



Terrorism, Counter Terrorism And Its Impact On Human Rights

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ABSTRACT

Terrorism is an intentional form of violence that involves targeted attacks which are intentionally designed to scare, intimidate or terrorize for political, religious and other personal reasons. Attacks are usually directed at immediate targets such as people, events or institutions and a wider audience whom protagonists aim to intimidate kill or threaten. Terrorism can be considered to be a violent strategy which aims to provoke public and political change. Such politically aggressive approaches have a long history that predates today's experiences. Throughout this history, the beliefs that terror group holds, the locations where they are formed, the reasons that people join and remain within groups and ultimately why they leave have been very diverse. Counter terrorism incorporates the practices, military tactics, techniques and strategies that Government, Law enforcement agencies and intelligence agencies use to combat or eliminate terrorism. Terrorism has both direct and indirect effects on human rights, as it becomes more widespread and systematic, it has emerged as a significant threat to human rights throughout the world. Terrorists attacks aim at targeting thousands of civilians who are most times casualties in cases of kidnapping, murder and sexual abuse which is a great violation of human rights. There are occasions however where Government's counter terrorism strategies do not adhere to human rights principles and states have engaged in practices that are directed towards pursuing their own interests thereby violating the same rights they claim to protect. This article attempted to discuss the impacts of terrorism and counter terrorism on human rights and recommended few measures that could be put in place in addressing the issue as well as safeguarding human rights.

Keywords: counter terrorism, Terrorism, human rights, kidnapping

INTRODUCTION

Terrorism is both complex and emotive. It is complex because it combines many aspects of human experience including subjects such as philosophy, psychology, philosophy, military strategies and history. Terrorism is also emotive because experiences of terrorist's acts arouse tremendous feelings and because those who justify terrorist's acts as justified often have strong feelings concerning the rightness of the use of violence. Without a doubt terrorism evokes strong feelings whenever it is discussed. A key challenge to understanding terrorism is both acknowledging the moral outrage of terrorist acts while at the same time, trying to understand the rationale behind terrorism. Terrorism is not a new phenomenon in human experience, violence has been used throughout human history by those who oppose States, Government and Government Policies. It is characterized by the use of violence against civilians with the expressed desire of causing of terror or panic to the human population. Counter Terrorism strategies are the Government's use of instruments of National power to defeat terrorists, the Organizations they maintain and the networks they contain. Acts which would normally be categorized as terrorist as understood within the context of the universal anti-terrorism instruments and criminal justice approaches during peace time such as the deliberate perpetration of the acts of violence against civilians or civilian objects constitute war crimes under International Humanitarian Law which should be prosecuted accordingly².

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² H Bruce, *Inside Terrorism* (New York:Columbia University Press 2009)31

Human Rights are universal values and legal guarantees that protects individuals and groups against actions and omissions primarily by state agents and interfere with fundamental freedoms, entitlements and human dignity.³

1.01 Meaning of Terrorism

Terrorism originated from the Latin word *terrere* which means to frighten. It acquired its modern term terrorism during the Jacobin Reign of terror in France from 1793 to 1794. Terrorism is the use of threat or violence to instill fear against civilians. Terrorism is intended to have psychological effects that go beyond the immediate victims to intimidate a wider population such as rival, ethnic or religious group, a National Government or political party or an entire country. It is often intended to establish power where there is none or to consolidate power where there is little. Terrorism is generally applied to one's enemies and opponents or to those with whom one disagrees and would otherwise perceive to ignore. The use of the term terrorism therefore depends on one's point of view⁴.

