



## Human Rights and Terrorism

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### 1. Introduction

We have seen that since last two decades, the world has witnessing violence and terrorism at both national and international levels. Many efforts have been taken up by the Government, national, and international organizations such as the United Nations and other international organization and humanitarian agencies. But could not brought any fruitful results. In the developing countries violence has become the order of the day. Terrorism and specially Terrorism by undisciplined arms forces has become a menace for the civil society. Thousands of people have lost their Uves homes and properties due to cross border terrorism.

Particularly in Asia, terrorism has changed the nature of human beings and society. The international community realized the inhuman activities only after the 11 September bombings of the world trade center and the Pentagon. It was the first time such an attack was experienced in the United States as well as the European Nations. George W Bush the president of America, have taken strongest measures to prevent such a tragedy. The citizen of USA felt insecure and express their dissatisfaction for the failure of the Federal Bureau of investigation. A similar incident took place back home in India when terrorists targeted the Parliament on 13 December 2001. This barbarian target was treated as the attack on the very symbol of Indian Democracy. As a result of which, this provided the government a more powerful argument to introduce a strong anti-terror laws in the country.

### 2. Objectives:

1. To ensure National and international safeguard of Human rights from terrorist activities.
2. To de-escalate terrorist activities in India and violation of Human rights
3. To create strong attitude against terror after 9/11.
4. To check new dimensions of terrorism.

### 3. An Overview on Human Rights and Terrorism:

Human right is relevant to Terrorism as concerns both its victims and its perpetrators. The concept of human rights was first expressed in the 1948 universal Declaration of human rights. The innocent victims of terrorism suffer an attack on their most basic right to live in peace and security.

The suspected perpetrators of attacks also have rights, as members of the family, in the course of their apprehension and prosecutions. They have the right not to be subject to for true or other degrading treatment. The right to be presumed innocent until they are deemed guilty of the crime and the right to public trial.

### 4. The "War on Terror" Focused Human Rights Issues

The Al-Qaeda attacks of September 11, the subsequent declaration of a "Global war on Terror" and the rapid development of strong counter terrorism effort made the issue of human rights and terrorism in to high relief. This is done not only in the United States, but in a number of countries who have signed on as partner in a global coalition to break down the terrorist net work.

Really after 9/11 a number of countries that violate the human rights of political prisoners and dissidents getting US sanction to expand their repressive practices. The list of such countries is long and includes China, Egypt, Pakistan and Uzbekistan.

The US Administration under the Captainship of Mr. Bush has taken significant steps for "Global war on terror" with European countries have also found advantage in restricting civil liberties for some citizens, and the European union has been accused by The UK, Australia, along human rights organizations of facilitating the rendition, the illegal detention and transport of terrorist suspects to prisons in third countries and where their torture is all but guaranteed.



By the human right commissions observation the list of countries who found it to their benefits to use terrorism prevention to intensity their own crackdown on political opponents, separatists and religious groups, asylum-seekers, refugees and others foreigners immediately following the 9/11 attack.

## 5. Human Rights and Terrorism

Terrorism and Human rights can not co-exist. They are mutually destructive of each other. Where there is terrorism, there can be no human rights where there are no Human Rights, there can be no respect for human dignity, life and democratic values. The Human Rights Character makes pointed reference to the duties of the state in protecting Human Rights and sparing the people from Governmental lawlessness Terrorism not only affects the human rights of many but also hinders the resolutions and settlement of disputes and conflicts by civilized methods The problems of Terrorism transcends all frontiers whether national, international political or Economic. Its solution calls for a global effort, International Co-operation and Trans-national action.

Post war liberalism has purposefully expanded the idea of human rights to include a whole spectrum of entitlements identified as rights that are to be satisfied by Governments Reciprocity in extradition of terrorists ought to be an international obligation.

How paradoxical it is that in the land of Gandhi from here the message of non violence sponsored and reached various corners of the world creating an indelible impression on the human mind. In India today, there is an increasing realization of the danger pose by terrorism to the national Mile and its polycentric effects on the country's future. Never before in the history of India was there a greater urgency and compelling necessity to rally round the constitutionally established Government to up hold the rule of law and democratic values, to protect national unite integrity and solidarity against the anti-social and anti-social agencies.

