

I. Introduction In times of international crisis it is important to maintain a human rights perspective. This note sets out some reflections from that perspective that may be of use in the evolving situation.

II. Human rights and terrorism

Human rights bodies have addressed the subject of human rights and terrorism in recent years. In 1998 the Commission on Human Rights approved the appointment of a Special Rapporteur of the Sub Commission, Ms. Kalliopi K. Koufa, (Greece) to undertake a comprehensive study. At its last session the Commission adopted a strong resolution on the subject (2001/37) and the Special Rapporteur presented a progress report to the Sub-Commission in August 2001. These texts draw on the work to date of the Security Council and the General Assembly on the overall challenge of international terrorism in particular SC resolution 1269 (1999) and the General Assembly Declaration on Measures to Eliminate International Terrorism of 9 December 1994.

III. Crimes against humanity

Under existing norms of international criminal law the 11 September attacks in the US can be characterized as a crime against humanity, because of its large scale nature and because it was directed against the civilian population. The international nature of this crime creates a duty on all states to assist in bringing the culprits to justice.

IV. Victims

The Commission on Human Rights resolution (2001/37), expresses solidarity with all victims of terrorism. A human rights approach to the events of 11 September and their aftermath must begin with the victims and their right to justice. They have lost the foremost right, the right to life. There have been over 5000 civilians of the United States and other nationalities killed. Those who caused this carnage through hijacking civilian aircraft, taking over control of those aircraft and crashing them into highly populated buildings, intended the maximum loss of life. The victims and their relatives have a right to expect that the international community will respond to these crimes in a prompt and effective way. In particular they have the right to see that those responsible for these international crimes are rendered accountable under due process of law and punished.

V. Justice under law

The priority goals should be to identify, try and punish those individuals who planned, directed, and financed these atrocities. Effective action must also be aimed at prevention, including through the suppression of terrorist organizations and networks. The search for those responsible for the attacks must be pursued within the law and under the guidance of the international norms of international human rights and humanitarian law. Innocent people have a right to expect protection and to look to the international community for effective action to bring the crisis to an end.

VI. International Co- operation

Acting in conformity with the Charter, international law and human rights commitments is the way to ensure effective international co-operation which in turn is the way to ensure lasting protection against terrorism world wide. The immediate response of states to the events in the US in condemnation of the attacks and their pledges of help, augurs well for effective and practical co-operation in the search for those responsible. The UN as a whole must further press states to provide such co-operation.