

Rt. Hon. Terry Davis: Secretary-General, Council of Europe
“Do terrorists have human rights?”

03:42	Thank you very much, Mr Chairman. I’m embarrassed by the fact that I may have caused people to miss their coffee, and I apologise for that! But can I begin, obviously, by thanking you very much for inviting me to this conference, which is dealing with an issue which I regard as being of vital importance for global security and the well-being of people living everywhere in the world.
04:05	As you may have noticed, I have chosen a question as the title for my speech. The question is whether terrorists have human rights. So let me end the suspense right from the start. In my view, the answer to this question can only be a resolute yes. But before going further into the substance, allow me to tell you a true story which illustrates the point I am making.
04:30	On Sunday 15 August 1994 at around ten o’clock in the morning, a small plane landed at Villacoublay, a military airport outside Paris. On board was a team of agents from the Direction de la surveillance du territoire, or DST, which is the French agency responsible for anti-terrorism and counter-espionage. The handcuffed and hooded prisoner escorted by DST agents had been captured only hours before in the Sudanese capital of Khartoum. His name was Ilich Sanchez Ramirez, better known as Carlos the Jackal, a self-styled revolutionary, a terrorist and a murderer.
05:19	Two years later, on 24 June 1996, the European Commission on Human Rights, the predecessor of our Court of Human Rights, rejected his complaint and ruled that the circumstances of his arrest and transfer to France did <i>not</i> violate the European Convention on Human Rights.
05:40	This ruling by a Council of Europe body has been repeatedly used by the highest officials in the American State Department in an attempt to prove that so-called extraordinary renditions are justified and lawful under international law, including European human rights laws. This is nothing less than obfuscation.
06:04	The decision in the case of Sanchez Ramirez vs. France is only seven pages long and can be read in a couple of minutes. It is available on the Council of Europe website, admittedly only in French, but I find it almost impossible to believe that the entire American State Department has so profoundly misunderstood a straightforward legal ruling as a result of linguistic difficulties.

06:31	<p>What Condoleezza Rice's colleagues systematically—perhaps deliberately?—omit in their analogies between the capture of Carlos the Jackal and so-called extraordinary renditions are a few basic details—but very important details. They are details which make the difference between what is legal and what is illegal—between the Rule of Law and the absence of law—between human rights and the lack of human rights. Because Carlos did not disappear, nor did he end up in some Caribbean gulag. He was taken to Paris, brought before a judge, with the right to a lawyer and a fair trial. That was because he had been arrested on the basis of a valid arrest warrant, issued before his capture as a result of his alleged involvement in a car-bomb attack which killed two people and injured 70 others in Paris. In France, an arrest warrant is a piece of paper signed by a judge. It may not seem much, but it makes all the difference. And that difference is the stuff our freedom is made of.</p>
07:49	<p>The Commission on Human Rights acknowledged that Carlos may have been arrested and transferred to France in an unusual manner, but this did not change their views on the lawfulness of his detention. And this proves another very important point.</p>
08:05	<p>Contrary to the belief of some people, the European Convention on Human Rights is not a collection of lax, ineffectual and utopian principles; it is a body of international law, which was drafted in difficult and uncertain times and has been tested in courts ever since. The Convention balances the rights and freedoms of individuals against the interest of a larger community. It allows for a robust, effective and fair response to the threats faced by society, including terrorism. Europe rejects the bogus choice between security and freedom.</p>
08:47	<p>Now, after his arrest, Illich Ramirez Sanchez was given a fair trial and was sentenced to life imprisonment. Today he may be an angry old man, but he is not a martyr. He spends his time filing complaints through the very system he once set out to destroy. I do not know whether Carlos has atoned for his crimes, but what is important is that he has been deprived of both the opportunity to commit new crimes and the alternative of inspiring other people to follow his example.</p>
09:26	<p>There is a message in all that, and it is a message I should like to leave with you today. A really effective fight against terrorism is one which stops more terrorists than it helps to recruit. A really effective fight against terrorism is therefore one which respects and protects human rights and fundamental freedoms rather than sacrifices them in the short-sighted hope that terrorism can be defeated by undermining the very foundations of the society which the extremists want to destroy.</p>
09:58	<p>There are two major mistakes which a society can make in the face of a terrorist threat. The first is to try to justify it; the second is to underestimate it. Terrorists are ruthless, and they may have some serious psychological problems—but as a rule, they are not stupid.</p>

