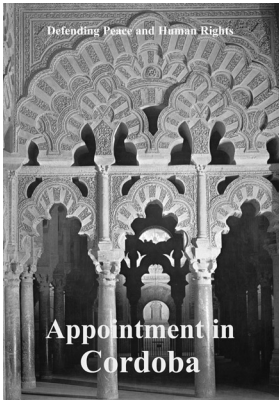


‘War on Terrorism’ – War against Human Rights

Bahey el din Hassan



The author, Director of the Cairo Institute For Human Rights Studies, read this paper at the Cordoba seminar.

There is almost a consensus amongst analysts of terrorism world-wide that it is the outcome of many interwoven factors – political, economic, social and cultural. Their analyses have not changed much since September 11, 2001, despite the intense light shone on the Islamic background of the Al Qaeda group accused of planning and perpetrating these attacks.

This explanation of the growth of terrorism can be summarised as follows: ‘the North’s marginalisation of the South; the growing neglect of the poor and underdeveloped countries; the North’s short-sighted and misguided emphasis on economic rather than political forces in determining the development of the world; the expanding gap between power and the rule of international law, and a keenness on the part of some Northern states to exploit this gap in furthering their interests across the globe; the sharp contradiction in the North’s foreign policy with respect to Palestinian rights, especially the United States’ blind support of Israel; the support of some corrupt and despotic regimes in the pursuit of self-interest, profit and geopolitical power, and the undermining of economic, social and political human rights in the South.’*

Such an understanding of terrorism cannot be traced in the conduct of the current ‘War on Terrorism’, which is dominated by its security and military character clearly embodied in the United Nations Security Council resolution no. 1373 of September 28, 2001. This totally neglected the strategic tasks which are highly relevant to the political, social and cultural environment in which terrorism incubates.

At an early stage, many observers and analysts expressed their concern about how the ‘international campaign against Terrorism’ was

*The Final Report of the International Conference on ‘Terrorism and Human Rights’ January 2002. Cairo Institute For Human Rights.

being managed. They were particularly concerned about the solo management of the campaign by the United States, and the marginalising of the role of the United Nation, as well as the use of almost exclusively military means whilst ignoring the interrelation between security and respect for human rights. Further cause for concern was given by other states using this climate to strengthen their control over minorities or peoples subject to their occupation. This is what really happened in Palestine and Chechnya. It aggravates, rather than impedes, terrorism because the 'War on Terrorism' itself nourishes the soil incubating terrorism. This process is represented in the following ways .

Firstly, the 'War on Terrorism' exhibits disregard for and irresponsibility towards international law and the institutions of the international community. This represents an incitement to all parties – groups, peoples and states – to resort to violence for resolution of conflicts and the attainment of rights. In turn, this further marginalises the institutions of the international community and degrades the moral and political status of international law. This disdain reached its utmost in the position of the United States with respect to the International Criminal Court (ICC), when it withdrew its signature to the convention establishing the Court and urged other states to do likewise. Furthermore, the United States has concluded bilateral agreements – based on blackmail – with other states to protect American soldiers from prosecution by the International Criminal Court. A draft bill has been submitted to Congress that would allow the United States to undertake military operations to release American soldiers who may be detained pending trial in The Hague. This bill is known as the 'Netherlands Invasion Bill'!!!

Secondly, the 'War on Terrorism' explicitly violates human rights world-wide, both in practice and legislatively, including both Europe and the United States. Laws have been enacted that severely circumvent freedoms and civil rights, including the rights of political asylum-seekers and migrants. Several Third World and Arab countries have followed suit, enacting more restrictive legislation and claiming as justification similar acts by countries of the North. Advocates of democracy and human rights have been harassed and arrested, and many of them have been subjected to unfair trials. It is most unfortunate that the hysterical climate created by the September 11 attacks has made the 'War on Terrorism' an actual war on human rights.

