE DIRECTORATE

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THE COUNTER-TERRORISM COMMITTEE AND HUMAN RIGHTS

*The subject of counter-terrorism and human rights has attracted considerable interest since the establishment of the Counter-Terrorism Committee (CTC) in 2001. In Security Council resolution 1456 (2003) and later resolutions, the Council has said 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.**

Security Council resolution 1373 (2001), which established the CTC, makes one reference to human rights, calling upon States to “take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts.” The resolution’s preamble also reaffirms the need to combat by all means, “in accordance with the Charter of the United Nations,” threats to international peace and security caused by terrorist acts.

The Committee’s initial policy on human rights was expressed by its first Chairman in a briefing to the Security Council on 18 January 2002: “The Counter-Terrorism Committee is mandated to monitor the implementation of resolution 1373 (2001). Monitoring performance against other international conventions, including human rights law, is outside the scope of the Counter-Terrorism Committee’s mandate. But we will remain aware of the interaction with human rights concerns, and we will keep ourselves briefed as appropriate. It is, of course, open to other organizations to study States’ reports and take up their content in other forums.”

With the establishment of the Counter-Terrorism Committee Executive Directorate (CTED) by Security Council resolution 1535 (2004), the Committee began moving toward a more pro-active policy on human rights. CTED was mandated to

liaise with the Office of the UN High Commissioner for Human Rights (OHCHR) and other human rights organizations in matters related to counter-terrorism, and a human rights expert was appointed to the CTED staff. In its reports to the Security Council submitted as part of its comprehensive reviews of the work of CTED, which were later endorsed by the Council, the Committee said that CTED should take account of relevant human rights obligations in the course of its activities (S/2005/800 and S/2006/989).

In May 2006 the Committee adopted policy guidance for CTED in the area of human rights, saying that CTED should:

- * *Provide advice to the Committee, including for its ongoing dialogue with States on their implementation of resolution 1373 (2001), on international human rights, refugee and humanitarian law, in connection with identification and implementation of effective measures to implement resolution 1373 (2001);*
- * *Advise the Committee on how to ensure that any measures States take to implement the provisions of resolution 1624 (2005) comply with their obligations under international law, in particular international human rights law, refugee law, and humanitarian law; and*
- * *Liaise with the Office of the High Commissioner for Human Rights and, as appropriate, with other human rights organizations in matters related to counter-terrorism.*

* See also Security Council resolutions 1535 (2004), 1566 (2004), 1624 (2005), 1787 (2007) and 1805 (2008).

The policy guidance further said that “CTC and CTED, under direction of the Committee, should incorporate human rights into their communications strategy, as appropriate, noting the importance of States ensuring that in taking counter-terrorism measures they do so consistent with their obligations under international law, in particular human rights law, refugee law and humanitarian law, as reflected in the relevant Security Council resolutions.”

The Committee and CTED now routinely take account of relevant human rights concerns in all their activities, including in the preparation of preliminary implementation assessments (PIAs) relating to resolution 1373 (2001), country visits and other interactions with Member States.

Security Council resolution 1624 (2005), which deals with incitement, stresses that States must ensure that any measures they take to implement the resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law. The resolution’s preamble highlights the relevance of the right to freedom of expression and the right to seek asylum in the context of counter-incitement measures; it also states that incitement poses a serious and growing danger to the enjoyment of human rights. The Committee is mandated to include issues related to implementing the resolution in its dialogue with Member States.

Most recently, as recommended by the CTED Executive Director and endorsed by Security Council resolution 1805 (2008), a working group on issues raised by resolution 1624 (2005) and human rights aspects of counter-terrorism in the context of resolution 1373 (2001) was established in CTED. The working group’s main objectives are to enhance expertise and develop common approaches by CTED staff on these issues, as well as to consider ways in which the Committee might more effectively encourage Member States to comply with their international obligations in this area.

Since its inception the Committee has been briefed by former High Commissioners for Human Rights Mary Robinson and the late Sergio Vieira de Mello, vice chairman of the UN Human Rights Committee Nigel Rodley and the Special Rapporteur of the UN Human Rights Council on the promotion and protection of human rights while countering terrorism, Professor Martin Scheinin of Finland. OHCHR has submitted notes to the Committee on the human rights obligations of States in the context of counter-terrorism and liaises regularly with CTED on a number of issues. CTED is also a member of the Secretary-General’s Counter-Terrorism Implementation Task Force (CTITF) Working Group on Protecting Human Rights while Countering Terrorism.

