

CHAPTER 4

Terrorism and Human Rights Violation

A. Human Rights and Terrorism:

The concept of Human Rights is a dynamic one, which finds expanded expression and constantly covers new areas as human society continues to evolve higher levels of development. The direct linkage between terrorism and violation of human rights was recognized by the World Conference on Human Rights (Vienna, 1993), of the Vienna Declaration and its programme of Action stipulates that “the acts, methods and practices of terrorism in all its forms and manifestations as well as linking in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of state and destabilizing legitimately constituted Government.”¹

Little, in fact, had been written systematically on the subject of terror and terrorism but its place in the history of ideas seemed worth exploring, not so much in the abstract as in the particular cases of the legalized terror of the Holocaust and the Gulag, and the response of literary imagination to that terror. It seemed particularly appropriate for our many constituent communities-Hindus, Muslims, Christians, Sikhs, Parsis and others to address the unanswerable but unavoidable questions of our time. How would the world of law and literature, so central, after

all, to the cultures, which produced our centuries of terror and terrorism, try to understand it?²

Further discussion indicated the literary, historical and philosophical foundation for our topic. Terrorism has never been far from the consciousness of poetic culture since the French Revolution, and philosophers such as Burke and Kant were grappling contemporaneously with the curious compulsion toward terror of the modern age. Before them, Shakespeare, writing in a time of commercial and military expansionism, masterfully depicted institutional terror, often related to the subtle dehumanization of legal systems.

Thus modern western culture in a real sense began its progression towards twentieth century terrorism and 31st century as early as the Renaissance. The related linguistic cultures of law and narrative literature grew and particularly from the late eighteenth century to the beginning of World War II, thrived. They finally were able to assimilate, or even assist, the ultimate attacks on the individual

of Dachau and the Gulag of Drancy and the Kolyma. The presentations on the Holocaust at many international symposiums reflected the notion that contemporary terror may not finally be consigned to a limited attention span framework covering only our own time, unmindful of the factors leading up to it that developed over hundreds of years and unwilling to recognized the foreshadowing's, compromises and fatal flaws contained in institutional culture. This paper include inquiries into the heart of that culture the contributions of

western academic jurisprudence, and especially and even of nineteenth century German contributions. European narrative fictions to the mounting anguish and chaos. The combined methodology of this chapter, perceiving as normative both legal and fictional texts, seeks to diagnose the development of a philosophic, religious and linguistic inadequate legal illness through a cross-disciplinary analysis.

The theme on the Asian experience with terror similarly sought to present an overall view of the place of terror in Asian history and culture. Terror is seen as pervasive and essentially dual in nature, attracting and repelling both victim and perpetrator, often binding one to the other. Thus boundaries are blurred and interchangeability of roles takes place. Nineteenth century literary and quasi-literary representations of terror and the terrorist frequently rise to a level of sublimity one might not have suspected. Both terror and terrorist are granted redemptive powers by this literature. A more historical approach indicates, however that this literary “attractiveness” is not reflective of reality; both terror and the terrorist were much duller in fact than as depicted in the function of Russia’s great authors. In the twentieth century, the situation is somewhat different. Leadership cults, beginning representations of this terror show its ultimate by in its metamorphic capability— its ability to transform completely the human personality into something no longer recognizable as human. Yet this literary evocation of terror is intended as way of possibly eliminating it altogether

In addition to the subject matter itself, the academic planners also hoped to bring together at the international symposiums a human rights community perhaps not yet aware of its own existence. With the invaluable assistance of Professors Soul Touster and Bernard Wassertein of Brandeis's Tauber Institute, the conference did take place. "Human Rights and Terrorism" an international conference was held and the community of lawyers, literacy people, historians and others who attended created a momentum whose next logical step is this endeavor. This chapter here reflects the relative informality of the symposium structure; but they also have been temperate by the comments of the respondents (some of which are also included) and of the audience

We believe they will offer one of the first systematic attempts to grapple with the phenomenon of terror in its stark modern forms. We welcome further dialogue with lawyers, political scientists, activists, NGOs, both on this subject and on the other human rights issue of the particular concern and expertise—mounting censorship of the creative process, threatening trends in defamation law as applied to works of art and increasing capacities to violate individual autonomy and dignity