Human rights considerations were set aside. Rules of international humanitarian law were blatantly violated during the war launched by the United States in Afghanistan in the name of the international coalition against terrorism, in co-operation with the Afghan armed factions opposing the Taliban regime. It has become difficult to discern between states with major democratic traditions and third world authoritarian regimes in the contest for restricting civil freedoms, undermining human rights guarantees and privacy, and adopting exceptional measures that threaten the rights of minorities and asylum-seekers in the name of security, stability and combating terrorism. When human rights are undermined in democratic states of international weight, such as the United States, which are

supposed to be followed as examples, it amounts to giving a free hand to dictatorships and authoritarian regimes in the world to violate human rights without being held accountable.

Thirdly, the 'War on Terrorism' exacerbates the 'Clash of Civilizations' scenario, and thus revives racial hatred against Arabs and Muslims in particular. Thus, since September 11, the political climate has aggravated racist tendencies towards Arabs and Muslims in Europe and North America, and allowed the spread of racist ideas closely related to the clash of civilizations and the discourse of mutual hatred between the West on the one hand and Arabs and Muslims on the other. Moreover, these racist ideas have become an ideological cover which is used by both parties to mobilise the forces of extremism, fanaticism and hatred of the other. This portends the undermining of the creative, global efforts to combat terrorism and ensure the most suitable conditions for cultural coexistence in a context of respect for cultural diversity and the right of different cultures to equal self-expression.

Fourthly, the 'War on Terrorism' aggravates feelings of injustice, shunning fairness and impartial solutions based on the principles of the right to self-determination, justice, equality and equity. Palestine is the most prominent example, where the Israeli occupation has been condoned and justified. The massacres committed during the last year have been allegedly advocated as a 'War on Terrorism', and as legitimate self-defence. Other examples include Chechnya, Kashmir and Iraq, which became the next victim of the so-called 'War on Terrorism'.

Bin Laden attempted to use the defence of the rights of the Palestinian people as a pretext to justify the September 11 crime and to endow it with legitimacy. However, the Israeli terrorist state of racist settler occupation was more successful in making use of September 11. It succeeded in portraying the legitimate right of the Palestinian people to resist the occupation and to self-defence against Israel's continued oppression, given the failure of international mechanisms to support it with assistance and protection, as a kind of terrorism that Israel has to deal with in the same way that terrorism was dealt with in Afghanistan.

Paradoxically, the United States did not wait more than 26 days before it launched a war in response to the September 11 attacks, whereas it vents its wrath upon the Palestinian people for not enduring 34 years of Israeli occupation and terrorism and 53 years of oppression, massacres and expulsions. Even worse, the United States gave Sharon, the war criminal, a green light to proceed with shedding the blood of the Palestinians. Meanwhile, it continues to impede any possible international mechanism for protecting the Palestinian people through its influence in the United Nations Security Council.

Throughout the past two years, the Palestinian people has been subjected to a brutal war in which the Israeli military have used Apache helicopters, F16 aircraft, tanks, armoured vehicles, and even naval artillery. The number of murdered Palestinians has reached 1,800, 20 per cent of them children. This is in addition to 7,000 injured children, 500 of whom are deformed for life.

In fact, life in Gaza and the West Bank has been totally paralysed. Gaza is totally isolated from the rest of Palestine. All the cities and villages of the West Bank are dispersed, and checkpoints have been established at all their entrances. The Palestinian economy has collapsed. Average individual income has decreased to US\$ 2 per month. More Palestinian agricultural lands have been swept away, particularly in Gaza. Gross national income has decreased by 60 per cent. Unemployment has increased to 50 per cent in the cities and 85 per cent in rural areas. Seventy per cent of the Palestinian people now live below the poverty line.

From moral, philosophical and practical perspectives, it has become difficult to distinguish between the discourse of terrorism as represented by Bin Laden's discourse, and the discourse of the 'War on Terrorism' represented in the discourse of the American administration. Both discourses are based on one orthodox and extremist philosophy which believes that the end justifies the means, and that the only means, regardless of their legitimacy, are force and violence. Both discourses are almost identical in their disdain of the philosophy of law, of international law, and of the institutions of the international community. They either refuse to recognise them theoretically (as in Bin Laden's case), or marginalise and dominate them (as the United States does).

Both discourses believe that the world is a jungle in which sovereignty is for the stronger. Thus the rule of law for both of them means nothing but their own laws, i.e. the rule of force.