

WAR AGAINST TERRORISM AND HUMAN RIGHTS: AN INTROSPECTION

Sushma Niharika*

Abstract

The recent world scenario is that states are no more in possession of tolerant approach towards terrorism and have recognised this as a worldwide threat to humanity and thus, the war against terrorism has taken a toll, and the counter terrorism activities and approaches have found their way as the reproach towards eliminating the evil from its roots, for which many times the standards of human rights compliance could get compromised which is the prime concern of this paper. The theme analyses the gravity of the war waged against terrorism and how the violations of Human Rights take place in that process.

Keywords: United Nation Charter, Counter-terrorism, Human Rights, Customary International Law.

* Student, National University Of Study And Research In Law, Ranchi (Jharkhand)

INTRODUCTION

Any analysis regarding the terrorism and the war against the prevailing regime in line with the international law standards will require a head start from simple realisation that the act of terrorism itself is violative of basic human rights let alone the international standard of human rights law. However, same can not be concluded for the counter activities against that heinous act. The ways to counter terrorism and root out the most odious and contemporary international threat can be very subjective and different in approach for different states and stakeholders. This raises a question as to the terror attacks carried out by a shadowy organisation out of the purview of any state's control falls under which category of international law standards and to the acceptable extent it can be accepted that it leads to new arena which is quite outside the said management which focuses on the relation among the states and relation of state and individual but again this does not answer the very important question in concern which is also the theme of this paper i.e., which laws are ought to be followed while counter-terrorism activities are undertaken by the states or international organisations, latter case is very rare though.

The rise in combatting terrorism has a substantial and noteworthy damage to the concept and sense of Human Rights and the note made by the UN Secretary-General Kofi

Annan in 2005 during the Madrid Summit¹ can be referred in following words: "international human rights experts, including those of the UN system, are unanimous in finding that many of the measures that state are currently adopting to counter terrorism infringe on human rights and fundamental freedoms." Apart from this, it has also been the observed by the scholars that the anti-terrorist measures and actions has been able to damage the personal security more than any other terrorist attack² and thus a remarkable question comes to origin in this scenario about how successful are the assurances regarding the preservation of human rights as the scuffle between counter terrorism measures and conservancy of human rights.

The concept of New Terrorism was introduced primarily in the edited edition by W. Gutteridge in the year 1986 (Gutteridge, 1986), much before the infamous 9/11 attacks in the USA and its ruthless strategy of countering the further insurgence and expansion of terrorism in the world level, and it was noted by Paul Hoffman that the whole set of ideology behind this concept had originated quite before the 9/11 attacks in the year 2001 and with greater access to the weapons capable of inflicting mass destruction, the preparators belonging to such organisations having no hierarchy or structure

¹ Press Release, Secretary-General, Secretary-General Offers Global Strategy for Fighting Terrorism, U.N. Doc. SG/SM/9757 (10 Mar. 2005).

² Paul Hoffman, Human Rights and Terrorism, 26 Hum. RTS Q. 933 (2004).

of identifiability whatsoever, are the trends of this new terrorism which has emerged and continued to raise questions at international level also marks the new terrorism regime.

Regardless of the fact that terrorism has been dynamically and structurally changed as far as some facets are concerned, the acts of states to counter terrorism, new or old, has come to that juncture which requires a considerable discussion and research and debate to conclude as to what extent these actions of countering terrorism are in consonance with the international human rights law standards which are especially led by the first world countries and to be specific if the contemporary scenario of last few decades are observed, US led counter terrorism activities mainly became explicit and more slaughtering in approach after the 9/11 attacks and has not stopped till date. There is lack of understanding and innovative resolutions at the international level to set-up standards for adherence of Human Rights particularly in the aspect of countering terrorism owing to the fact that terrorism has grown under the skin of the world in recent decades and it has been the most dangling issues to act upon and that too at par with those standards. It can be argued that to tackle the offenders of such heinous crimes to the humanity itself, no standards of human rights should be made available for they deserve to be eliminated from the society from their roots itself and whatever means be through which this can be achieved would be justified and if the terrorists do not feel abided by the civil, humanitarian and moral limits and

choose their targets more indiscriminately then the abidance of such international standards of human rights and basic rights should not interfere in their elimination. But again, there are many suspects round the globe who get suffered in between the process. The states are known to abduct these and torture is the most infamous method of getting information mainly in order to get confessions or other vague links for association with any such terrorist organisation. So, the rights and their protection, especially the protection of human rights and its adherence becomes an important arena to ponder upon when the rights of such persons are concerned.