The experience of terror and terrorism though it may go under different names, is known to everyone, despite the fact that we so often attempt to forget it or acknowledge it only in fiction. Nothing human is strange to us, yet the experience of terror and terrorism is a borderline one because it threatens to make us strangers even to ourselves. That is how Thiruvalluvar in the chapter '*Absence of Terrorism*'

in Ten Couplets from 561 to 570 described his response; and whatever the cause, his reaction typifies for us the effect of terror or dread or shock. Can one do more than describe, compulsively or not, such an experience? Can such a radical estrangement be psychologically integrated, or does it remain as a suspicion that keeps undermining our hospitable feelings, dividing humanity through xenophobia or racism, for example? We find nothing to ward-off this latter concern; and yet there is some comfort in Elie Wiesel's return to an image of childhood in his description of his refusal to abandon what he had felt before the strangeness of the world in the living hell of the camps formed itself into an alienation of man from man, as deep as we have ever known. Like a child, he saw a messenger in every stranger: it was for him alone to receive his blessing or his curse. When something is represented as terror and terrorism or as causing terror and terrorism what are its features? Yet a mental suffering or defense vis-à-vis the extreme event we are presupposing may already modify such a representation.

In literary language there is, even in ordinary depictions of an experience, a trembling of the referent. That is, it is openly shown. Such inadequacy or indefiniteness of representation is a problem in any area where the "idea" or "effect" keeps resonating, so that even if the idea can be linked to a specific cause or occasion we suspect that there are contributory springs secretly feeding into the stream of the representation. So, the specificity of terror and terrorism may reside in its specific unspecific but at this point we feel gray theory overcoming us.

Let us not forget, when we study terror and terrorism its claim to *Virtue*. Robespierre and Saint Just made that connection clear in their use of terror as an instrument of the state. Terror here is in the service of the state, and the person asked to exert it, the executioner, must find an exalted alibi. There is evidence that no human being can deliberately terrorize another human being without an exaltation, which the Jacobians thought of a “virtue”, aware of the Latin “Vir” (man) in the world. There is further evidence that programmatic or collectively exerted terror and terrorism requires that the executioners not only see themselves as idealists or enthusiasts, but also hold a massive conviction of purifying mankind of those who cannot be remade. The virtue of the executioner translates itself into a program of purification; a mutilation upwards of their own image. The executioners however orgiastic their feelings, are always virtuous, ascetic, exalted, pure. It is the questioner (in the old and ominous sense of the word.) who is full of hope. Let us cite a contemporary reflection from Jacobo Timerman’s *Prisoner without a Name, Cell without a Number*. If one reads transcripts of the long interrogations that dissident Jews have undergone, it’s possible to discern the precise moment at which the interrogation crosses the borderline of hope. Hope is something that belongs to the interrogator rather than to the prisoners. The interrogator always seems to feel that he can succeed in modifying the will of the interrogated.

It is sometimes said that terror is resorted to when persuasion fails; that it is, in a sense, a desperate form of persuasion. There is another purpose that terror serves

when persuasion is no longer necessary. Wherever totalitarianism possesses absolute control. It replaces propaganda with indoctrination and uses violence not so much to frighten people (this is done only in the initial stages when political opposition still exists) as to realize constantly its ideological doctrine and political lies. It has been observed that terror continues to be used by totalitarian regimes even when its psychological aims are achieved: its real horror is that it reigns over a completely subdued population.