10:19	Terrorism is a complex phenomenon. To fight it, we need a comprehensive approach. Condemnation and suppression are essential, but they are not enough for a long-term solution. We must work to prevent the conditions which help terrorists to enlist new recruits for their criminal cause.
10:37	Now, last April the Council of Europe organised a conference with the title 'Why Terrorism?' The Conference aimed at looking into conditions conducive to the spread of political extremism and violence.
10:49	Two things struck me about that conference: a small minority of the participants questioned the very purpose of the conference, suggesting that trying to understand why some people turn to terrorism was tantamount to trying to find a justification for their acts. Personally I cannot but wonder how we can prevent and fight a threat if we do not understand it or its causes. The second important thing I noted was that the conditions 'conducive to the spread of terrorism' identified by the participants were very specific.
11:24	One of these conditions was discrimination, in particular racial discrimination. The conference clearly endorsed the position that anti-terrorist measures which are discriminatory on grounds of race, language, religion, nationality or ethnic origin are counterproductive and ineffective in the long term.
11:47	Governments also need to be particularly vigilant to avoid any discriminatory tendencies when dealing with the entry and stay of foreign citizens on national territory—which includes border checks, the issue of residence and work permits, expulsion, extradition and asylum procedures. Areas such as the protection of personal data and, more generally, of private and family life are also involved.
12:08	The fact is that the most serious attacks perpetrated on European soil have been carried out by people living, working and raising their families in Europe. Only an infinitely small minority of people make the leap from extremist ideologies to unjustifiable acts of terrorism. Nevertheless, the problem exists, and while seeking to identify and prosecute terrorist networks, governments must also identify the underlying malaise within society in order to tackle the issue.
12:42	Regrettably, terrorists always seem to be one step ahead, and they can easily adjust to suppression. It is crucial to fight against the recruitment, financing and incitement to terrorism through a legal framework and international co-operation, but it is equally important to deal with the conditions conducive to the spread of terrorism.
13:02	Some obvious conditions which make possible the spread of terrorism are conflicts, poverty and under-development, violations of basic human rights and the absence of the rule of law. We can never deal with these issues with short-term, simplistic solutions, demagoguery and repression. It is equally dangerous to designate any individual or ethnic or religious group as terrorist; that is really what the terrorists want.

13:30	The Council of Europe has been protecting and extending human rights, the rule of law and pluralist democracy since 1949. We are determined to combat terrorism because it represents a threat to these fundamental values. We have developed a three-pronged approach: taking legal action against terrorism; safeguarding fundamental values; and addressing the root causes of terrorism.
13:54	The Council of Europe Convention on the Prevention of Terrorism entered into force six months ago in June last year, and it contributes to this objective by increasing international co-operation and enabling a more effective response.
14:09	The convention sets out two ways to achieve these aims: first, by establishing as criminal offences some specific acts which may lead to the commission of terrorist offences, namely: public provocation, recruitment and training; second, by reinforcing co-operation both internally through national prevention policies, and internationally through the modification of existing extradition and mutual assistance arrangements. Moreover, it requires governments to promote tolerance by encouraging inter-religious and cross-cultural dialogue involving, where appropriate, non-governmental organisations and other elements of civil society in the fields of education, culture, media and public awareness-raising. This requirement, which is fully in line with the United Nations Global Counter-Terrorism Strategy Plan of Action of September 2006, aims at preventing tensions which left alone might contribute to the commission of terrorist offences.
15:08	We must continue to develop measures to eradicate all those conditions which are conducive to the spread of terrorism. We must make every effort to bring communities closer together and to get people to embrace diverse and multicultural societies, which are an essential and invaluable achievement of civilisation. The most efficient way to tackle terrorism is by eliminating the conditions which lead some people—it only needs a few—to resort to terrorism.
15:40	In the international community we must all do everything we can to create an environment in which individuals feel they can fight for their rights through their rights. Terrorists are afraid of justice not only because it stops them killing people but also because it deals a deadly blow to their cause. Indeed, some have labelled the fight against terrorism as the ideological conflict of the 21 st century; but an ideological conflict cannot be won by force alone. If we want to defeat terrorists, we must remain faithful to our ideas and values. People around the world must know that we are right, and that terrorists are wrong, that we are just, and that they are criminals.
16:28	Now, against this background, I cannot avoid three sensitive and topical issues: the use of torture, the extension of pre-trial detention and the follow-up, or rather the lack of follow up, to the Council of Europe investigations into so-called extraordinary renditions.