CHAPTER I: RESPONSE OF UNITED NATIONS TOWARDS WAR AGAINST TERRORISM

The post-cold war era attracted the attention of the Security Council as of the fact that the terrorist threats were sparingly increasing and terrorist attacks“ most convenient and primary target was the United States on many points of time for instance, the World Trade Centre was wrecked and attacked in the year 1993, after that the US embassies in Nairobi and Dar es Salaam in August 1998 and the USS Cole was attacked in 2000 in Yemen, as a result of which terrorism became the controversial, most introspected and infamous agenda in the US security aim and his response was an active one for the United Nations against the terrorism or the counter terrorist measures and actions.

There is an obligation on the states to comply with the standards of International Human Rights while they are conducting war against terrorism, for which the derivative origin is from the customary international law for which in the *Nicaragua v. United States of America*³ the applicability of such law is on all the states and if the states have accepted on the terms of jurisdiction of court for entertaining the dispute between the two then they will be subjected under the jurisdiction of the International Court of Justice; along with these, Article 34 Vienna Convention on the Law of Treaties which illustrates general rule of the convention as far as the effect of treaties on the third parties is concerned, the states not consenting for being abided by the terms of such treaty, the treaty constitutes *res inter alios acta*, this doctrine holds that a contract cannot hold any non-party responsible or liable under its terms, which overall gives the picture of the applicability of international treaties is only on the consenting parties/states.

As the international consensus on fighting against the terrorism as worldwide crime has gained momentum, we can see the reflection of importance of such international cooperation in consonance with the human rights standards as well in the outcome of World Summit 2005 which was held at United Nations Headquarters in New York wherein the international community step up for taking up issues of poverty and a worldwide condemnation of terrorism in all ways and

³ *Nicaragua v. United States of America* [1986] ICJ Reports, 76 ILR 349, paras. 172-201.

means, to develop this notion in terms with the idea of collective responsibility of the states to protect civilians from such crimes against humanity; the outcome confirmed these during the summit in following words: “international cooperation to fight terrorism must be conducted in conformity with international law, including the [UN] Charter and relevant international conventions and protocols. States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law.”⁴ The Article 24 of the UN Charter reflects that the Security Council is entrusted with the duty of the maintenance of international peace and security which provides the idea in the paragraph 1.⁵

It can be duly noted that when the language of the resolutions of security council are sounded mandatory, such contents are binding on the members of the United Nations which is provided under the Article 25 of the UN Charter⁶ and Article 55(c) of the Charter illustrates the obligation of member states of the UN to protect and maintain human rights without any discrimination, which owing to these few principles underlined by the Charter

⁴ UN General Assembly, 2005 World Summit Outcome, A/RES/60/1 (2005), para. 85.

⁵ Art. 24 UN Charter: “in order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.”

⁶ “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”

along with the preamble of the same, leads to the consensual conclusion on the matter of countering terrorism, that the measures for same has to be in accordance with the principles of the Charter and the international law as well. So far it is clear that it is a mandatory rule for states to comply with the international standards of human rights law, but there may be some documents which cannot be so compelling if the words do not portray required mandatory language for instance, Resolution 1456 from 2003 Declaration has the persuasiveness in the wordings but when read they run as follows, “States must ensure that any measure [sic] taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law” which reflects a contrasting view as such the portrayal of the words being persuasive but the wordings in toto do not have that abidance which can be substantiated by the advisory opinion of International Court of Justice⁷ which is that any resolution which has a non-coercive and mandatory language should not impose a legal duty on the member state and thus not to be followed mandatorily under the Article 25 of the Charter.