The reason for this may be simple: Terror, allied to purity, can allow no contradiction, must enforce absolute consistence, a laying world of consistency, more adequate to the needs of the human mind than reality itself. The very enormity of the terror exerted makes it unbelievable to the outside world, even unbelievable to the victims who have entered what the religious imagination calls HELL: a condition without hope. The enormity of terror makes a response— in the form of protest or resistance or words— nearly impossible. Response is possible only when the victim or the person who hears about the terror can believe it happened and can happen again; when he thinks of it as real, when it has not derealized or dehumanized his idea of the person. The response to terror, therefore, is more than an ethical reaction. The response acknowledges what is denied, breaking an evil spell that has gained its victory over the mind by the illusion that to forger terror is to vanquish it— to deny its reality. But this denial is the most dangerous consent of all. A response to terror that defies rather than denies terror is obligatory. It can be ritual, such as not eating on Yom Kippur

despite starvation; it can be legal such as recognizing the criminal facts and bringing the executioners to judgment even where no appropriate law yet exists; it can be a scholarly attempt; and it is, above all, the responsibility of memory, the same that has made the survivors testify and now obliges us to hear them speak in their own voice and their our image.

After the incident of 9|11, an internationally renowned academic Professor Dipankar Gupta published the article “Bonded by threat,” in *New York Times* that our diagnosis of terrorism and our subsequent interventions in this respect now stand vindicated in the light of American’s recent experiences and reactions. We have always advocated a full-scale on slaught against terrorism. How many more carnages must take place, and how many more bodies and souls must turn to ash before we realize that there is no such thing as just terrorism.

Security Council Begins Evaluating Counter terror Measures. The effort to forge a united international front against terrorism entered a new phase today as the UN Security Council began examining reports on how governments are complying with council requirements for strengthening national laws against terrorism. With only a small number of reports published, it is clear there is consensus that action must be taken but not so clear against whom that action should be taken.

A Controversy that will come up during this phase of the Counter Terrorism Committee (CTC) work is the definition of “terrorist”. There is no internationally recognized definition of word. UN Resolution 1373 does not provide one and

negotiations on a draft comprehensive treaty on terrorism is stalemated over this problem. Therefore, governments in their reports to the Council define a terrorist in various ways.

The Asian Human Rights Commission, in its 10 December 2001 Message, “... The willingness of Asia’s governments to join the international coalition against terrorism... is part of their domestic political strategy to stifle dissent and to deny people their right to freedom of expression and association and, most importantly, their right to self-determination.”⁵

Already the government of India has labeled as terrorist Muslims in Kashmir seeking an alternative to the political and territorial *status quo*. Likewise, the government of China has pinned the world terrorist to the Uyghur movement of Muslims in Xingjian Province who desires a homeland for themselves (East Turkistan). Similarly, Prime Minister Mahathir Mohamad in Malaysia has sought to link the main Malay opposition party, Parti Islam Se Malaysia (PAS), with the Malaysian Mujahidin Group (Kumpulan Militan, Malaysia or KMM, a reportedly militant Islamic group) in order to discredit PAS and reinforce the Malaya community’s support for Mahathir’s United Malays National Organization (UMNO).

B. Countering “terrorism”, Protecting Human Rights: UN Secretary—General Kofi Annan, in his address to the UN Security Council gathered to evaluate the results of counter terrorism measures 3 months after September 11:

“We should all be clear that there is no trade-off between effective action against terrorism and protection of human rights. On the contrary, I believe that in the long-term, we shall find that human rights along with democracy and social justice are one of the best prophylactics against terrorism... It will be self-defeating if we sacrifice other key priorities—such as human rights— in the process (of preventing terrorism).”⁶ Human rights groups warned late in 2001 that some governments were likely to use the Security Council mandate to smear and attack political opponents.

Human Rights Watch, in its annual report, said in 2001 that some states, including US allies in its war in Afghanistan such as Saudi Arabia, Egypt, Russia and Uzbekistan, are using the anti-terrorism campaign for illegitimate ends. The advocacy group also criticized the United States for not following international humanitarian law in its treatment of prisoners captured in Afghanistan.

Asian Human Rights Commission said, in its 10 December message that “the war on terrorism in Asia can easily become a war on human rights in the region.”⁷ To combat terrorism rather than fight the violence of terrorism with further state-initiated violence the world must of all address people’s poverty and ensure that functioning institutions of justices are in place. There must also be recognition and respect for people’s human rights—their social and economic rights as well as their civil and political rights. Without proving hope in the form of alleviating

poverty and offering a forum for grievances to be fairly decided, terrorism will be seen as an answer to despair.