16:45	The Government of the United Kingdom has repeatedly suggested that the application of Article 3 of the European Convention on Human Rights in expulsion and deportation cases should be revised in the light of current terrorist threats with a view to balancing the risks to national security against the risks to the individual of being ill-treated if he or she were expelled from the United Kingdom.
17:07	As a result, the British Government has intervened in three cases before the European Court of Human Rights to advocate a particular point of view about the use of torture. In my view, the Government's position goes against the case law of the Court, which is clear and unequivocal. The Court has consistently and unambiguously affirmed the absolute nature of the prohibition of torture in cases such as <i>Chahal v. United Kingdom</i> in 1996 and <i>Mamatkulov and Askarov v. Turkey</i> in 2005.
17:42	This case law, which the Court has itself described as 'settled', is reflected in the collective position of the Council of Europe. The Guidelines on human rights and the fight against terrorism, adopted in the immediate aftermath of September 11 by the Council of Europe member states, confirm the absolute character of the prohibition of torture and other forms of ill-treatment.
18:07	The issue is not only moral but also practical. Evidence obtained under torture is not only unreliable; it is useless: any tribunal which respects fundamental human rights must declare such evidence to be inadmissible.
18:23	Chairman, I cannot stress enough that the prohibition of torture is and must remain absolute. Diplomatic assurances and memoranda of understanding do not constitute adequate safeguards to avert the risk of deportees being subjected to torture or other ill-treatment in the countries of destination. This is particularly so in countries with a poor record of human rights. As the Council of Europe Committee for the Prevention of Torture has pointed out, if these countries fail to respect their obligations under international human rights treaties, how can we be confident that they will respect assurances given on a bilateral basis in a particular case?
19:07	And let us be clear about the composition of our Committee for the Prevention of Torture. It consists of 47 men and women—one from each of our 47 member states—elected by the Ambassadors of these 47 member states—in other words, elected by the 47 Governments themselves. Our Committee for the Prevention of Torture is not a self-selected group of starry-eyed idealists. They are responsible people with both experience and intelligence—elected, I repeat, by the governments of Europe themselves.
19:47	I should also like to comment on the proposals to extend the maximum period of pre-charge detention in the United Kingdom from 28 to 42 days. Here I must be careful because I do not want to be drawn into a domestic political battle, but I will not hide from you that this is a matter of some concern to me, and many of my colleagues at the Council of Europe, not least because the United Kingdom already has one of the longest pre-charge detention periods in Europe.

20:15	Of course, I am aware of the difference between the United Kingdom and other European countries with different legal systems and procedures, but the fact remains that detaining someone for a long time without charge is in effect a 'sentence' on someone who may <i>never</i> be charged with any crime.
20:33	If the period of pre-trial detention is nevertheless extended, I urge the Government of the United Kingdom to ensure that its application is carefully monitored in order to prevent any discriminatory treatment, which would have counterproductive effects on both community relations and the effectiveness of anti-terrorist policies.
20:53	Now, the third and final issue is the attitude of the British Government towards so-called rendition flights and secret prisons. I want to be clear: investigations by the Council of Europe have not produced any `smoking gun' evidence of involvement of the British authorities in these blatant violations of the European Convention on Human Rights. However, I must say that I am very disappointed by the lack of support from the British Government for my recommendations on how to fill some very serious gaps in human rights protection as revealed by my own inquiry and the investigations into the practice of rendition by Senator Marty of Switzerland.
21:33	It has now been nearly 18 months since these recommendations were sent to the governments of our 47 member states. Discussions in the Committee of Ministers, which is the decision-making body of the Council of Europe, can only be described as having demonstrated a clear lack of political will to act.
21:49	Again, I want to be clear: I have not proposed any additional rights; I have only drawn attention to gaps in the existing legal and administrative measures. I am referring to those legal and administrative measures which can be taken by European governments to enforce the rights which those governments are already legally obliged to respect. It is also important to note that governments, according to the case law of the European Court of Human Rights, are not merely required to take action if they accidentally stumble upon a violation of human rights. They have a positive obligation to do everything within their power to <i>prevent</i> such abuses. It may be argued, therefore, that by failing to act, the governments are also failing to meet their legally binding obligations under the European Convention of Human Rights.
22:40	That is not something we should be ready and willing to accept. I repeat and I emphasise that our governments have a duty to protect us from the threat of terrorism; but they must do so intelligently, effectively and legally. This is why I believe that with our insistence on the protection of human rights and fundamental freedoms, the Council of Europe is actually helping them to achieve this objective.
22:39	Thank you. <i>[applause]</i>
END OF Rt. Hon. Terry Davis: Secretary-General, Council of Europe	

