None of us needs to be reminded about the dangers that terrorism presents to human life, welfare and global stability. Unfortunately, during the past years, the threat has only become more dangerous and more lethal. From Iraq to Yemen and from Afghanistan to Pakistan, terrorists are more often just killing innocent civilians. In the recent days, the Russian Federation has seen terrorism in its most horrendous form, again killing indistinctly innocent civilians. We must take the occasion of this conference to publicly pay tribute to the victims of terrorism which are too often forgotten of our international debates.

Unfortunately, we should also keep in mind that terrorism is a threat which destabilizes or consumes Member States. In the meantime, it is also increasingly apparent that no action against terrorism would be sufficient unless all major determinants of international, regional and national policy-making are attuned to the threat posed and committed to dealing with all aspects that affect the fight against terrorism.

In the past, the international community has acted to combat terrorism through national actions, international cooperative mechanisms, or Security Council resolutions legislating for the whole world. Each initiative was useful in its own particular way.

Massive national actions, often through the use of force, have been conducted. The Council’s resolutions have been critical in ensuring that terrorists and their supporters are not given the space to hide or conduct their murderous activities anywhere in the world.

However, we would be remiss if we failed to recognize that the threat of terrorism and the efforts to combat that threat affect more areas than just security or law enforcement.

Terrorism today has links to many more issues than just explosives or border control, and counter-terrorism should be broader than military action or security force initiatives. Other more subjective elements, such as conflict prevention, political negotiations, criminal justice procedures, education, inter-cultural dialogue, institutional development, poverty alleviation and the protection of human rights are equally important aspects that the international community cannot afford to lose sight of in the fight against terrorism.
Actually, these broader issues that I have just mentioned may sound distant to the threat of terrorism. However, they are at the core of the principles and purposes of the United Nations, as spelled out in its Charter. Member States of the United Nations, who are signatories to its Charter, must abide by the principles of peaceful negotiations, respect for human dignity, intercultural harmony and human rights for all.

Indeed, terrorism is a global threat has to be met with global solutions. It is with that global consensus in mind that in 2006 the United Nations General Assembly adopted the United Nations Global Counter-Terrorism Strategy – a document that for the first time encompassed a comprehensive, holistic and preventative approach to counter terrorism that had the universal approval of all Member States. Late last year, the General Assembly re-affirmed its belief in the need to implement the Global Strategy through the institutionalization of the Counter-Terrorism Implementation Task Force (CTITF) within the United Nations. CTITF has been mandated by the General Assembly to coordinate system-wide activities which help Member States implement the Strategy.

The thrust of the Strategy can be summarized as follows:

One, all acts, methods and practices of terrorism are criminal and unjustifiable, wherever and by whomever committed.

Two, terrorism must be stopped not just through immediate law enforcement mechanisms. Yes, we know that law enforcement, intelligence services have to be used against terrorism. Of course we particularly value the work of those aspects of the counter-terrorism activities and we are perfectly aware of their primary necessity. However, terrorism must also be strategically tackled through long-term measures that would deny terrorists the ideological space to operate, long term development perspectives, education and criminal justice are equally essential elements in countering terrorism.

Three, the United Nations and its international partners must garner the invaluable treasure of national and regional efforts, accessibility to populations and universally-embraced principles in a coordinated manner to counter terrorism from a variety of angles. In this context, I would particularly like to emphasize the role of the regional organizations and their political commitment as well as their expertise.

And four, Countering terrorism cannot and must not give us an excuse to trample upon our common and cherished values of protecting human rights, human dignity and international humanitarian law.

Indeed, international peace and security at the global level cannot be achieved without respecting those four aspects of the Strategy.

These are the four elements, and more specifically the need to counter terrorism in the
overall framework of the rule of law, human rights while countering terrorism as well as the respect of the International Humanitarian Law which are at the center of our common preoccupations of today. As I just mentioned before, the United Nations have placed this matter at the highest level on the international agenda. Equally, those critical aspects of the counter-terrorism activities is at the first place of this conference of today on Counter-Terrorism Strategies, Human Rights and International Law: meeting the challenges--

This is exactly the reason why the conference is so important for the international community and, if you allow me, is also close to my heart. May I take this opportunity to congratulate the government of The Netherlands and more specifically the Ministry of Foreign Affairs and the Ministry of Justice which always stand very clearly for this holistic approach and without the support of which the conference could not have taken placed and the report could not have been produced. My deep appreciation also goes to the Grotius Center for International Legal Studies which deserves credit for organizing this gathering on such a pertinent subject and more over for the presentation of this valuable report. In such a context let me praise the work of all the experts coming from a very broad spectrum and more specifically, if you allow me of Dr Larissa Van Den Herik and Pr Nico De Schrijver without whom this conference could not have taken place this report could not have been produced.

