

Terrorism as Crime in Different Countries

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ABSTRACT: *Clearly, terrorism has a very concrete and immediate effect on civil rights with devastating implications for victims' enjoyment of their right to life, security and physical integrity. Terrorism may destabilize regimes, disrupt democratic democracy, jeopardize stability and endanger social and economic growth, in addition to these individual costs. Both these have a real impact on the enjoyment of civil rights as well. The welfare of the citizen is a fundamental human right and consequently, the defense of persons is a fundamental government responsibility. States are also obligated to uphold the human rights of their nationals and others by taking positive steps to protect them from the threat of terrorist attacks and to put to justice the perpetrators of such acts. However, in recent years, steps taken by States to fight terrorism have also raised significant challenges to civil rights and the rule of law themselves. Some governments have participated in counter-terrorism abuse and other ill-treatment, although the legal and realistic measures available to deter torture, such as the routine and impartial inspection of detention centers, have also been overlooked. Therefore, this paper has been made to discuss the same key points in brief.*

KEYWORDS: Civil, Crime, Countries, Terrorism.

INTRODUCTION

Other Nations have returned to countries where they face a significant risk of torture or other serious violations of human rights, individuals accused of involvement in terrorist acts, thus breaching the universal legal duty of non-refoulement.[1] In some areas, the integrity of the judiciary has been weakened, although the use of special courts to prosecute civilians has had an impact on the efficiency of normal justice systems. To stifle the voices of human rights activists, writers, religions, ethnic communities and civil society, oppressive policies have been used.[2]

The money usually dedicated to social services and development assistance were transferred to the security sector, which impacted the physical, social and cultural rights of many.[3] These activities have a corrosive impact on the rule of law, good government and human rights, especially when taken together. They are also detrimental to attempts to fight extremism at the national and international level.[4]

The cornerstone of the global war against terrorism must be respect for human rights and the rule of law. This includes the establishment of national counter-terrorism policies aimed at stopping terrorist attacks, punishing those responsible for such illegal acts, and supporting and maintaining human capital. It includes steps to remedy the conditions conducive to the spread of extremism, including the absence of the rule of law and violations of human rights, cultural, national and religious segregation, political isolation and socio-economic marginalization; to encourage active civil society involvement and leadership; to condemn violations of human rights; to ban violations of human rights in national law;[5]

In order to improve the awareness of the dynamic and multifaceted relationship between human rights and terrorism, this fact sheet was written. It addresses some of the main human rights issues posed in the context of terrorism and outlines the related values and norms of human rights that must be upheld at all times and in the context of counter-terrorism in particular. It is addressed to national officials, national and foreign NGOs, national human rights organizations, legal professionals and persons concerned with the defense and advancement of human rights in the light of terrorism and counter-terrorism.

What are the rights of humans?

THE CHARACTER OF HUMAN RIGHTS

Human rights are basic principles and legal protections that safeguard individuals and groups from acts and omissions, particularly by agents of the State, which conflict with fundamental liberties, rights and human dignity. The broad scope of human rights encompasses respect for legal, cultural, economic, political and social rights, as well as the right to development, and security and enforcement thereof. Human rights are universal and are interdependent and indivisible; in other words, they belong inherently to all human beings.[6]

A number of core universal human rights conventions and customary human rights treaties represent international human rights law. In specific, these conventions include the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its two Optional Protocols. Other main fundamental human rights treaties include the International Convention on the Elimination of All Types of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;[7]

An Universal Convention for the Protection of the Interests of All Migrant Workers and Their Family Members. The most recent, adopted in December 2006, was the Universal Convention on the Protection of All People from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Subject-specific treaties and conventions, as well as separate geographic treaties on the defense of human rights and fundamental freedoms, are rising in number.

DISCUSSION

The essence of the commitments of States under international human rights law Human rights law primarily obliges States to do such acts and stops them from doing others.

States have a responsibility to respect, uphold and comply with human rights. Human rights respect mainly means not messing with their enjoyment. Security is based on taking positive action to guarantee that the enjoyment of rights is not dealt with by others. The fulfillment of human rights requires Governments, in order to satisfy their legal responsibilities, to take effective steps, including legislative, judicial, administrative or educational measures.

A State Party may be held accountable for interference in the enjoyment of human rights by private individuals or institutions where it has failed to practice due care in defending against those actions. For example, State Parties have a duty under the International Covenant on Civil and Political Rights to take positive steps to ensure that private individuals or organizations do not impose on those under their control any torture or barbaric, inhuman or degrading treatment or punishment.

Specifically, the Member States have declared that terrorism:

- violates the dignity and welfare of human beings everywhere, endangers or ruins innocent lives, creates an environment that destroys freedom from fear of human beings, jeopardizes fundamental freedoms and attempts to abolish human rights;
- adversely affects the establishment of the rule of law, undermines pluralistic circumstances It has adverse effects on the economic and social growth of States, jeopardizes friendly ties between States and has a negative impact on partnership relations between States, including development cooperation; and it undermines the territorial integrity and protection of States, constitutes a significant breach of the intent and values of the United Nations and constitutes a danger to the integrity of States.