H.E. Mary Robinson: Former President of Ireland
“Human Rights and Counter-terrorism: how the issue is framed”

00:30	<p>Good afternoon. As I sat in the back for part of the panel discussion which predated this session, I asked myself how on earth I get myself into these positions of addressing a very knowledgeable audience on subjects that are complex and that require a lot of time to prepare. And, of course, Peter Neumann is persuasive. But apart from that, I think I welcomed the fact that at this first International Conference on Radicalisation and Political Violence that there is this separate segment on countering terrorism and upholding human rights. That doesn't always happen in conferences on security. I'm sure many of you attend conferences where this is <i>not</i> a separate section; it's maybe a marginal add-on or a passing reference or a regret that, after all, human rights aren't as important or as central as they used to be.</p>
01:34	<p>Let me begin by making it really very clear that from a human rights perspective it's vital to counter acts of terrorism effectively, and to bring the perpetrators to justice. Human rights advocates aren't ambivalent or soft on those who carry out violent acts against innocent civilians—whether they are what we call non-state actors or the forces of the state itself. Those who work to protect human rights locally in situations of such violence know, intimately and profoundly, the terrible impact on families and communities of acts of terrorism.</p>
02:15	<p>It is timely, therefore, to have a conference which focuses on what drives people—particularly young men—to radicalisation and political violence, and how to balance countering acts of terrorism and upholding human rights. So far we haven't done it well, because we haven't understood some of the root causes and drivers of behaviour. As a consequence, the responses through counter-terrorism may in some respects inflate the drivers of radicalisation. And there was an element of that in the panel discussion earlier.</p>
02:52	<p>I don't claim, in fact, to be an expert on counter-terrorism, so let me respond to Peter Neumann's kind invitation by reflecting on whether we could be much more effective in countering acts of terrorism if our response was framed and grounded firmly on rule of law and the values of human rights. And, needless to say, I agree with many of the points made by Terry Davis in his address to you.</p>
03:18	<p>But the opposite view was put forward by Michael Ignatieff in the aftermath of the terrible attacks of 9/11/2001 when he raised the question as to 'whether the era of human rights has come and gone'. I first answered that question here in London, when I was giving the Fifth Commonwealth Address as when I was still serving as UN High Commissioner for Human Rights. And I just want to quote from what I said, because I was really determined we have to counter any such suggestion that human rights has come and gone:</p>