Terrorism and violence in its most aggravated form is throwing challenge which we can ill-afford to ignore lest, it may in course of time become the way of life of our people to achieve social and economic gains, political advantages superiority in bargaining.

Through out tyrannical regimes have used terror as an instrument of repression and the systematic use of terrorism by factions as an offensive or disruptive weapon against states and communities and against rival factions. Much factional terrorism is justified by its perpetrators on the ground that they are struggling against cruel and oppressive regimes, and that any means are justified-even the shedding of innocent blood Many terrorist movements are directly encouraged, sponsored and aided by regimes in order to weaken or subvert rival states.

A major obstacle in the way of a global strategy to stem terrorist violence is summed up in the now familiar saying "one man's terrorist is another man's freedom fighter

The cast of terrorism in terms of human life are low. Obviously they do not match but it is hardly sensible to compare them for terrorism is quite obviously a farm of low intensity violence. Terrorism clearly threatens and violates the fundamental human right to life and the security of person.

Terrorism is a serious world problem not because of the sheer amount of violence involved but it constitutes a threat to innocent life and rights Not only does it challenge the concept of an international rule of law, it also directly attacks the national legal systems Acts of terrorism constitutes crimes under the codes of practically every states in many countries the activities of terrorist gangs present a serious obstacle to the law and judicial process Syrian At-awite and sunny Moslem extremists are engaged in sectarian terror war. Islamic fundamentalist in Iraq and Iran have increased their activities by violating human rights.

The United Nations measures on human rights are directly applicable to the case of terrorism. The universal Declaration of human rights in addition to guaranteeing the right to life, liberty and security of the person also states that no one shall be subjected torture or to cruel, in human or degrading treatment or punishment. The right to enjoy freedom from fear is stressed in the preambles of both the international covenant on economic social and cultural rights and the international covenant on civil and political rights. Under Article 6 of the latter, no one shall be arbitrarily deprived his life.

Terrorism and civilized society can not co-exist. It is to be one or the other any one who seeks to talk with gun in his hand has to be replied to by a gun According to Khushwant Singh the Gandhian method can not work when one is up against the phenomena of terrorism However, the real question to which we have to find an answer is, what Exactly is it that turns a law-abiding citizen in a civilized society to give up civilized methods of protest of ventilating his grievances in legitimate ways and instead take the law into his own hands and use the gun as an argument Khushwant Singh asserts that it is same kind of idealistic objective which they want to achieve and it is practiced largely by the educated and reasonably affluent class

## 6. The Blow on Human Rights

At present, both the world at large and India in particular, face challenges in the task of protecting human rights of common people regardless of the country they belong to. No country in the world can be said to be free from the the deadly scourge of terrorism With the help of strong net work, terrorism continuing to target innocent and defenseless people the task has been



challenging for the institutions around the world These are turbulent times in many parts of the world. The destinies and the interest of the nations and their citizens have become inter-linked to such an extent that invariably, the action of one has adversely affected the other leading to strife and suffering in all such tragic situation, it has been mostly the common people men women and children whose rights have been violated i.e violated the human rights.

While in the USA the brunt of anti-terrorism steps was borne by the foreigners, mainly the foreigners from Asian countries, in India it fell on the common citizen The Human Rights of union workers, political activities human rights workers have been isolated when the TADA was in operation.

### **7. National and International Safeguard against Terrorism:**

The office of the high Commissioner for Human rights (OHCHR) condemns terrorism unequivocally and recognizes the duty of states to protect those living within their jurisdictions from terrorism The OHCHR has placed a priority on protection of human rights, notably the right to life and the question of protecting human rights in the context of counter-terrorism measures. It has been emphasized that human rights norms must be rigorously respected by all including in states of emergency On 28 September, 2001, the Security Council adopted Resolution 1373 under chapter vii of the UN charter, obligating states to implement counter-terrorism measures at the national level and to increase international co-operation in the struggle against terrorism.

### **8. Terrorism and India:**

Coming back to the national level, India has had its fair share of terror attacks and it seems we, as a nation, Serial blasts in local trains in Mumbai and crowded market places in Delhi shook the nation. But, emergence of terror in cities like Bangalore and Hyderabad, known as the IT and high tech hubs, has come as an eye opener. The newer generation of terrorists is home grown, intelligent, well educated and sophisticated Knowing that India is an emerging global economy, it has been intelligent of them to target the financial centre and centre of economic significance and it is not an act of amateurs. For instance, bombing the local trains in Mumbai which are called as the lifeline of the city and crowded commercial market places in Delhi have shown that the terrorists do their homework well and know where the maximum damage could be uncured.

