



## UNITED NATIONS

### Press Release

#### **SECRETARY-GENERAL TO COMMISSION ON HUMAN RIGHTS: HUMAN RIGHTS MUST NOT BE SACRIFICED TO COUNTER-TERRORISM**

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Following is the statement made today before the Commission on Human Rights by Kofi Annan, Secretary-General of the United Nations:

It is always a great pleasure for me to join the meetings of your Commission. As you know, I have sought, ever since I became Secretary-General, to place human rights at the centre of all the United Nations does. I, therefore, consider the work of this Commission as very important, and I pay particular attention to it.

No less obviously, I attach great importance to the work of the High Commissioner and her staff, some of whom take great personal risks in the cause of human rights. Let me pay tribute, especially, to those who have lost their lives in the line of duty.

Over the past five years, the United Nations has gained immensely from the presence of Mary Robinson as High Commissioner. She has brought to the office, not only the great prestige she had earned in her earlier career, but also – and more important – an unflagging and fearless determination to uphold the cause of human rights throughout the world.

The poor, the oppressed and the victims of injustice in every country and everywhere in the world have reason to be grateful to her. And the task of finding a worthy successor to her is one of the most challenging assignments ahead for me in the next few months.

Mary, on behalf of the whole world community, let me thank you for what you have done; let me wish you well in the future; and let me express the hope – but also the confidence – that, in whatever capacity you serve, your talents will continue to be deployed in the cause of justice and universal human rights.

I know you are still with us till September. So we have no need to worry you are going to keep at it at full speed but even after you have left, I am sure you will give us the promise.

Mr. Chairman,

This session of the Commission on Human Rights must be one of the most important it has ever held.

We meet under the shadow of the desperate situation in Israel and the Occupied Palestinian Territory, which has become an affront to the conscience of mankind. I shall have more to say about that at the end of my address.

But we also meet in the shadow of what happened in the United States on the 11th of September last year, and of what has happened in many countries since then, as a direct or indirect consequence.

On that day several thousand human beings were brutally deprived of the most fundamental of all human rights – the right to life – by a premeditated act of terror, which many have called a crime against humanity.

That abominable act expressed a state of mind in which human rights cease to have any meaning. We still do not know – and we may never know – the precise motives of those who committed it. All we know is that, for whatever reason, they had reached a point where human life – their own and other people's – had ceased to count. They were prepared to use any means, no matter how callous, cruel or destructive, to achieve their political objective.

That is what we are up against. That is the sickness we have to confront and combat, wherever we may meet it.

It follows that we cannot achieve security by sacrificing human rights. To try and do so would hand the terrorists a victory beyond their dreams.

On the contrary, I am convinced that greater respect for human rights, along with democracy and social justice, will in the long term prove the only effective prophylactic against terror.

We must continue the struggle to give everyone on this planet a reason to value their own rights, and to respect those of others. At the same time, we must constantly reaffirm the primacy of the rule of law, and the principle that certain acts are so evil that no cause, however noble, can justify their use.

The end does not justify the means. Instead, the means tarnish, and may pervert, the end.

No doubt there is a hard core of terrorists whose minds are already beyond our reach, and against whom we have no choice but to defend ourselves physically – with great vigilance at all times, with exemplary justice when they fall into our hands, and, when necessary, with military force.

But let us do all these things in accordance with the law. And let us be careful, in defending ourselves, not to play into the enemy's hands, or to act as his recruiting sergeant.

Vigilance is essential – but in exercising it, let us not lose sight of such fundamental principles as the presumption of innocence until guilt is proved. Nor must we forget that even the guilty retain certain basic rights, such as those laid down in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Let us beware of falling, in our turn, into the trap of thinking that our aim is so vital that even the worst of means can be used to reach it. That may, instead of preventing terrorism, I fear would encourage it.

Instead, let us ensure that our security measures are firmly founded in law. In defending the rule of law, we must ourselves be bound by law.

As for justice, it must indeed be both the means and the end of our struggle against terrorism.

Mass murderers must no longer go unpunished, whether they are terrorists, warlords or dictators.

That is why I so much welcome the historic milestone that was passed yesterday, when we achieved the threshold of sixty ratifications of the Statute of the International Criminal Court. The Statute will now come into force on the first of July, and by next year the Court should be operational.

This will not detract from the responsibility of States to prosecute and punish war crimes and crimes against humanity committed by their citizens or within their jurisdiction. Nor will it undermine their ability to do so.

On the contrary, it will give all States a strong incentive to improve their standards in this respect, since the Court will have only jurisdiction where the State primarily concerned is either unable or unwilling to proceed.

Over time, I believe the practice and procedures of the Court will provide a benchmark of international justice, against which the standards of States can be measured.

It is a well-known principle that justice must not only be done, but also be clearly seen to be done. When criminals are punished, no fair-minded person should be in doubt of the justice of either conviction or sentence.

And justice does not mean only punishment of the guilty. It must also mean fair treatment of the innocent.

