Conference on the prevention and repression of terrorism in Central Asia

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Description:
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In response to the demands expressed by the UN Security Council in favour of a regional co-operation of States in the fight against terrorism (Resolution 1373), the OSCE established last week in Bucharest an Action Plan, which first implementation will consist in the results of this conference.

The perpetrators of crimes such as those responsible for the terrorist attacks in New York and Washington last September 11th must be prosecuted. Efficient prevention must be encouraged at international and regional levels, in order to put an end to the impunity which is too frequently observed for such actions. It is therefore necessary to think, without undue haste, about a preventive framework able to protect the citizens against any terrorist attack. But it is vital to remind that the realisation of democratic security must necessarily be carried out in accordance with human rights standards. Under no circumstances can the fight against terrorism be used as a pretext or justification for human rights violations.

Some States have joined the International Coalition against terrorism, in order to only follow national goals. They use this legitimate struggle to secure their power.

In this respect, the FIDH supports the OSCE's will in favour of the incorporation of the provisions of the United Nations Conventions concerning certain specific acts of terrorism, such as terrorist bombings, taking of hostages or crimes against internationally protected persons, in Central Asian countries' domestic legislation.

However, the FIDH recalls its concern regarding international and regional attempts at defining the general crime of terrorism. The United Nations project of a general convention on international terrorism that proposes an enlarged definition of the terrorist incrimination in accordance with the Convention for the Suppression of the Financing of Terrorism (not in force yet) is not satisfactory. The risk that simple political acts of protest or any activities aiming at implementing the civil and political rights may be characterised as "terrorism" is patent. In the context of a repressive climate, this definition might severely undermine individual and collective freedoms, as well as the protection of human rights.

This remark is also relevant when it comes to trying to define terrorism in States' domestic legislation. States often use the pretext of terrorism and the horror it inspires to adopt a broad legislative framework enabling them to clamp down on any kind of political or trade union opposition. Legislators also tend to exclude from the law any reference to State terrorism. Most of the specific judicial proceedings created to try the perpetrators of terrorist acts violate the rights of the accused and right to a fair trial. Finally, the diversity of the definitions of terrorism often means that the law is subject to political considerations, which can translate into arbitrariness and impunity.

Opportunism and haste must give way to relevant actions. History has shown that new laws, which limit freedoms and grant extra prerogatives to States and their repressive bodies should not be passed in times of war and instability. The risk of seeing the emergence of repressive legislation is even stronger as the Rule of law and democracy are not yet deeply rooted as in Central Asian countries. In the past, in this area, there have been many examples of human rights violations under the fallacious argument of fighting against terrorism. It is to fear today, that just as the USA, France and Great Britain have done, Central Asian countries will strengthen their repressive legislation, thus encouraging the violation of fundamental rights.
In this context, the FIDH urges the OSCE to strongly act in favour of the primacy of human rights. The current focus on the fight against terrorism must not overshadow the necessary protection of human rights. This is the only condition to ensure international peace and security in the region.