03:51	Not gone, [is my response] but we are challenged in new ways to respond to profound concerns over human security in our world today. My own sense is that there is an enormous responsibility to uphold rigorously international human rights standards, recognising that they, too, are the object of terrorist attacks. At the same time, I believe there must be more commitment to the implementation of those standards in practice through strong support for human rights capacity-building at national level.
04:20	You can know that your voice is not very powerful when you're not being listened to, because I feel I haven't really been listened to in what I was saying in June 2002 in the light of what has happened. And I'll develop that in a little more detail.
04:36	As Arthur Chaskalson, former Chief Justice of the Constitutional Court of South Africa, put it: <i>'We have to be vigilant from the very beginning; if you concede the first step, every next step will lead to the further erosion of the rule of law and disregard of human dignity.'</i>
04:54	The failure of the United States Congress and the media, among others, to be vigilant in the aftermath of 9/11 led to an erosion of civil liberties and the misuse of immigration laws, the opening of Guantanamo without regard for the Geneva Conventions, and ambivalence on torture which led to the disregard of human dignity evident in the mistreatment of prisoners in the Abu Ghraib prison in Iraq. This response by a world power provided other governments with an excuse to backslide on their own human rights obligations. The challenge now is to begin to repair the damage that has been done. Respect for human rights standards must be re-established. Doing so is not only necessary to comply with international law but crucial in order to protect the credibility of future counter-terrorism efforts.
05:45	I sense that the legal community in the United States appreciates the damage that has been done and is seeking to reverse it. The US courts have been vigilant, leading law firms are taking cases for Guantanamo inmates and the American Bar Association has held meetings on Rule of Law, including a joint meeting with the International Bar Association. The ABA has also established the World Justice Project, on which in fact I serve as one of the co-chairs, which will hold its inaugural World Justice Forum in Vienna on July 2-5 of this year. One of the outputs being prepared is a Rule of Law Index, which will be a tool to measure compliance with the rule of law in countries around the world.
06:30	We should recognise now that a key determinant of whether rule of law and human rights standards will be upheld in a country is how that country characterises acts of terrorism and frames its response.

06:44	When a terrible, unwarranted attack takes place, killing and wounding a number of civilians, we know instinctively that justice must be served, that security and order must be restored, that such acts must be prevented in the future. The question, of course, is how best to achieve all of these while remaining true to our core values. How, precisely, should we respond?
07:10	I said on, many occasions over the years, that language is vital in shaping our reactions: the words we use to characterise an event may determine the nature of the response. In the immediate aftermath of 11 September, while still serving in the United Nations, I went to Ground Zero, I met the FEMA people who were working there, the volunteers, some of the grieving families. I stressed the duty on all states to find and punish those who planned and facilitated these crimes. I described the attacks on the United States as constituting a crime or crimes against humanity.
07:48	It's worth recalling why that description is appropriate. The 9/11 attacks were mainly aimed at civilians. They were ruthlessly planned and their execution timed to achieve the greatest loss of life. Their scale and systematic nature qualify them as crimes against humanity within existing international jurisprudence.
08:07	But, as you know, despite efforts to frame the response to terrorism within the framework of crimes under national and international law, an alternative language emerged post-9/11. That language, which has shaped to a much larger extent the response at all levels, has spoken of a war on terrorism. As such, it has brought a subtle change in emphasis in many parts of the world; order and security have become the overriding priorities. As in the past, the world has learned that emphasis on national order and security often involved curtailment of democracy and human rights. Misuse of language has also led to Orwellian euphemisms, so that 'coercive interrogation' is used instead of torture, or cruel and inhuman treatment; kidnapping becomes 'extraordinary rendition'.
08:59	I should make it clear that characterising major terrorist attacks as crimes against humanity doesn't rule out the possibility or the need for an appropriate military response, such as the invasion of Afghanistan when the Taliban refused to hand over Osama Bin Laden and his associates.