As late as 1972, UN General Assembly has dealt with the issue of terrorism and measures to eliminate it, and in further decades, has directly focused on the main contemporary concern that was terrorism and human rights

being violated, but that does not mean that it has not catered to need of addressing the counter terrorism and human rights protection and violation. Although the UN General Assembly through the means of resolutions, has met the end of covering terrorism and human rights connection, the later decades have witnessed few resolutions catering to the demand of addressing counterterrorism and human rights in particular, for which the General Assembly Resolution 50/186 in the year 1995, reflected upon the notion of requirement of and mandatorily abidance by the standards of international human rights and following is the excerpt of that resolution which totally imitate the same, “Mindful of the need to protect human rights of and guarantees for the individual in accordance with the relevant international human rights principles and instruments, particularly the right to life, Reaffirming that all measures to counter terrorism must be in strict conformity with international human rights standards...Calls upon States to take all necessary and effective measures in accordance with international standards of human rights to prevent, combat and eliminate all acts of terrorism wherever and by whomever committed.” Another instance noted in the “Human Rights Compliance While Countering Terrorism” (2008) is the Resolution 56/88 which can be termed as contrary to the answer of the General Assembly and reaction to the 9/11 attacks on the United States of America in the year 2001, still advocating though in not so vigorous countenance, the need to adhere to the standards of the Human Rights Law in

⁷ (Advisory Opinion) [1971] ICJ Reports 53.

countering terrorism but this cannot be said that it was completely ignorant about the need to address the hostile bearings of the trend of counterterrorism on human rights round the globe and consequently, the General Assembly Res. 57/219 in the year 2002, likewise the General Assembly Resolution 58/187 in the year 2003, and the year 2004 saw surge of resolutions like the General Assembly Resolution 59/191, General Assembly Resolution 59/46 etc., wherein the subject matter of protection of human rights and fundamental freedoms while countering terrorism came to become the main notion of annual resolutions of the General Assembly on this issue itself; but then again the question arises and discussion on applicability and weight of UN General Assembly's resolutions because according to Article 10 of the UN Charter provides that the "General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the members of the United Nations or to the Security Council or to both on any such questions or matters", so the binding effect on the member states is missing from the resolutions of the General Assembly. Although these resolutions by the General Assembly, Human Rights Commission, Human Rights Council, being subsidiary organs of the General Assembly, hold the non-abiding and non-binding effect and are only considered as the directives for compliance of human rights while countering terrorism; but

to convert these guiding principles as the binding ones i.e. from mere suggestive resolutions to customary international law, these principles are influential enough if supported by the state conduct combining the content of the resolutions consistently along with the required *opinion juris* in order to establish these guiding principles as the recognized order of the state. Lastly, the establishment of UN Counter Terrorism Committee under the guiding purview of Security council regulations 1373 (year -2001) and 1624 (year-2005) was done in the backdrop of terrorist attacks in United States in September, 2001 with the objective of enhancing the powers of the member states to tackle the terrorist activities within and across their respective boundaries; it refocused on the same importance of compliance with the Human Rights Standards by the member states to tackle the terrorist act while respecting their obligations towards the international law, humanitarian and refugee law in its report titled "Report of the Counter-Terrorism Committee to the Security Council for Its Consideration as Part of Its Comprehensive Review of the Counter-Terrorism Committee Executive Directorate"⁸. The Article 2 of „Council of Europe Guidelines“ underlines the importance of exclusion of any form of discrimination or chauvinistic handling or arbitrary conduct in order to observe its main objectives that are to protect human rights, democracy and rule of law while battling terrorism. Even when the requirement arises as

⁸ S/2005/800 (2005).

to jeopardize human rights, there must be a proportionate reason available which must be at par to the objective being achieved.

CHAPTER II: INTROSPECTION OF RESORT TO FORCE FOR COUNTER-TERRORISM- HUMAN RIGHTS VIS-À-VIS COUNTER-TERRORISM

The central idea of human rights is that no part of world is free of this as individual human being retain this fundamental right and possess in themselves merely on the ground of being human, and no part of globe is exception to that principle. The „war on terrorism“ or „war against terrorism“ raises a very basic question as to whether these terms refer to a war and if yes, then what kind of war are we talking about because as the counterterrorism has furthered in the world, there have been numerous instances of basic human rights violations, including abducting preparators and suspects which many times include innocent civilians, bombarding of suspected areas killing the innocent public, illegal detention, torture, barbaric treatment with the suspects till the confessions are retained or innocence is proved. So, the contention can be made that the war on terrorism is a war that knows no boundaries and limits, has no respect for human rights and basic fundamental rights attached to any person whatsoever, and the way this war is being waged is quite unacceptable on these aforementioned grounds.

