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# Balancing Counter-Terrorism and Human Rights: Challenges and Opportunities

THURSDAY, FEBRUARY 19, 2015

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**This is the text of Ambassador Seyed Hossein Mousavian's speech at the international conference of "Balancing Counter-Terrorism and Human Rights: Challenges and Opportunities" in Geneva, Switzerland from 16-17 February 2015.**

Everybody agrees with the urgent and pressing need to combat terrorism - not only states and their security apparatuses, but equally common citizens whose fundamental security and everyday life are threatened by terrorists.

However, the challenge for common citizens and for civil society actors and institutions, is twofold and much more complex.

Common citizens are entitled, to be provided with a reasonable degree of safety and security, but they are also seriously concerned about the actual repercussions of the anti-terrorist policies, measures and actions of the state on their rights and civil liberties, otherwise known under the general rubric of 'human rights'.

Numerous reports on the violations of human rights on a global scale, and in a wide range of societies, including well-entrenched democracies, corroborate the fact that such violations, continue to happen in many societies.

Persistence of violations point to the key difficulty associated with ensuring effective respect for all categories of rights.

There is little doubt that states are under the legal obligation to implement the universally-recognized human rights. That's not in question at all.

The question – or the challenge – is how to ensure respect for the legally-constitutionally-recognized rights effectively. This is the exact point where the difficulty might arise.

We all know the ugly episodes of blatant violations of human rights in Abu Gharib and Guantanamo Bay.

The divide between the Washington official position in defense of the practice in the Guantanamo prison in the name of 'combating terrorism' on the one hand and the legal position of lawyers and human rights defenders condemning the practice on the other, demonstrates the actual difficulty of the need for balancing between the counter-terrorism measures the US government considered necessary and the effective protection of the human rights of the imprisoned inmates.



The US government, a powerful, stable state by any account and though not facing either an internal insurgency or external terrorist assault, badly failed in its encounter with the critical test at Guantanamo Bay.

The fact that the Obama administration has failed to close the prison, points to the actual difficulty I am referring to.

The structural-institutional barriers preventing the closure of the prison, however, do not absolve the US government of its legal obligation to protect the rights of inmates.

The question still poses itself that terrorist activities create certain situations and circumstances where actual protection of the human rights and civil liberties of common citizens proves difficult.

Another situation and example is Iran and its own experience in combating terrorism in the early years of 1980s.

At the time, while Iran was engaged in the Iraqi imposed War, an armed opposition force – the infamous MKO – took up arms against the Islamic Republic and resorted to an all-out campaign of assassinations.

The campaign met with a strong official response, and was defeated. As I have explained in my [book](#) on Iran-US Relations, the measures taken by the government to counter the nation-wide terrorist campaign, have been judged by human rights defenders and political critics as excessive and constraining of civil and political liberties.

The situation becomes all the more complex and challenging when a serious humanitarian crisis has developed in Syria since 2012.

How do any of us think about the chances for sheer survival of common folks caught in the cross-fire of fighting military forces?

Under such circumstances, who would shoulder the responsibility of providing the most basic needs of the population under war conditions, the displaced population or the refugees?

So, the difficulty is there, and all states encountering terror campaigns have a very tough situation on their hands.

These few examples of relevant concern make thinking about the possible balance under discussion extremely challenging.

What makes efforts towards working for a balance extremely difficult, is the current state of sophistication terrorist organization have achieved in recent times.

The sudden emergence of a military force such as ISIS – the so-called Islamic State – and its striking military advances provides the best example in this regard.

The barbaric ways of conquering cities and villages and perpetration of unbelievably brutal methods of killing their victims or hostages, renders reasonable reflection practically moot.

The question then becomes how to fight and defeat the new beast, even if through sheer military means - with inevitable substantial collateral damage on innocent, defenseless population in the area.

Have we heard anything about the human rights of the occupied Kobani people or has anybody been in a position to argue about the balance at issue here in this Conference while the bloody fight has been going on?

I'm afraid not, if for no other reason that the primary objective of all the anti-ISIS forces involved, has been to liberate this Kurdish city the soonest possible from the hands of the terrorists.

I presume the issue of the need to establish the balance might lose its strength or at least immediacy when either achieving a specific military objective or target is involved or sheer human survival is on the line.

Aside from the issue of the international community's responsibility in providing humanitarian assistance, we also have to ponder on how other states should help in containing and stemming the spread of terrorist activities as a long-term project.

Everybody is fully aware of the political factors that have led to the emergence of the major terrorist organizations in the Middle East in recent decades, starting with the genesis of the Taliban in the wake of the Soviet occupation of Afghanistan and the emergence of Al-Qaeda subsequently, the developments in the post 9/11 period and the occupation of Afghanistan and Iraq, and what has transpired in the aftermath of the failed “Arab Spring” – most vividly in Syria.

Keen observers know about how the situation in Syria transformed in a short time from a familiar civil disobedience and political dispute into a bloody civil war, once the second and third generations of Al-Qaeda terrorists were injected into the Syrian theatre since 2012.

The rest is history now. What the whole world has ended up with now is the production of ISIS and its military onslaught and the new threateningly unstable situation in Iraq, Syria and beyond.



Failed policies of direct foreign intervention and the folly of shaping the New Middle East since the Newcons assumed office in Washington, have created destruction with the region and further complicated its problems; among others, chronic underdevelopment, the still open wound of Palestine, rise of reactionary Salafi currents, and unfortunate expansion of sectarian strife.

Considering the actual state of regional rivalries among major players in the area, be it Iran, Turkey, Saudi Arabia, or others to lesser degrees, foreign intervention has simply failed to resolve any of these chronic problems. They have instead aggravated and exacerbated the situation.

The US led coalition fighting ISIS has failed and would continue to fail in the absence of “A Collective Plan of Action” among regional and international powers. Such plan could include the following measures:

1. To adopt and enforce effective measures banning financial and weaponry supports for extremist,
2. To address the root causes of creation and the rise of such terrorist groups,
3. To control the borders, adopt administrative and law enforcement measures,
4. To generate public awareness about the dangers of intolerance,
5. To eradicate poverty, unemployment and underdevelopment, as the main sources of feeding extremism and its recruitment,
6. To deepen the culture of understanding and peace, and institutionalize regular dialogue among world major divine religions.

Therefore, the question of striking a balance between the imperative of countering terrorism and respecting and protecting human rights is definitely a legitimate, pertinent question for all of us.

While we have to remain principled in our approach to the fundamental issue and cause of human rights, we also have to hold the international community responsible for their conduct and practice, even though one has to admit that holding states as formal entities responsible for their conduct and actions is one thing and dealing with illusive, ghost-like non-entities moving across national frontiers with relative ease and changing color and designation quite a different matter.

Despite such a difficulty and complication, nonetheless, both aspects of the issue at hand are integrally inter-related and need to be kept in mind and given due attention. Neither can afford to be either neglected or denied.

I hope that the future could be brighter and better as the collectivity of all of us bring ourselves to take a more sober,

less impassioned, and strategic look at the difficult situation – and situations – we have to deal with. Past history teaches us a good number of lessons.

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**Key Words:** Counter-Terrorism, Human Rights, Challenges, Opportunities, Obama Administration, Iran-US Relations, ISIS, Al-Qaeda, Arab Spring, Middle East, Extremism, Mousavian

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