09:16	<p>However, the conflict there and, in particular, the subsequent decision to go to war on Iraq, have re-enforced the perception of a war on terrorism which goes beyond the rhetorical use of the term, the way in which we often use the words, a 'war on hunger', a 'war on poverty'. The reality is that by responding in this way the United States has, often inadvertently, given other governments an opening to take their own measures which run counter to the rule of law and undermine efforts to strengthen democratic forms of government. The language of war has made it easier for some governments to introduce new repressive laws to extend security policies, to suppress political dissent and to stifle expressions of opinion of many who have no link to terrorism and are not associated with political violence.</p>
10:05	<p>And I agree with a number of the comments, when this issue was discussed in the panel session, that it also makes it easier for the recruiters of both who are being recruited to commit acts of terrorism to suggest that it's not so bad to make a war against the 'great Satan'—to be at war, for angry, humiliated young people, is not a bad or in itself humiliating situation; it can be an energising situation, regrettably.</p>
10:35	<p>Hans Corell, the former Legal Counsel of the United Nations, made this point at a conference on <i>International Law in Flux</i>. He said (and I quote): <i>'To suppress terrorism is not a war. You cannot conduct a war against a phenomenon. As a matter of fact, to name the fight against terrorism a "war" was a major disservice to the world community including the State from where the expression emanates. The violations of human rights standards that have occurred in the name of this so-called war—no matter how necessary it is to counter terrorism—have caused tremendous damage to the efforts by many to strengthen the rule of law.'</i></p>
11:09	<p>Yet despite these negative global consequences, many still believe strongly that such measures are necessary to guard against further terrorist attacks. The security argument maintains that the terrorist attacks on New York, Madrid, Sharm al-Sheikh, Bali, London and elsewhere were so heinous, so unprecedented, that new strategies and sometimes 'exceptional measures' were required. In other words, fundamental principles underlying the rule of law could be put on hold to address this more urgent threat.</p>
11:39	<p>As Judge Richard Posner in the United States has suggested (and I quote him): <i>'...the scope of our civil liberties is not graven in stone, but instead represents the point of balance between public safety and personal liberty. The balance is struck by the courts, interpreting the vague provisions of the Constitution that protect personal liberty; and it is constantly being re-struck as perceptions about safety and liberty change. The more endangered public safety is thought to be, the more the balance swings against civil liberties. That is how it is and that is how it should be...'</i></p>

12:13	<p>But what is the limit? How far can the balance swing against the core principles underlying the rule of law? Comments like Judge Posner's could imply that the security imperative outweighs all other considerations. I don't believe that. Coming up to seven years after 9/11, I believe we must evaluate such assumptions and ask ourselves if all the measures taken <i>have</i> been justified and consistent with the rule of law, and above all if they have been effective in winning the minds and hearts of those who might be tempted towards radicalisation.</p>
12:51	<p>Another reason to uphold standards of rule of law and human rights is that they are essential to the credibility of any message to other countries about upholding democracy and freedom. Indeed, there is a huge cynicism even among moderates in countries of the Middle East as they listen to speeches extolling the virtues of freedom and democracy. This was brought home to me at a recent International Women Leaders Global Summit on Security in New York, which I co-hosted with Kim Campbell, who is in the second row here.</p>
13:21	<p>This was a breakthrough summit where women leaders launched a process to amplify the efforts of women leaders and to facilitate collective action on global security. A Women's diplomacy force will support the implementation of Security Council Resolution 1325, increasing the participation of women in peace and security initiatives, and there will be a concerted effort to support Liberia as the country prepares for an International Women's Summit in February 2009. The Summit adopted a ringing Call to Action, which is available on the website www.womenandglobalsecurity (all one word) www.womenandglobalsecurity.org.</p>
14:03	<p>And yet it's important to note that those of us who are on the steering committee drafting that Call to Action were faced with a problem: we were faced with women from the Arab and wider Muslim world, also participating on the drafting committee, telling us that we needed to find language about upholding rule of law and standards of human rights without using the words 'freedom' and 'democracy', which had become tainted by the war in Iraq and fears of further unilateral use of US military power. They literally said to us: 'If you put those words highlighted in the first paragraph [as we were intending to do to frame our Call to Action], it will not have credibility.' That's where we are. That's where we are! Words have become so tainted by the disconnect between words and action, between preaching and doing, so tainted; so corrupted, if you like, it's as serious as that. It was a sobering moment, and, yes, we did find other language instead. And I do commend the Call to Action, and I asked that copies will be made available as well, to make it easy for you. And you can go into the website and, hopefully, sign on to that Call to Action.</p>