C. International Law: UN Security Council. Counter-Terrorism Resolution 1373.

From the UN Wire report:

“... The Council’s counter-terrorism resolution. 1373, which was unanimously adopted two weeks after the September 11 terror attacks on the United States, contains a long list of legally binding demands on member states to suppress and prevent terrorism. The CTC was set-up by this resolution to monitor nation’s implementation of the resolution. This is the second 90-days period in the life of the resolution. The first phase, which ended December 27 was simply to collect national reports and provide technical assistance to “the willing but less capable” states, in British Ambassador Green stock’s words. Shortly after the committee was established, Green stock said, “It’s not the role of the CTC at this stage to pursue any state in a law enforcement sense. ... It is not getting into the business of scrutinizing national legislation.”⁸

Unlike submissions to General Assembly requests (the import and export of certain categories of weapons, for example), which are accepted without comment or criticism, reports to the Security Council will be evaluated for their varsity. Until now, these reports have been transmitted to the Council without comment, but the CTS have appointed six outside experts to help the committee evaluate the

reports. So far, 123 of 189 UN member-states have submitted reports. Only 27 have been published, pending translation into the world body's six official languages.

The six experts who will assist the committee in evaluating reports are: *Walter Gear* of Austria, *Heidi Broekhuis* of the Netherlands and *Joel Sollier* of France are experts in international law; Col. *Benedicto Jimene— Bacca* of Peru is an expert on police issues; M.R. Sivraman of India specializes in financial controls, including hawala, the informal banking system common in the Middle East and South Asia (a system the United States believes was used by suspected terrorist mastermind Osama bin Laden to finance his Al-Qaeda network without detection); and Jeremy Wainwright of Australia, a counter-terrorism expert.

When asked why there is no expert on Islamic law. Green stock said such a person had been identified but is currently working for the United Nations in a different capacity and will join the team later. The Amnesty International letter said the group is concerned that none of the six are experts in human rights and urged the Council to appoint such as expert. The United Nations General Assembly has repeatedly condemned terrorism. Thus resolution 49/185 of 23 December 1994, entitled "Human rights and terrorism", reiterates the General Assembly's unequivocal condemnation of all acts, methods and practices of terrorism, as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and

having adverse consequences on the economic and social development of States. It furthermore deplors the increasing number of innocent persons killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which, it states, “cannot be justified under any circumstances” (Preamble). The resolution calls upon States to take all necessary and effective measures in accordance with international standards of human rights, to prevent, combat and eliminate all acts of terrorism wherever and by whomsoever are committed, and urges the international community to enhance co-operation in the fight against the threat of terrorism at national, regional and international levels. In 1996, the Conference against Terrorism was organized in Sharm el-Sheik (Egypt).

The UN Charter. Article 51 provides that nothing in the present character shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nation. A literal interpretation of this clause would rule out using force until another state had actually launched its attack, which, in the modern age of weapons of mass destruction, would often be too late to respond successfully. Arguing that the UN Charter was not meant to be a ‘suicide pact’, governments and legal scholars have long maintained that Article 51 should be read as permitting neither ‘anticipatory’ nor ‘pre-emptive’ self-defense in the context of an imminent and overwhelming threat.

It is noteworthy that the equally authentic French version of article 51 uses the phrase ‘aggression armee’, meaning ‘armed aggression’, instead of the more

restrictive term 'armed attack' contained in the English version. The right to respond to armed aggression would include the right to respond to credible threats, since aggression can exist separate from and prior to an actual attack.

D. International Law: Campaign against Terrorism and Protecting Human Rights.

Most experts agree that terrorism is the use of threat of violence, a method of combat or strategy to achieve certain goals that its aim is to induce a state of fear in the victim, that it is ruthless and doesn't conform to humanitarian norms and that publicity is an essential factor in terrorist strategy.