There are aspects that in particular gets targeted during the counterterrorism means

being adopted such as presumption of innocence, right to seek asylum, right to fair trial (including the aspects of natural justice as well), freedom of thought and privacy rights and from torture and the counterterrorism that targets a particular ethnic or religious or social group is also to be considered as violative of human rights law, and it can also damage freedom of expression and peaceful assembly. The world scenario took a massive turn after the 9/11 attacks, wherein the states reacted mainly in racist discrimination towards the Muslim and Arabic community thus, arresting innocents mainly for political reasons, some states formulated new crimes, passed legislations being violative of human rights in some or the other areas, assets of many suspects were directly frozen, some were detained without any reasons or their family or counsel being informed of so, with very much restricted the civil rights and thus affecting the standards of human rights being complied with in order to counter terrorism.

There has been persistence on conforming with the international law obligations in specific international human rights law, refugee and humanitarian law while battling terrorism or taking up the counter terrorism measures in Resolution 1456 (2003) by the United Nations Security Council⁹ and this reflects the requirement and reaction by the international community as to what is ought to be followed by the states in terms of countering terrorism. There is a very

⁹ S.C. Res. 1456, U.N. SCOR, 58th Sess., 4688th mtg., p. 6, U.N. Doc. S/RES/1456 (2003).

contrasting responsibility on the governments as to while resorting to counter terrorist measures, they have to not only focus on the protection of the civil and human rights, recognizing them and thus ensuring the achievement of same while on the other hand they are supposed to take some effective steps as to avoid and punish acts of terrorism with recognizing of the fact that all humans have this right to life and security attached to them but this idea cannot be complete in itself because if we practically observe this notion, no state or government can be kept safe from all threats and possible violence used by individuals to achieve some or the other end of theirs, but many a times governments have been able to justify killings and torture on political cover in the name of countering the terrorism present in their territory and some times outside the jurisdiction as well.

The obvious contention by the states involved in the counter terrorism insurgencies would come as that the war on terrorism somewhat gets diminished while following human rights and its standards which is a very doubtful argument as to how the leaders are supposed to tackle terrorism with the international cooperation without the respect for these basic rights, which reflects the need of antiterrorist laws which can be strict and innovative with the penalties but at the same time provide for the following of the required rule of law so as to avoid acting of states merely on their whims and fancies.

Rights of detainees covers all the aspects of natural justice, i.e. right to be heard, right to

fair trial, and these also form part of human rights which gives rise to some obligations on part of the detainee state such as to prohibit inhumane treatment with the suspect detainees, and prevent cruel and other forms of torture to them while respecting the basic liberties attributed to them. International human rights bodies like Human Rights Committee have reflected the same idea as obligation for treating detainees with humanity and avoiding any level of deprivation of liberty. These are the basic regulations that can be easily followed by and complied with by any state involved with the counterterrorism measures.

If the possibility of departing from the human rights provisions are to be discussed, it is to be duly noted that the rule of respect regarding human rights and fundamental liberty for individuals can be excepted in certain emergency situations, yet the basic and essential rights like right to life, freedom to thought and religion coupled with freedom from cruel and inhumane treatment which degrades human value and its existence and some other principle of criminal law cannot be departed away at all, even not with the excuse of emergency crisis situation and same is expected out of rule of law and right to fair trial. The Article 4 of ICCPR (International Covenant on Civil and Political Rights) provides for states to deviate from some rights while taking steps in the situation where there arises a public emergency which has the threatening effect on the nation's life and existence; also the parting ways from covenant can only be during the armed conflict in

certain situations only which is reflected in Article 4 (3) of ICCPR that such a state has to inform other member states regarding such derogation in form of an official declaration whereas Article 4 also provides that the steps taken which have made the state derogate from standards of the covenant and international human rights law must be such an exceptional and temporary in nature and the Human Rights Committee has the job of attending to the validity and the laws governing the declared emergency. United States for instance being member of the organisation (UN) and part of the covenant, has never formally accepted or given proclamation for the same, although it has taken several measures aftermath the 9/11 attacks being rigorous and many times, it has been reported but never been persecuted or held authorized for many emergency actions and insurgencies and attacks and suspect detentions etc in response to the terrorist attack on it in 2001.