15:20	<p>To restore that important credibility—which is essential in order to counter radicalisation—what is needed in the United States is legislation to reaffirm that country’s adherence to the Geneva Conventions, to the United Nations’ Convention Against Torture, to the McCain Amendment which establishes an absolute ban on cruel, inhuman and degrading treatment of all detainees in US custody or control by any US personnel. It would be important to remove any provision which seeks to grant broad immunity from liability for war crimes, backdated to September 2001. Rule of law requires that there be accountability for serious wrongdoing by those responsible.</p>
16:02	<p>Similarly, more must be done by European governments, as Terry Davis has emphasised. A new report by Amnesty International, titled <i>‘Time for Accountability’</i>, points out that EU involvement in the US-led rendition program involving kidnapping, denial of due process, torture and disappearance has, and I quote: <i>‘irrevocably tainted all the EU’s counter-terrorism effort. While the fight against terrorism has been and shall continue to be a priority...the EU Council has yet to come to terms with the human rights implications of counter-terrorism measures and practices by the EU itself and especially by the Member States.’</i></p>
16:40	<p>The report calls on the EU to:</p> <ul style="list-style-type: none"> ❑ provide concrete follow-up to the inquiries regarding European involvement in renditions and keep all counter-terrorism activity firmly within the bounds of international human rights law; ❑ ensure respect for the absolute prohibition of torture and resist any attempt to establish an EU position legitimising the use of diplomatic assurances to facilitate the transfer of persons to a country where they may be at risk of torture; ❑ amend the EU terrorist blacklist system to include effective safeguards against arbitrariness at all levels of the process; and ❑ in line with the Hague Programme, revive initiatives to protect human rights in the sphere of EU criminal law.
17:22	<p>Fortunately, again, I believe there are signs that the international community is finally recognising the need to reorient efforts to counter terrorism. At the United Nations level, the terrorist attacks on Algiers last month in which 17 UN staff lost their lives was a painful reminder of the need for renewed efforts to implement the Global Counter-Terrorism Strategy adopted by UN member states in September 2006.</p>

17:38	<p>It, as you will recall highlights many of the conditions conducive to the spread of terrorism, namely:</p> <ul style="list-style-type: none"> • Prolonged unresolved conflicts • Discrimination and intolerance • Xenophobia • Poverty and economic inequalities • Social exclusion and high youth unemployment • Political exclusion • Human rights deficits and lack of good governance.
18:10	<p>As the Council of Europe’s Commissioner for Human Rights and very good friend of mine, Thomas Hammarberg, has rightly stressed: <i>‘Common for these conditions is that they tend to lead to injustices for the individuals and to cause deep frustration and a sense of personal humiliation... The point has been made that several of the most dangerous terrorists have not come from circumstances of poverty—though many of them appeared to have felt excluded from the broader society... Marginalisation, misery and other human rights deficits seem to breed atmospheres in which extremist leaders can recruit young people for violent action... These young people are desperate, feel deeply humiliated and have little hope for the future.’</i></p>
18:51	<p>I am pleased to be associated with a number of new initiatives which have taken such views as starting points for further action. Earlier this week, as Terry said, we both participated in the UN Alliance of Civilizations Forum in Madrid, which aims to find new ways to bridge the growing divide between nations and cultures and to establish new partnerships to promote global understanding. One outcome—and I think it’s a practical one, a practical measure—was a commitment by the Qatar Foundation to provide \$100 million dollars’ investment in a new initiative to tackle youth unemployment in the Middle East and North Africa.</p>
19:27	<p>I remember when I was serving on the Global Commission on International Migration we had a regional hearing in Egypt. We were looking at North Africa, and they told us, ‘This region needs 100 million new jobs by 2020 to maintain even the current level of economic development.’ Where were those 100 million new jobs going to come from, and why are we not thinking about that?</p>
19:50	<p>Another project involves the Club of Madrid—and I was very pleased to hear my colleague in the Club of Madrid, Sadig Al Mahdi, and Kim Campbell is also a member—a group of former heads of state and government from countries in all regions. We convened an International Summit on Democracy, Terrorism and Security to build a common agenda on how the community of democratic nations could most effectively confront terrorism while maintaining commitments to civil liberties and fundamental rights.</p>