Terrorism is unequivocally defined as the deliberate and systematic murder, maiming and menacing of the innocent to inspire fear for political ends. The General Assembly's Legal Committee on 21 November approved a draft resolution strongly condemning all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed. Approved without a vote, the text which went to the Assembly for adoption calls such acts "unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them."⁹ It recommended that the assembly urged all states to become parties to the relevant conventions and protocols, including the conventions for the suppression of terrorist bombings and the financing of terrorism. Terrorism is a serious but not a useful legal concept since it covers too many different actions and

circumstances. For the present purpose this phase of the book address only terrorism that has an international dimension is the object of discussion.

State law subject to international legal limitations of general applicability governs individual terrorism. Any state may apply and enforce its laws against terrorist activities committed in its territory. In some circumstances, a state may apply its laws to terrorist activities committed outside in its territory, subject to general limitations in international law on the exercise of jurisdiction by States. Enforcement is of course subject to general human rights requirements: even terrorists are entitled to due process of law and International law does not address acts of individual terrorists; it addresses States that are implicated in such terrorist activities. External support for domestic terrorists raises issues in intervention in internal hostilities. The international system's commitment to the impermeability of States helps a "rogue State" that is prepared to practice terrorism to mask its involvement. A state's refusal to extradite a terrorist raises questions under particular treaties and under the accepted exception to extradition for political offences.

Every state is required to afford protection against terrorist activities to foreign diplomats and foreign nationals generally. Every state is required to do what is necessary to prevent its territory from being used for launching terrorist attacks on another state's territory, or against its diplomats, nationals or property. A state's failures to take such steps any encouragement or condonation by state of such activities in its territory, surely State sponsorship of terrorist activities against

another state, are clear and serious violations of international law. When terrorist activities for which a state is responsible are of sufficient magnitude, they may constitute a use of force against the territorial integrity of the target state in violation of Article 2(4) of the Charter, and in some circumstances may amount to an armed attack.

Complicated legal issues arise when terrorist activities are of unknown provenance and especially when there is an attack on personnel of one state in the territory of another state. Are such activities a use of force prohibited by Article 2(4)? An armed attack? Against the territorial state? Against the state whose personnel are targeted? Politically as well as legally, the response of the international system, and of individual states, is troubled by uncertain facts— by the uncertain identity of the terrorists, uncertainty as to whether terrorist activities are sponsored by a state, and if so, which State.

The case of Libya and the United States in 1986 highlights some of the difficulties of developing and applying international norms to terrorist activities. Declaring that the Libyan Government was responsible for terrorist acts in Europe, including the bombing of a night club in Berlin frequented by United States Servicemen, in which one soldier was killed and many wounded, the United States responded by bombing targets in Libyan territory. President Reagan described the attack as “fully consistent”¹⁰ presumably because, in the view of the United States, the terrorist act (or acts) constituted an “armed attack” justifying the bombing as a use

of force in self-defense.¹¹ The bombing of Libya by the United States was widely

condemned and the claimed justifications widely rejected.¹²

The inter-state system and its commitment to state values tend to discourage a state victim of terrorist activities from responding by attacking another state based on unproven (and often improvable) suspicions that the latter was responsible for the terrorist attacks. When evidence of such state sponsorship is clear and strong, there are nonetheless difficult legal issues as to the permissible response.

Before the United Nations Charter, international law permitted a state to use some force in reprisal for a violation of law (following a demand for reparation) and permitted force in self-defense broadly construed, but the permissible response was limited by principles of necessity and proportionality. Since the United Nations Charter, Article 2(4) prohibits reprisal, and the use of force is permitted only in response to an "Armed attack." It is difficult to make an "armed attack: out of a limited, isolated terrorist attack or even a few sporadic ones. It is difficult to accept a general bombing as a "necessary" and "proportional" response to a terrorist attack. It is difficult to justify such a response if one balances competing state values or even competing human values.

Surely the appropriate response is not counter terrorism or other forcible intervention in another state (even if one is confident of that state's responsibility for the terrorist acts.) But some response to terrorism is surely necessary and therefore must be permissible. Perhaps the system must develop collective finding

of facts and collective responses. Unless the international system develops effective lawful response, target States will be hard pressed not to use some measures and tempted— as was the United States— to use force.

