

Forum: Human Rights Council I

Issue: Preserving human rights during the interrogation of suspected terrorists

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Introduction

Terrorism is currently an ongoing global problem. Over the past few decades, terrorist attacks have escalated in severity and frequency. Many countries have taken measures to counter terrorism, but in doing so, human rights are sometimes infringed upon.

Like most criminals, captured terrorists can be questioned for information. However, it is usually difficult to capture a terrorist with enough information to prove the charge of terrorism, and even harder to gain information about a group or a conspiracy. Usually, when people are arrested, they are merely suspected terrorists. These suspected terrorists are still questioned, sometimes in ways that go against human rights laws.

This is an international problem because the terrorist threat does not seem to be going away and so it is more than likely that there will continue to be suspected terrorists arrested and questioned. All countries that profess to be fighting a 'war on terror' must allow human rights to freely flourish so as not to be contradictory with their fight.

Definition of Key Terms

Human rights

The basic rights to which all human beings are given, regardless of race, nationality, gender, age, or religion.

Criminal Interrogation

The process of formally and systematically questioning a suspect in order to elicit incriminating responses.

Suspected terrorist

A person who is thought to be a terrorist, but without sufficient evidence against them to be charged with terrorism and immediately arrested.

General Overview

Counterterrorism is an important part of national defense in many countries. Laws are routinely passed to more effectively gain information to lead to the capture or the immobilization of one or more other terrorists. Still, some of these laws can be seen as infringing on the human rights of the suspected terrorist, but also on the human rights of the general populace.

One of the more controversial parts of various laws and acts passed in various countries is the allowance of using “shoot-to-kill” methods in certain situations. This means that the authorities, with proper authorization, may shoot and kill suspected terrorists without arresting them, questioning them, or giving the suspect terrorist a trial.

The United Kingdom

The UK has had the Prevention of Violence Act since 1939, and the Prevention of Terrorism Act since 1973. In 2000, the Terrorism Act was implemented as a more permanent version of the aforementioned Acts, and the Prevention of Terrorism Act was started in 2005. Another similar Act was passed in 2007.

The United States of America

The US Patriot Act was the main counterterrorist act to be passed in the wake of the September 11, 2001 terrorist bombings on the United States. The Department of Homeland security has set up a department to oversee all counterterrorism efforts in the United States.

Australia

Australia has three anti-terrorist laws, the Anti-terrorism Act 1, 2, and 3.

Israel

Terrorist tactics have been consistently used in the continued Arab-Israeli conflict. In 2006, the Israeli Supreme Court decided that in certain cases, citizens were allowed to shoot suspected terrorists in self-defense.

Examples of Infringements on human rights

Malaysia has passed a law in 2003, which legalized the holding of nearly 100 suspected terrorists without a trial.

Also in 2003, Columbia authorized it's military to search houses and tap phones without any warrants or a court order.

Since the end of President Bush's administration in the United States of America, reports about civil rights abuses during terrorist interrogation continued to be revealed.

Preemptive Neutralization

This is a tactic used mainly by the Russian Federation, the United States of America and Israel to eliminate the terrorist threat before the terrorist attacks. This can include capturing, shooting, or killing the suspected terrorist. Also, these countries will interrogate suspected or known terrorists to find more information about larger terrorist plans and groups. Some of these methods of interrogation infringe on human rights. For example, the methods of depriving the suspect of sleep or the use of drugs are more some extreme interrogation techniques.

Timeline of Events

Date	Description of event
September 11, 2001	Terrorist attacks on the United States of America, leading to an increase in global anti-terrorist legislation
2005	UK Prevention of Terrorism Act passed
September 8, 2006	UN Global Counter-Terrorism Strategy passed
March 14, 2008	Counter Terrorism Implementation Task Force (CTITF) created
September 9, 2008	First Symposium on Supporting Victims of Terrorism held

UN Involvement, Relevant Resolutions, Treaties and Events

The UN has been involved with this issue since 1998. Sanctions have been imposed on many African countries such as Angola to try and stifle the demand for conflict diamonds. These bans have been largely successful.

- Global Counter-Terrorism Strategy, 8 September 2006 (**A/RES/60/288**)
- General Assembly passes Global Counter-Terrorism Strategy, 15 September 2008 (**A/RES/62/272**)

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