20:09	The Summit, as many of you know, brought together leading experts, including Peter Neumann and, indeed, a number of you here in this room, who examined the underlying factors of terrorism, the effective use of the police, the military, the intelligence services and other national and international agencies to prevent and fight terrorism. Our aim was to construct a strategy against terrorism based on the principles of democracy and international cooperation and on strengthening civil society against extremists and violent ideologies. The resulting Madrid Agenda makes a compelling case not only for more effective joint action against terrorist organisations but also the need to increase resources aimed at tackling the humiliation, the anger and frustration felt by many that can be manipulated to draw recruits for terrorist action.
21:07	Since then, the Club of Madrid has developed a project called Shared Societies, with components ranging from helping to promote freedom of association in the Middle East and North Africa, to encouraging women's political participation and leadership in a number of African countries as well as fostering inter-religious dialogue and dialogue between religious leaders and politicians as part of that project. These elements will be brought together at the General Assembly of the Club of Madrid in mid-November of this year.
21:38	Over the past two years I have also been privileged to participate on the Eminent Jurists Panel of the International Commission of Jurists, which has held public hearings in some 30 countries around the world in order precisely to consider the nature of today's human rights threats and the impact of new and old counter-terrorism measures on human rights. The press releases summarising our assessment of each country at the end of that public hearing are available on the website of the ICJ (www.icj.org). I particularly recommend students at King's College to go into the website and just mine this resource of information from public hearings, an evidence-based approach. Later this week, in fact tomorrow, I travel to Geneva to consult with my colleagues, under the chairmanship of Arthur Chaskalson, and to work on our final report.
22:02	The process has certainly brought home to us in no uncertain terms the extent of the damage that has been done to the fabric of rule of law and human rights standards in countries rich and poor, large and small. Can we say for a moment that the world is more secure? That radicalisation is on the decline? That terrorism is being countered and is on the wane?
22:57	What is to be done?

22:58	Ironically, this century began well for international human rights. At the General Assembly in September 2000 the largest gathering of heads of state and government adopted the Millennium Declaration. It's framed in express human rights terms, drawing on the Universal Declaration of Human Rights, and contains commitments to tackle poverty, promote equality, health, education and environmental standards. From this Declaration, as you know, were drawn the Millennium Development Goals. A year later this agenda—which tackles many of the root causes that breed radicalisation—was sidelined, frankly, by the terrible attacks which evoked the response of a war on terrorism and its negative consequences.
23:44	Language and timing matter. We have an opportunity to return to the framing of our values for the 21 st century as set out in the Millennium Declaration. This year, 2008 is the 60 th Anniversary year of the Universal Declaration of Human Rights. The United Nations itself has placed emphasis on the need to review our commitments and renew them to the UDHR; and on 10 th December 2007, last December the Elders launched a broad-based campaign on Every Human Has Rights. And, again, you can find this at the website www.everyhumanhasrights.org .
24:24	The Elders were brought together by Nelson Mandela and Graça Machel, with Archbishop Tutu as our Chair and including President Jimmy Carter, Kofi Annan, Muhammad Yunus and others. I got over the trauma and shock myself when I realised that I was eligible for this group, and it obviously is an honour to join them! When we thought about it, I think one of the strengths of the Elders is in fact a kind of, if we have that, a sort of moral authority that gives us asking power: we can ask of others who are more capable of doing.
24:56	And we used this asking power to engage a broad range of organisations to make a campaign during this year about the Universal Declaration. And this involves Google Earth, which will launch next month a special human rights layer to record personal stories of human rights defenders and other information. And many organisations have joined us: Amnesty, The Global Call for Action Against Poverty, UNICEF and so on.
25:26	I understand that I'm out of time, so I think I'll just fold this into what I was going to conclude on.
25:32	Why does it matter to have a broad campaign—I would call it a sort of soft-power way of re-asserting the centrality of human rights? Precisely because the Universal Declaration was directed not only at states, but also at `every individual and every organ of society bearing this Declaration constantly in mind.'
25:51	And every country accepts the Universal Declaration. So what I'm hoping for is increasingly during this year we have a tidal wave of ordinary people saying: `Human rights don't belong to states; they're <i>our</i> birthright. And we want them, and we want states to implement and protect them.' And that, I hope, will be like the tidal wave of justice that Seamus Heaney wrote about in ` <i>Chorus: The Cure at Troy</i> ' :

26:17

*History says, Don't hope
On this side of the grave,
But then, once in a lifetime
The longed for tidal wave
Of Justice can rise up
And hope and history rhyme.*

26:27 Thank you very much. *[applause]*

END OF H.E. MARY ROBINSON