E. State Autonomy and International Systems:

In an international system committed to state autonomy and independence, the norm of the United Nations Charter prohibiting the use of force by one state against another crucial. The right of a state Victim to defend its own independence and autonomy (or those of another state) against violation of the Charter prohibition also goes without saying. But both the prohibition norm and the right of “horizontal enforcement” of that norm in self-defense must be carefully defined so as to promote and ensure the underlying values. State autonomy and independence, State impermeability and pursuit of its own happiness, are not to be sacrificed to desire by other States to use armed forces to Promote other values; inter-state justice, self-determination, socialism, or even democracy and respect for human rights. Even if the international system were unanimous in its dedication to those values, even if one could assure that a use of force against another State is in fact designed to achieve that benign result, will in fact assure that result and will be “worth” the cost, the system resists it and in the author’s view does well to resist it. In fact, however, the values claimed to justify the forcible violation of another state’s independence and autonomy are difficult to define; the motives and designs of states purporting to further those ends are at best ambiguous and often specious and hypocritical; the costs to the victim state

and its inhabitants and to the values of the inter-state system are inculpable and usually exorbitant. We do well then, to reject all “benign” exceptions to Article 2(4). We do well seek to assure that Article 51 serves only to permit and promote authentic response by a victim to serious violations of Article 2(4)—armed attack. The system must struggle to find remedies for injustice, means to promote democracy and human rights, responses to the scourges of terrorism and drug smuggling, so that states will not be tempted to seek unilateral solutions by force— often the “instinctive” response from frustration, though it rarely serves its alleged purpose and is often destructive of State as well as human values.

In fact, the system, and states generally, have recognized the paramount importance of the Charter norms. Even with the frustrations of finding a peaceable response to injustice, to terrorism and drug smuggling, the threshold of temptation for states to use force against other states has remained much higher than it was before the Second World War. There has been much fighting, but the very large parts of the hostilities that have violated peace during the region of the law of the Charter have been different from those of the pre-Charter era. They have been internal, ideological wars, inspired, sometimes instigated, and generally supported by ideological and political sponsors, the super-powers and the allies and surrogates in a divided, bipolar world. The United Nations Charter has been of marginal relevance and the international system has been too relevance and the international system has been too risen to maintain traditional norms or to develop

new ones to constrain those wars of intervention and counter intervention, the subject of the next theme.

F. The actions and initiatives of the civil society:

What about the rest of civil society? Is everyone else ready to take this stand? Hopefully they are but this may not necessarily be the case. A number of conceptual confusions still haunt us. The same courage that we will need to stand, perhaps alone, in the midst of widespread and blind anger, to demand that all states respect human rights in this war against terrorism, will also be required to define, with absolute clarity, what we really stand for and what we are definitively opposed to. It is important to point out that civil society, too can have negative influence on our values. We must ensure that intolerance, violence and hate, even in pursuit of higher cause, are not part of the agenda for the 21st century. They were very much part of the movement in the last one hundred years and the results are there for all to see. A world of freedom, social justice and participatory democracy cannot be created through the same political vision and culture that brought us the toleration and repressive regimes of the left and right in the 21st century.

To this end, the actions and initiatives of civil society in future demonstrations and global protests should be democratically discussed by, and based on, the consensus of the social justice movement as a whole. It is our responsibility to prevent states from taking advantage of any violent initiatives by a minority group of protesters in order to arbitrarily criminalize as “terrorist” what is, in fact the

highest expression of the legitimate, democratic and non violent citizen's movement for expanding democracy and defending social inclusion and human rights for all. Planning and coordinating is necessary to ensure that such demonstrations do not provide ammunition to the defenders of the *status quo* in their efforts to turn public opinion against the protestors and to suppress all dissent regarding the current global economic order.