International and regional human rights legislation makes it clear that states have both the right and the responsibility to protect people from terrorist threats under their control. This derives from the general responsibility of states to protect persons from intervention in the enjoyment of civil rights under their control. More precisely, this duty is recognised as part of the obligation of the States to guarantee respect for the right to life and the right to protection.[8]

The right to life, which is secured under international and regional human rights treaties, such as the International Convention on Civil and Political Rights, has been described as a "supreme right" because all other human rights will be worthless without its meaningful guarantee. As such, the State has a duty to protect

any person's right to life within its jurisdiction and no derogation from that right is allowed, except in times of national emergency.

Security of the right to life allows States to take all reasonable and necessary action to protect the lives of those under their control. States must set in place appropriate criminal justice and law enforcement mechanisms as part of this duty, such as steps to prevent the commission of crimes and prosecute violations where they occur; ensure conviction of all accused of criminal acts; offer effective redress for victims;

CONCLUSION

A viable cure may take numerous structures relying upon the specific conditions and the specific right being referred to. Powerful cures ought to be properly adjusted in order to assess the uncommon weakness of specific classes of individual, including, specifically youngsters. States ought to set up proper legal and regulatory components under homegrown law to guarantee the privilege to a powerful cure. Public basic freedoms organizations may assume a job in ensuring the privilege to a successful cure, as may the legal executive.[9]

The appropriation of explicit counter-illegal intimidation measures may likewise directly affect the happiness regarding financial, social and social rights. For instance, directed approvals against people associated with contribution in psychological oppressor movement, for example, freezing their monetary resources or forcing travel limitations on them, might be a powerful methods for following, and in any event, forestalling, fear monger action. Nonetheless, the current focused on approvals system represents various genuine difficulties, specifically identified with the absence of straightforwardness and fair treatment in posting and de-posting techniques. Directed authorizations which bring about freezing resources, forcing travel boycotts and different limitations may likewise have genuine ramifications for the capacity of the influenced people and their families to appreciate monetary and social rights, as their admittance to schooling and business might be seriously confined.[10]

The viable utilization of helpful exclusions might be one significant methods for restricting the negative effect of focused authorizations on the delight in monetary, social and social rights. Additionally, oppressive safety efforts, (for example, control orders and the development of actual boundaries to restrict the development of specific people and gatherings), embraced with the end goal of countering illegal intimidation, have seriously limited the capacity of 48 certain people and populaces to work, and their privileges to training, wellbeing administrations and a day to day life.

A common freedoms examination of the effect of these counter-illegal intimidation estimates merits specific thought in the light of the genuine results they may.

To avoid a recurrence of breaches, and take other required steps. Furthermore, international and regional human rights legislation has recognised that States have a positive duty, under particular situations, to take preventive practical action to protect an individual or persons whose lives are reported to or suspected of being at risk from the illegal actions of another person, which definitely involves terrorists. The duty on states to ensure the personal protection of persons within their control where a danger is believed or assumed to occur is also necessary to illustrate. This entails terrorist attacks, of course.[11]

REFERENCES

[1] See, for example, the Charter of the United Nations, Art. 55 (c), the Universal Declaration of Human Rights, art. 2, and the Vienna Declaration and Plan of Action.

[2] See International Law Commission, Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, 2001 (United Nations, 2008), Commentary to art. 26, para. (5), and to art. 40, paras. (3)–(5). See also International Criminal Tribunal for the former Yugoslavia, Prosecutor v. Furundžija, Case IT-95-17/1, Judgement of 10 December 1998.

[3] See Human Rights Committee, general comment N° 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant.

[4] Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment of 27 June 1986, I.C.J. Reports 1986, paras. 172–201.

[5] Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, I.C.J. Reports 2004, paras. 111 and 113. See also Case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda),

Judgment of 19 December 2005, I.C.J. Reports 2005, paras. 216–217. For regional cases, see Inter-American Commission on Human Rights, Coard et al. v. United States, Case 10.951, Report N° 109/99, 29 September 1999, para. 37.

[6] See A more secure world: Our shared responsibility (United Nations publication, Sales N° E.05.I.5).

[7] See, in particular, Security Council resolutions 1373 (2001) and 1377 (2001); General Assembly resolutions 48/122, 49/185, 50/186, 52/133, 56/160 and 58/174, as well as its Declaration on Measures to Eliminate International Terrorism (resolution 49/60); Commission on Human Rights resolutions 2001/37 and 2004/44, Human Rights Council resolution 6/28 and its recent resolution on the protection of human rights and fundamental freedoms while countering terrorism (28 March 2008).

[8] See Human Rights Committee, general comment N° 6 (1982).

[9] See Manfred Nowak, U.N. Covenant on Civil and Political Rights: CCPR Commentary, 2nd rev. ed. (N.P. Engel, 2005), p. 121

[10] See Human Rights Committee, views on communication N° 859/1999, Luis Asdrúbal Jiménez Vaca v. Colombia, 25 March 2002 (A/57/40 (vol. II), annex IX, sect. W, para. 7.3).

[11] See, for example, “Updated Set of principles for the protection and promotion of human rights through action to combat impunity” (E/CN.4/2005/102/Add.1). See also Human Rights 49 Committee, views on communication N° 195/1985, Delgado Páez v. Colombia, 12 July 1990 (A/45/40 (vol. II), annex IX, sect. D)