I am really appreciative for the tremendous value of joint ventures between Member States and academic institutions. Moreover we should also salute the fact that you have involved in your work several components of the civil society as well as independent experts of Non Governmental Organizations coming from all the parts of the World. Without them, the report could not have reflected essential views necessary to our common endeavor. The necessity of the interface among all the relevant actors has been here fully taken into account and constitutes an example which I will for sure, bring to the attention of the international community and of course also to the representatives of the various entities of the Counter-Terrorism Implementation Task Force. Hence, I would like to say that your work profoundly benefits the United Nations, for which we are grateful. I hope that my remarks here would, in return, contribute to the very meaningful exchange at this conference.

Your work was, after all, in direct connection with the Strategy and perhaps even more specifically, at least under some aspects, with its fourth pillar. The message of the Strategy is clear: “the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the promotion of human rights are not conflicting goals, but complementary and mutually reinforcing.” Also, the critical role of the Criminal Justice System is well underlined under this pillar. May I take few minutes of your time to underline how much the role of the Criminal Justice is essential in countering terrorism. All of us speak about the international legal instruments are important in our fight against terrorism. Nevertheless, without robust and impartial criminal justice systems, those instruments cannot just be enforced. We also speak very often about international cooperation in criminal matters among States as a key element to defeat terrorism. Without true confidence among the criminal justice systems of the different parts of the
world, Security Council Resolution 1373 which prescribes that terrorists have to be brought to justice cannot really be implemented. There is also a direct consequence of weak and unreliable criminal justice: lack of rule of law and as a consequence of that, more use of force and even more unlawful use of force. Failure of Justice means also more violation of Human Rights. May I launch an appeal here to provide countries in need with all the necessary support for the reinforcement of the independent and fair criminal justice systems without which the essential rule of fair trial cannot be applied but also without which victims of terrorism cannot receive legitimate restitution and compensation. In this regard, the role of regional organization, including, of course the European Union is essential.

Still I do not wish to miss the key part of the work of this distinguished panel on the necessary proportionality of the use of force in response to the terrorist attacks as well as all the necessity for counter-terrorism actors to pay particular attention to the critical and sometimes complex interplay between International humanitarian Law and Human Rights Law.

May I also say that your activities are perfectly coherent with the work of the Counter-Terrorism Implementation Task Force?

Indeed, the activities of its constituent entities are consistent with and supportive of the objectives of the Strategy. CTITF does that in three ways:

First, CTITF benefits from the participation of the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Development Programme(UNDP), the Office of Legal Affairs (OLA), the Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism, the United Nations Educational, Scientific and Cultural Organization (UNESCO), as well as others, as its key member entities and observers such as the High Commissioner for Refugees (HCR) or the Office for the Coordination of Humanitarian Affairs (OCHA). The presence of these entities in the Task Force provides them with the opportunity to be part of the counter-terrorism policy-making and coordination work within the Task Force. Their participation in CTITF activities ensures that the United Nations’ role in combating terrorism adequately and effectively enshrines the principles of human development, human rights and the rule of law. This also works in reverse: OHCHR, UNDP, UNESCO and other developmental, human rights and humanitarian organs of the Organization also become more aware of counter-terrorism concerns and incorporate counter-terrorism elements in their normal activities.

Second, CTITF has established a Working Group on Protection of Human Rights While Countering Terrorism, which is led by OHCHR and is comprised of several other member entities of the Task Force. Over the course of last year, this Working Group has been active in the creation of basic technical reference guides. These documents aim to provide guidance on how human rights compliant measures can be followed in a number of issues that relate to countering terrorism. Currently, the Working Group is busy with
preparing several guides on topics ranging from detention to proscription of organizations to the principle of legality in national counter-terrorism legislation. Once the reports are completed, the Working Group will embark on holding a series of regional workshops where it will seek to train police officials, lawyers, prosecutors and legislators on these topics in order to ensure that the findings contained in the Guides are adequately implemented in practice. At the time, I would like also to thank the government of the Netherlands to its support to this particular working group which demonstrates the coherence of its approach towards the comprehensive vision of its counter-terrorism strategy.

Third, supporting the victims of terrorism is, as I mentioned before essential in order to help in restituting, compensating and assisting victims of terrorism. Members of this distinguished audience should recall the Symposium on the Victims of Terrorism held in September 2008 at the General Assembly. The Symposium marked the first time when victims of terrorism were given a face, a voice, an international audience and a platform to share their heart-wrenching stories with so many people around the world. CTITF is also working closely with one of its agencies, UNODC, which has a mandate on assisting victims of terrorism, in channeling assistance to Member States in order to help them develop legislation on assisting victims. Furthermore, CTITF was invited in the last meeting of the1566 Working Group of the Security Council during which existing models on the compensation of victims were mentioned. Here our common objective under the guidance of the Secretary general who attached a great importance to that issue is of ensuring that victims of terrorism are given the attention they deserve.