The process of fight against terrorism finds its way not only through the violent military methods but a respect for human rights and its protection is also much needed and it is undoubtedly a fact that human rights get violated obviously due to terrorism and counter terrorism means, for the last so many years the act of terrorism has affected human life and derogated the freedoms fundamentally attached to humans and this gives rise to need of state to be put under an obligation to protect them and their fundamental rights against the terrorist acts and after the attack on September 11, 2001, USA heeded to a widely known

campaign “war against terrorism” thus changing the orientation of world politics in its own way from which human rights policies have not been kept unaffected which means this battle against terrorism reflects the fight for human rights as well thus a need of states striking balance between protection of citizen’s human rights and protecting those of alleged terrorists has been acknowledged and the way the European states reacted to the September 11 attacks was mostly a preventive one which can be categorized as civil reaction wherein following the preventive strategy, they choose for giving way to non-military steps like ensuring of human rights implementation on international platform along with developmental aid and economic cooperation.

CHAPTER III: POLICIES IN INDIA TO TACKLE TERRORISM AND COMPLIANCE WITH HUMAN RIGHTS STANDARDS

The Unlawful Activities (Prevention) Act, 1967 was amended in the backdrop of Mumbai terror attacks 26/11 on December 17, 2008. After that, the legislature passed another legislation to provide for a National Investigation Agency to be established under the National Investigation Agency Act, 2008, both of which received reaction not being an encouraging one as it was contended that these amendments were of no use as the laws are not up to the changing scenario of terrorism regime now a days and its nature has changed over last few decades and so has changed the means and methods as well. Another point of

view to scrutinize the legislations can be to analyse in the terms that whether the act violates international human rights standards. The Amnesty International (2008) has criticised the anti-terror laws and policies of India for many reasons among which few of them are overboard definitions of terrorism and what amounts to terrorism, the extension of maximum period of detention for a suspected individual on account of an act of terrorism from 90 to 180 days and minimum period for same has been extended from 15 to 30 days which has been declared by the Amnesty International as way beyond the international standards; along with the same another aspect criticised is the ambiguity and lack of clarity on what would constitute „membership“ of a „terrorist organisation“. Apart from the aforementioned arguments, the Unlawful Activities (Prevention) Act, 1967 was also under the radar of criticism by the same organisation on the grounds of denial of bail to foreigners for entering the country in unauthorised or better say in an illegal manner and not only this, but there has been inclusion of a requirement to prove the innocence by such accused persons in certain circumstances which is one of the many reproaches by the Amnesty International along with criticism regarding the National investigation Agency Act, 2008 that the Act gives the special courts the authorization for conducting or closing the hearings to the public without any defined or limitation on grounds under which that can be done as such.

The National Investigation Agency Act, 2008 constitutes the National Investigating Agency which acts as the Central Counter Terrorism Law Enforcement Agency which is authorised to investigate any terror related matters across the country without special permission of the states. The National Investigation Agency (Amendment) Bill, 2019 passed unanimously in 2019 by the Rajya Sabha which gave way to the National Investigation Agency (Amendment) Act, 2019 with following amendments: Clause (d) sub-section (2) of Section 1 inserted in lieu of amendment to the section 1 so as to apply the act to the persons who commit a scheduled offence beyond India against the Indian citizens or affecting the interest of India; amendment to S. 2(1) (h) included “Special Court” means a court of session designated as “Special Court”, as a part of amendment to section 6, sub-section (8) & (9) have been added as “(8) where the Central Government is of the opinion that a scheduled offence has been committed at any place outside India to which this act extends, it may direct the agency to register the case and take up the investigation as if such offence has been committed in India” and “(9) For the purpose of sub-section (8) the Special Court at New Delhi shall have the jurisdiction”.

As far as the detractors of India’s recent reconstruction of the counter-terrorism methods and means are concerned, there are clear cut blockages in the government’s ability in terms of resources which are scarce, equipment not fit for the ever evolving and dynamic technology at such great pace, and along with

that the training required to tackle the situations arising are not enough and certainly inadequate to carry out the plans as required. Many analysts have opined that regardless of amending legislations and creating and establishing agencies for the terrorism combat approach, the focus should be on establishing an intelligible national counter-terrorism approach which appears to be a more urgent method than the former (Sahni 2008) and growth of any such strategy would mandate a organized replication regarding what exactly is the Indian Counter-terrorism and what it ought to be which requires us to learn from the past and draw attention to the lessons of our history for instance, the Indian antiquity of counter-insurgency has faced the involvement of militarization wherein a large part of Northern India i.e. Kashmir and North-east India has been called as „disturbed“ areas under the special legislation, the Armed Forces Special Powers Act, 1958 (AFSPA) which gives authorization to our security forces to be used against the suspects, to the extent of even causing death on even mere suspicion that he is going to commit or is about to commit the offence, along with protecting the persecuting person against the charges of prosecution or any other legal proceedings, has remained and not yet been repealed or revised despite massive protest in recent years for those whose contend in favor of the repealing the act have opined that the Act demonstrated unconstitutional agendas and is a threat to Human Rights while continuing with the tag of „disturbed areas“ which are treated like war zones wherein the ordinary citizen faces the