Acts of terrorism are considered to be a form of asymmetrical warfare, committed by marginalized groups or individuals who often resort to such tactics because they lack more conventional political resources and avenues for engagement. In order to attract and maintain the publicity necessary to generate widespread fear, terrorists engage in increasingly violent and high profile attacks such as kidnappings, mass shootings, car bombings, and suicide bombings. The locations of terrorists attacks are carefully selected. Schools, shopping centers, bus and train stations, restaurants and night clubs are always areas of major targets both because they attract large crowds and because they are places where which members of the civilian population are familiar with. One of the goals of terrorism generally is to destroy the public's sense of security in the places most familiar with them. Major targets also includes buildings or other locations that are important economic or political symbols such as embassies or military installations⁵

Terrorism follows a three stage method namely disorientation, target response and gaining legitimacy. Disorientation seeks to sow within a population a general sense of insecurity and detract from the legitimacy of existing State structures often through random acts of violence that prey upon the civilian population in general. Target response seeks to prompt a disproportionality harsh collective reprisal from a Government in order to radicalize the affected population and win international legitimacy or to wrestle political concessions. Gaining legitimacy arises where the terrorist group seeks to transfer legitimacy from the Government to them through skillful manipulation of the media, grassroots social agitations or through the internet⁶.

1.02 Meaning of Counter Terrorism

Counter terrorism consists of actions or strategies aimed at preventing terrorism from escalating, controlling the damage from terrorists attacks that occur, and ultimately seeking to eradicate terrorism⁷. Counter terrorism strategies are a Government's motivation to use the instruments of National power to defeat terrorists, the Organizations they maintain and the networks they contain.⁸

1.03 Types of Terrorism

Various attempts have been made to distinguish among types of terrorist activities. It is vital to bear in mind however that there are many types of terrorist movements and no single theory can encompass them all. Not only are the aims, members and beliefs of groups or individuals engaged in terrorism extremely diverse, so are the political context of their campaigns and mode of operation. Terrorism has however been classified into three broad classes namely revolutionary, sub revolutionary and establishment.

³ M Nowak, *U.N Covenant on Civil and Political Rights* (CCPR Commentary 2nd ed.) 121

⁴ S Alex, 'Terrorism, the Definitional Problem(36)(2)(3) *Case Western Reserve Journal of International Law* 44

⁵ *Ibid*, 45

⁶ L Weinberg and Others, *The Challenges of Conceptualizing Terrorism* (London:Routledge 2008) 78

⁷ D.E Stigall and Others, 'The 2018 National strategy for Counter terrorism: A Synoptic Overview' (American University National Security Law Brief 2019) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3466967 accessed 10th February 2023

⁸ *Ibid*

Although this classification has been criticized as inexhaustive, it provides a useful framework for understanding and evaluating terrorist activities.⁹

Revolutionary terrorism is arguably the most common form. Practitioners of this type of terrorism seek the complete abolition of a political system and its replacement with new structures. Modern instances of such activity include the campaigns by the Italian Red Brigades and the Islamic State in Iraq and Syria (ISIS).¹⁰

Sub revolutionary terrorism is not used to overthrow an existing regime but to modify the existing sociopolitical structure. Since this modification is often accomplished through the threat of deposing the existing regime, sub revolutionary groups are somewhat difficult to identify. An example can be seen in the AFRICA National Congress and its campaign to end apartheid in South Africa.¹¹

Establishment terrorism often called state or state sponsored terrorism is employed by Governments or more often by factions within Government against that Government's citizens, against factions within the Governments or against Foreign Governments and groups. This type of terrorism is very common but difficult to identify mainly because the state's support is always clandestine. The Soviet Union and its allies allegedly engaged in widespread support of International terrorism during the cold war, the military dictatorships in Argentina, Chile and Brazil committed acts of state terrorism against their own population. The persistent element of all forms of establishment terrorism unlike that of nonstate terrorism is that of secrecy. States invariably seek to disavow their active complicity in such acts, both to evade international censure and to avoid political and military retribution by those they target.¹²

1.04 Causes of Terrorism

The causes of terrorism appears to vary. It does appear that there is no lone cause or factor that makes people engage in terrorist activities. Scholars have categorized motivations for terrorists to include psychological, ideological, strategic,