The most important and strategically significant terrorism is of course the cross border infiltration in the Jammu and Kashmir state from Pakistan Occupied Kashmir or directly from Pakistan. Another front where fortunately we have been able to be successful was in Punjab in the 1980's But, till India is being tried to be crippled on the remaining three fronts which include the problems in the North-East involving insurgency primarily in Assam and Manipur states and the threat to the territorial integrity in Arunachal Pradesh from China. The latest to join these terrorism activities is the rise of Naxalites and Maoists in the very heart of the country having their influence in Uttar Pradesh, Bihar, Jharkhand, Orissa Madhya Pradesh, Chhattisgarh and Andhra Pradesh. However, we can say that the LTTE conflict in Sri Lanka may have to a larger extend been resolved.

The Government of India has spent around Rs. 45,000 crores on relief and rehabilitation and Para-military forces, which do not include the military and the army, since independence. Still, the no. of civilians killed in the terror attacks has been far more than the total number of deaths of the security personnel in the four conventional wars we have fought, including the Kargil War. It is not the cost that hurts, but the lack of funds to be spent on rural development and problems involving electricity, education, sanity and infrastructure.

The socio-economic and cultural emancipation of the people at the grass root level achieved through well-planned developmental planning process through democratic norms and principles would remove the local support base of the terrorists and it is a proven fact that terrorists cannot function without a local base and also without a misguided support from the locals.

### **9. How to Curb Terrorism and Safeguard Human Rights?**

There is a need to establish mechanisms for strengthening collaborations among governments and competent national authorities and to promote exchange of information, particularly on the possible exploitation of modern technology for terrorist purposes. Attention also needs to be paid to concluding bilateral and multilateral agreements in combating and preventing terrorist acts with particular emphasis on the issue of extradition.

### **10. New Dimensions of Terrorism: -**

One could now see and perceive that terrorism extends over a wide canvas encompassing religion, socio-economic power politics and many such other subject areas. The internal dynamics and external linkages of terrorism have made it a formidable challenge not only to national security but also to world peace. It has over the years, acquired several dimensions and has become a highly complex phenomenon. There could be fundamental terrorism-an explosive combination of fundamentalism creed and terrorist violence that is sweeping across several countries.



Narco-terrorism represents yet another sinister dimension of terrorism. There are documented instances of terrorists and insurgent groups taking into trafficking into outlawed drugs to finance their operations.

Cyber space is another area where the terrorists have stamped their presence. Several groups have their own websites through which they launch their propaganda. They also try to cripple the economies of the countries by hacking the accounts and security systems of central banks and illegally transferring money outwards.

Then there could be two more types of terrorism eco-terrorism and developmental terrorism and one should not forget the silent terrorism of illiteracy, poverty and hunger. It is worth mentioning the latter forms of terrorisms as at the micro level, it is these forms of silent terrorism which have a direct affect on the population and a direct link with infringement of human rights of millions of people not only in India, but worldwide the worst hit being the continent of Africa which once used to be famously called the 'Dark Continent. This epithet seems to still exist for there are territorial conflicts accompanied by the frequent local level famines hitting the Sub-Saharan region of the continent. Then we have the lack of literacy and basic civil amenities of living.

### **11. Conclusion:**

The entire mankind is facing a great challenge, in the present scenario, for violation of Human rights-not at the hands of the authorities but in the hands of the terrorist and religious fundamentalist. Both violate the Human rights and block the process for social development Terrorism is a negation and violation of norms of Human behavior recognized by all civilized people of the world.

The International or domestic terrorism is taking the place of Human rights and obviously is our concern because it is the ultimate abuse of Human rights By this type of violation of Human rights many Human beings are dispirited, development is in crisis. International conventions and treaties pertaining to Human right do not recognize terrorist violence as legitimate action arising out of any ideological commitments.

### **Reference:**

1. International Humanitarian issues, Law and Assistance 4B. 4- Indian Institute of Human Rights- New Delhi-110030
2. Singh Kushwant-“ Lasting Solution” Published in Terrorism in Punjab: cause and cure,1987.
3. Deka Neelotpal- Human Rights.