consequences of the same by getting caught and many a times even killed during the cross-firing between security personnel and the insurgents or sometimes even the other side party involves peaceful protesters. It has been observed that the act has failed to mark a difference between the civil or domestic space and external space, which causes the coercive instruments to distinguish between the civilians and foreign aliens, (Gurumayum, A., 2009) and thus these coercive instruments superimposes the domestic space, not only this, the security forces which are meant for protecting the civilians are feared to be the coercive instrument by the opposing party which in fact are at the same pedestal as that of the government forces. The overall response is not up to mark and deliberations and discussions might find some or the other laws or provisions which are not at par with the human rights standards but for that, there is need of better infrastructure and improved intelligence as to compete at the global level at the terms of countering terrorism which has inflicted the country for many decades and will continue to do so, if its reaction is as gullible and subtle as they have been till date, which will make us lack behind the race of providing our nation a secured environment from the preparators.

RECOMMENDATIONS AND CONCLUSION

The government of a state is guarantor of security to the state and at the same time it is required to manage the requirements of the international standards and compliances

therein. It is supposed to protect its citizens and their fundamental human rights, keep them secured and then, take measures so as to provide for safer environment in future by rooting out the evil that stands keeping the rights of people at stake. Then, there is a necessary requirement of striking balance between the two, the implications of human rights on the counterterrorism measures has a substantive side where the boundaries are set as to where in cases of situations of emergency and crisis the acts are allowed in those periphery and on the contrary, has the institutional side, where the questions like which institution is supposed to lead the strategies of battling terrorism and what measures are in justification and if they are not, who is the competent authority as to decide the same, as the matter of the fact is that there is still not a single unified international institution have a clear cut authority and jurisdiction so as to assess whether the strategies, measures and resorts are in consonance with the standards or are departing from the level set, i.e., no one is to assess and monitor what is being done in regards to the war against terrorism. The war on terrorism is not only the matter of national security but also of human rights law as well and thus, it is very well required to follow this with a greater respect to the International Humanitarian Law, reflecting the human rights which are the very identity of an individual by virtue of just being a human; which the member states of the United Nations ought to follow hand in hand the international security and international human rights are to be

balanced thus, dwelling into the dual obligations of theirs which will make the aim of rooting out terrorism and maintaining the world peace and solidarity on the other hand. The law of human rights is standing on some essential ethics which are mainly, presumption of innocence, prohibition against any deprivation of right to life and liberty without a due process, rules of natural justice like right to fair trial, right to be heard, right to appeal, reparation, humane treatment and protection against torture and cruelty of detainee in the custody or during investigation. No government, state or international organization can deny these on the grounds that they are protecting the Fundamental rights and human rights of the citizens by preventing the furtherance of terrorism and rooting the evil on stake of other's human rights, this would probably be an eye for an eye, which would be as painful as that for victims of the attacks and suspects of the attacks and their families alike. There are executive bodies that cover up the human rights violations and they are protected from prosecution on the grounds of state secrets which makes room for anarchy of the state without any check and balance by keeping national security agencies under democratic control. When there is report of unlawful detention, execution, there is a need of forming some autonomous and operative investigation forums to deal with them in effective manner; the states are obligated to inspect such human rights abuse under the European Convention on Human Rights. Effective, coordinated, yet reactive and powerful strategies are the need of the hour as

terrorism as become a worldwide threat undoubtedly, yet the core principles have to be adhered by otherwise there would be no social order and a complete chaos, and destruction of democratic structure and rule of law would shatter the system of global world eventually, if not immediately. The war against terrorism has not to be a war per se without any limits, and the use of illegal measures to root terrorism out is not an option for democratic states and this is exactly expected by the terrorist organisations and their perpetrators, which has over the years harmed the global system of human rights and many innocent lives have been ruined, thus the essential ideology that admire rule of law, fundamental and human rights, and basic liberty as per due process are expected are needed to be complied and adhered, even in the times of crisis and state emergencies.