1) Physiological Causes

Those who engage in terrorism may do so for purely personal reasons based on their own psychological state of mind. Their motivation may be nothing more than hate, greed or the desire for power, for instance in 1893, Auguste Vallian a French anarchist bombed the French Chamber of Deputies. Prior to his conviction and subsequent execution, Valliant explained that his motivation was borne out of sheer hatred for the middle class. He wanted to spoil their sense of economic and social success by tainting it with violence. In many respects, these terrorists are interested from others by their acts of violence rather than some grand ideological or strategic goal.¹³ Their motivation is also to further a political or ethnic-nationalist cause.¹⁴

2) Ideological Causes

Ideology is defined as the beliefs, values and principles by which a group identifies its particular aims and goals¹⁵. These beliefs and values are often subject to extreme interpretations. Ideologies play a crucial role in terrorists target selection, it supplies terrorists with an initial motive or action and provides a prism through which they view events and actions of other people. Ideology also allows terrorists to justify their violence by displacing their responsibility onto either their victims or other actors.¹⁶ Ideology may encompass religion, ethnic or political philosophies. Religious terrorists perpetrate terrorist attacks in the name of some religion whether Islam, Christianity, Judaism or another religious system. White supremacists and Neo-Nazis can be classified as religious terrorists because many adherents to or at least influenced by the Christian movement and use its racist and

⁹ P.R Neumann and M.L.R Smith, *The Strategy of Terrorism, How it Works and Why it Fails* (London: Routledge 2009) 32

¹⁰ *Ibid*, 33

¹¹ (n8)

¹² *Ibid*, 34

¹³ G Rakesh, 'A Comparative Perspective on the Causes of Terrorism' (2018)(35)(1)(7) *Journal of International Studies* 23

¹⁴ J.D Simon, *Lone Wolf Terrorism* (New York: Prometheus Books) 44

¹⁵ (n12) 24

¹⁶ C.J.M Drake, *The Role of Ideology in Terrorists Target Selection* (New York: St Martin's Press Inc. 1999) 12

anti-Semitic ideology as religious justification for their violence.¹⁷ An example of ideological terrorists were the Bader Meinhoff, a terrorist group made up of middle class adults who opposed capitalism and sought to destroy capitalist infrastructure in Germany.¹⁸

3) Strategic Causes

Terrorism is sometimes seen as a logical extension of failure in politics. When people seek redress of their grievances through the Government but do not gain the Government's attention to their plight, they may resort to violence. From this view point, terrorism is the result of a logical analysis of the goals and objectives of a group and their estimate of the likelihood of gaining victory. Where victory seems unlikely using more traditional means of opposition, the terrorists may feel that using the instrument of terrorism to make their grievances known is a better option. One instance was in South Africa where the African National Congress only turned to the use of terrorism after political avenues were explored and failed.¹⁹ States may sponsor terrorists groups especially when the objectives of the state and the terrorist groups are similar, for instance Libya used terrorists to explode a bomb Pan Am 103 flying from London to New York in 1988, allegedly in response to United States and British bombing of Libya.²⁰

1.05 The Impact of Terrorism on Human Rights

Terrorism aims at the very destruction of human rights, democracy and the rule of law. It attacks the values that lies at the heart of United Nations Charter and other International instruments, respect for human rights, the rule of law, rules governing armed conflicts and the protection of civilians, tolerance among people and nations and the peaceful resolution of conflict. Terrorism has a direct impact on the enjoyment of a number of human rights including the right to life, liberty and right to freedom from discrimination amongst others. Terrorists act destabilize Government, undermine civil societies, jeopardize peace and security, threaten social and economic development, and may especially negatively affect certain groups. All of these has a direct impact on the enjoyment of human rights.²¹

The destructive impact of terrorism on human rights and security has been recognized at the highest level of the United Nations notably by the Security Council the General Assembly and Former Commission on Human Rights and the New Human Rights Council.²² Terrorism threatens the dignity and security of human beings everywhere, endangers and leads to the loss of human lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms and aims at the destruction of human rights. It has an adverse effect on the establishment of the rule of law, aims at the destruction of the democratic basis of the society and destabilizes legitimately constituted Governments.²³ Terrorism is linked with transnational organized crimes, drug trafficking, money-laundering and trafficking in arms as well as illegal transfers of nuclear, chemical and biological materials and is also linked to the commission of serious crimes such as murder, extortion, kidnapping, assault hostage taking and robbery. Terrorism threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of International peace and security, jeopardizes friendly relations among States and has a pernicious impact on relations of cooperation among states including cooperation for development.²⁴

National, International and Regional human rights laws makes it clear that states have both a right and a duty to protect individuals under their jurisdiction from terrorist attacks. This stems from the general duty of States to protect individuals under their jurisdiction against interference in the enjoyment of human rights.