Let us therefore be careful not to place whole communities under suspicion, and subject them to harassment, because of acts committed by some of their members. Nor must we allow the struggle against terrorism to become a pretext for the suppression of legitimate opposition or dissent.

When I spoke to this Commission in 1999, I said that "no government has the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its peoples".

That point is, I believe, more widely accepted now than it was then. A good example of this is found in the recent report on the responsibility to protect, by the Independent Commission which addressed all aspects of the problem. After broad consultations conducted in all regions of the world, the Commission concluded that there is a wide understanding that States have a responsibility to uphold and protect the human rights of their citizens. When they fail, or when they themselves become the threat from which the citizens need to be protected, then the responsibility falls on the international community.

Terrorism is one of the threats against which States must protect their citizens. They have not only the right, but also the duty, to do so. But States must also take the greatest care to ensure that counter-terrorism does not, any more than sovereignty, become an all-embracing concept that is used to cloak, or justify, violations of human rights.

Any sacrifice of fundamental freedoms in the struggle against terror is not only wrong in itself, but will ultimately be self-defeating.

The greatest effort is needed to ensure fair treatment for those most exposed to prejudice, such as religious and other minorities, as well as migrants. Never has the need for tolerance been greater.

Let us remember that diversity is what gives the human species its splendour, and has enabled it to make progress, as peoples of different experience and culture have constantly learnt from one another. Whenever we fail to respect each other's right to different beliefs and forms of worship, or to form different communities with their own ways of life, our humanity is diminished.

What we cannot and must not tolerate is the use of violence by members of one community against another. All attacks on mosques, churches, synagogues and other centres of communal life must stop.

Mr. Chairman,

These issues were already on your agenda before the 11th of September. Indeed, the very week before that, we were discussing them at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance in South Africa.

My point is to stress that what happened on the 11th of September has not diminished the importance of your agenda, but if anything increased it. The need for effective mechanisms to protect minorities and other vulnerable groups is as great now as it has ever been.

The Commission on Human Rights itself has a vital role to play in devising and overseeing such mechanisms. And in the struggle against terrorism, its role must be complementary to that of the Security Council.

Of course, the Council and its Counter-Terrorism Committee must themselves be sensitive to human rights as they pursue their vital work. But while the Council has primary responsibility for the maintenance of international peace and security, this Commission has a particular responsibility to promote the international implementation of human rights. Therefore it must make every effort to protect those threatened by violations of human rights, whether these violations result directly from terrorism or are committed in the name of counter-terrorism.

And in this context, I note that you have decided to send a mission led by Mary Robinson to the Middle-East.

The political and the human rights bodies must clearly understand that their tasks are complementary, and make a real effort to work coherently together. Only so can we hope for an adequate response to the challenges we now face.

And finally, let me turn to the use of military force.

This may be necessary, in certain cases, to defend us against terrorism, as against other forms of assault. But let us be careful to use it only in self-defence, or in accordance with decisions of the Security Council.

And when we do use it, let us be careful to use it within the law – the international law of war. Targeting civilians, and disproportionate use of force beyond legitimate military objectives, are violations of international humanitarian law, and must be rejected.

Moral clarity and intellectual accuracy are needed in every judgment on the use of force by States. But the same must apply when we judge the actions of armed resistance movements. The killing of innocent civilians violates international law, and undermines the legitimacy of the cause it purports to serve. That of course applies also to suicide bombings aimed at civilians, which are as indiscriminate and morally repugnant as they are politically harmful.

Needless to say, Mr. Chairman, this is where I think especially of what is now happening in the Middle East, where international norms of human rights and humanitarian law are being violated on a massive scale.

We must all be deeply upset by the spectacle of so many unnecessary deaths; so much destruction and distress; so much erosion of restraints and coarsening of moral sensibility. I have already made my position clear in the Security Council, and in direct contacts with the leaders of both sides.

The parties are now locked in the logic of war. In order to move them to the logic of peace, bring peace and security again within their reach, we must address the core issues: occupation; violence, including terrorism; and the economic plight of the Palestinians. We must also remember that one cause of the current situation has been the persistent denial of fundamental human rights.

The task of the international community, and of this Commission, is to help bring both parties back to civilised standards of conduct; to insist on respect for human rights and humanitarian law; and to demand access for humanitarian organisations, as well as respect for freedom of expression.

A start would be for the leaders of both sides to make an immediate declaration of commitment to respect basic norms of human rights and humanitarian law. I solemnly call on them to take this step forthwith.

One of the lessons of the history of the United Nations is that it cannot afford to be neutral in the face of great moral challenges. We are faced with such a moral challenge today. Wanton disregard for human rights and humanitarian law is something we cannot accept. We must let those responsible know that they face the verdict of history.

Mr. Chairman, I plead, once again, for the respect of international law, including international humanitarian law, whenever force is used – whether by States or by resistance movements. In particular, we need to ensure respect for the four Geneva Conventions. Their purpose is crystal clear, and their wording is broad enough to apply to all armed conflicts, no matter what the specific circumstances.

There is no need to reinterpret them. What is vital is that, from now on, they should be obeyed.

Thank you very much."