Civil society organization must play a curricula role in the campaign against terrorism, but to do so they must not be reactive, waiting for events to unfold by themselves. Rather they must be proactive immediately demanding full respect for human rights and international humanitarian standards from all parties involved in this conflict. They must also play a crucial role in ensuring that this campaign will be aimed at stopping all forms of terrorism and be waged against terrorist forces. But most importantly, they must push the international community of states to come forward with some genuine and permanent solution to the challenge of uprooting all forms of terrorism once and for all. We cannot wait for some thorough and impeccable academic analysis of this conflict. The time to act is now. Either civil society organizations seize the initiative or they will be dragged by the initiative of others.

Without abounding their own national efforts to bring the World Trade Center criminals to justice, it is important to bear in mind that the USA could also make an immediate and important contribution to the struggle against terrorism by simply restoring its support to the establishment of the International Criminal

Court (ICC). Lobbying with these countries to get universal acceptance of the jurisdiction of ICC and cooperating with its mechanisms might prove to be a safer response to terrorism than launching massive military strikes against Afghanistan. If the Statute of Rome were amended, perhaps the ICC could judge terrorists that have committed crimes against humanity. If every state would come to recognize, cooperate and respect ICC, then the USA- as well as other countries— would be able to see at least some of the criminals they have been after, finally judged and sentenced. At the same time, the universal recognition of the legitimate role of a transnational entity such as the ICC in this struggle would prevent any country from becoming the one and only judge, jury and executioner in the war against terrorism.

What we must understand after a very violent 20th century is that criminal actions, intolerance and the politics of hate are not a solid foundation for the creation of a just and democratic world in which all individuals are able to fully exercise their rights. In the past, the path taken by the oppressed to achieve an egalitarian, fraternal and free society has often brought only new nightmares. On the other hand, the “Powers that be” should remember Kennedy’s wise statement; “those who make social change impossible make revolution inevitable.” That was the idea behind the short-lived Alliance for progress in the Americas that he initiated (together with a vast counter urgency program to contain revolutions already on their way) in the 1960’s. The paradox of trying to bring about change while supporting the forces of the status quo was at the Alliance’s relative failure.

Today, the international economic order is too unfair to provide global governability. It is and will be challenged by all those who are excluded from its benefits as well as by all decent people who simply believe in justice for all and for few. More than just a military response will be required to put terrorism definitively to an end. New ideas, rather than new weapons are needed in the quest for democratic and sustained development. An environment that encourages social and sustainable development is the best shield against all forms of extremism. We will need as many or more specialists trained in the art of peaceful resolution of conflict as those trained in waging military operations.

But to expand the concept and scope of democratic institutions in order to be able to eradicate poverty and other underlying causes of social justice, we certainly do not need self-described “freedom fighters” that dedicate themselves to blowing our innocent peoples into pieces. We need more activism and mobilization from civil society to bring about true global negotiations for a new, socially inclusive, economic order. We need more human rights and development NGOs embracing economic, cultural and social rights as part of their democratic struggle for civil and political liberties, instead of more terrorists killing people in the name of life. We need more citizens’ organizations to demand from the Israelis and Palestinian authorities to immediately and effectively stop their escalation of violence in the Middle East and to formalize a peace agreement from which they could move towards a broader and more comprehensive treaty. We need global citizens to

demand respect for human rights within the context of this conflict even if that means standing alone in this moment of understandable anger.

The bad news is that terrorists are spread all over the world and can produce a lot of damage in the short-run unless they are immediately and forcefully confronted. The good news is that we have come to the point its ramifications affect where almost everyone is or coupled. Ironically, this is what makes a global consensus feasible. The possibility of all states, once and for all, rejecting terrorism as a tool for advancing any ideological or political global has been furthered. Without state support, facing international cooperation to uproot not only their military, but also their social and financial bases, terrorist organizations, coming from different ideological and political latitudes, to clearly reject terrorism as a political tool. It is about time that everyone agrees—states as well as civil society— that every person's life, whatever race, religion or belief has the same value.

Terrorism is a global phenomenon that operates in different manners, aligns itself with a variety of ideological persuasions and comes to existence in different geographical locations. There is no one solution or plan proof action that will put it out of business. A combination of measures and policies ranging from the use of intelligence and the military to diplomatic, economic and social incentives are needed to first neutralize and then uproot terrorism.

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