In the coming months, the Working group on Victims of terrorism intends to 1) developing a virtual platform or web-portal that can be used as a forum for victims, experts, government officials, service providers and civil society to share information, resources and best practices on supporting victims of terrorism. 2) The development of a study/guide of best practices for providing financial support to victims of terrorism, based on existing national practices. The Working Group works closely with notable civil society organizations, such as the Global Survivor’s Network, which is a group of victims of terrorism and their family members who use community events, engagements through the electronic media, including the internet, and even documentary film productions to show that terrorist violence is never acceptable. We equally partner with the Center on Global Counter-Terrorism Cooperation on a series of projects on supporting victims, starting soon in April 2010, when media training programme for victims of terrorism will be undertaken.

The above CTITF efforts are in addition to what the Task Force’s entities are doing or have done on their own in emphasizing upon States the importance of safeguarding human rights in their counter-terrorism policies and in establishing independent and transparent judicial systems that uphold the supremacy of the rule of law while countering terrorism. For example, the three key entities of the Task Force on countering terrorism are: the Counter-Terrorism Committee and its Executive Directorate (CTED), the Al-Qaeda and Taliban Sanctions Committee and its Monitoring Team, and
the United Nations Office on Drugs and Crime’s Terrorism Prevention Branch. All three entities have worked together towards ensuring that their respective mandates adequately cover human rights and rule of law concerns.

The Counter Terrorism Committee of the Security Council (CTC) established in 2006 a policy guidance on human rights in its interactions with Member States, emphasizing that international human rights, refugee and humanitarian law are safeguarded in States’ implementation of Security Council resolutions 1373 (2001) and 1624 (2005). Similarly, the Al-Qaeda and Taliban Sanctions Committee recognized the human rights and rule of law element in its work in recently establishing an office of the ombudsperson to assist the Committee to improve and bring consistency to the delisting procedures of entities and persons that are put on its Consolidated List. In this context, I would like to recall the essential role of the Court of Justice of the European Union and of its decision in the Kadi case which has been a determining factor for the establishment of the Ombudsman. Once again, it is the proof that an independent justice system is a key element for progress in the area of the protection of specifics rights. It is also an evidence of the important role of regional organizations. UNODC/TPB, meanwhile, has worked extensively on national legislations, ensuring their compatibility with States’ international human rights obligations and promoting the rule of law.

I would also like to clarify one popular misperception that the absence of a definition of terrorism hampers the international legal framework on countering terrorism. Yes, we have already, as mentioned in the report which is submitted to us today sufficient international sectorial instruments to cover the immense majority of the acts of terrorism committed in the world. Yet, killings of civilians and not protected persons with weapons which are not explosives are not covered by the current sectorial instruments if they are not committed in specific places covered by the International Civil Aviation or International Maritime Organization Legal Instruments. In addition, there is a desire which is very often expressed to have a general definition of terrorism. Here, we have to make clear that, due to the principle of legality which is fortunately very strict in criminal law, even in international criminal law, we should speak more specifically of a definition of acts of terrorism covering all the aspects of the terrorist activities. To provide you with a comparison, we have no general definition of transnational organized crime and still the international community agreed on a comprehensive Convention against Transnational Organized Crime. In the same vein, we have no general definition of corruption and still we have a comprehensive United Nations Convention against Corruption. In both conventions, there are the acts covering all the aspects of the criminal activities undertaken in the TOC or in the Corruption field which are criminalized. This is probably what we need to try to do in the area of terrorism. Finally, we should also mentioned that the agreement has, even now been reached on the nature of the acts. Still, unfortunately, the scope of application is under discussion. We should just hope that, once the distinction has been made clear between the activities of the various persons and entities which should be covered or not by the Comprehensive Convention, we will be in the position at the UN to have a consensus on this issue.
Mrs Ministers,
Excellencies,
Ladies and Gentlemen

The Charter of the United Nations clearly spells out our collective objective: to save our future generations from war, to reaffirm faith in fundamental human rights and to establish conditions under which justice and our international legal obligations can be maintained. Terrorism, as we all know, flies in the face of all the principles and purposes of the United Nations Charter. Terrorism is in fact a challenge to human rights – a challenge to the most basic right: the right to life – and it is our collective responsibility to counter it.

In our efforts to counter terrorism globally and at home, we must recognize that limiting our focus entirely on militaristic, police and harsh law enforcement measures will in the long-run weaken what we need most in this fight against terrorism: the support of the people. Counter-terrorism measures must be more broad-based, and, in effect, people-centric. If States do not adequately give due regard to the protection of the rights of their citizens, it would only cause the citizens to grow more hostile to their governments, which would make it more difficult to fight terrorism, and in fact provide terrorists an opportunity to benefit through potential recruitment. In order to prevent that from happening, we must not allow ourselves to deviate from our obligations to honor the dignity of human life, to respect individual freedoms, to protect the independence of a fair judicial process. This is the immense value of the work of the Grotius Center and of its for International Legal Studies supported by the government of the Netherlands to have understood perfectly this critical aspect of our Counter-Terrorism Global Action. It is essential that our joint commitment to our timeless ideals and to our belief in humanity endures, since otherwise, we will have lost our battle against the terrorists.

Thank you