¹⁷ (n13)

¹⁸ (n15)

¹⁹ K Moorhead, *The Root Causes of Terrorism* (A.U.G Press 2009) 7

²⁰ Ibid, 8

²¹ C Greenwood, 'International Law and the War against Terrorism' (2002) (78) (2) *Journal of International Affairs* 301

²² Security Council Resolutions 1373 (2001), General Assembly Resolutions 48/122 as well as its Declaration ON Measures to Eliminate International Terrorism (Resolution 49/60)

²³ (n 21)

²⁴ H Paul, 'Human Rights and Terrorism' (2004) (26) (4) *Human Rights Quarterly* 935

More specifically, this duty is recognized as part of States obligations to ensure respect for right to life.²⁵

The right to life which is protected under National, Regional and International human right treaties or laws has been described as the 'supreme right' because without its effective guarantee, all other human rights would be without meaning, however an analysis of the effects of terrorism shows that terrorist acts have contributed to a massive number of casualties which violates the victim's right to life. As a result of that, there is an obligation on the part of the State to protect the right to life of every person within her territory even in times of public emergency. The protection of the right to life includes an obligation on states to take all appropriate and necessary steps to safeguard the lives of those within their jurisdiction. As part of this obligation, States must put in place effective criminal justice and law enforcement systems such as measures to deter the commission of offences and violations where they occur, ensure that those suspected of criminal acts are prosecuted, provide victims with effective remedies and necessary steps to prevent a reoccurrence of violations. States have a positive obligation to take preventive operational measures to protect an individual or individuals whose life is known or suspected to be at risk from the criminal acts of another individual which certainly includes terrorists. Also important to highlight is the obligation on States to ensure the personal security of individuals in their jurisdiction where a threat is known or suspected to exist which includes terrorist threats. States have a duty to take effective counterterrorism measures to prevent and deter future terrorist attacks and to prosecute those that are responsible for carrying out such acts. At the same time, the countering of terrorism poses grave challenges to the protection and promotion of human rights. As part of State's duty to protect individuals within their jurisdiction, all measures taken to combat terrorism must themselves also comply with State's obligations under International law, in particular International Human Rights, Refugee and International Humanitarian Law.²⁶

International law on human rights prohibits all forms of racial discrimination, discrimination against women, torture and degrading treatment, however terrorism employs the use of violence on the civilian population and is no doubt a great violation of human rights. Torture that is sometimes carried by terrorists is a violation of the right to freedom from torture as well as by States which use torture as a means of fighting terrorism. Similarly holding hostages as done by terrorists denies people their fundamental rights to freedom, liberty and freedom.²⁷ Other actions carried out by terrorists or extremist groups which violates human rights includes forced marriages, rape, forced abortion, domestic servitude, physical and sexual abuse, the use of women and children as suicide bombers in their terrorist attacks, the kidnapping of children and forcing them into military and religious training to advance their wicked agenda.²⁸

The threat of terrorism to security which is a basic human right makes it an obligation of every Government to take positive counter terrorism measures. There Are times where steps adopted by Government to ensure the security of her citizens is also a violation of other rights such as liberty and liberty and freedom through torture and detention of suspected terrorists. The lack of adherence to human rights in the fight against terrorism by state agencies have led to the rise of discontented groups in the society whose family and friends have their rights violated, this has significantly weakened public support which is essential in developing effective counter terrorism measures.²⁹

CONCLUSION

Terrorism has evolved from becoming widespread and systematic to becoming a direct and indirect to human rights. Since the instances of modern terrorism such airplane hijackings and terrorists bombing began to emerge, terrorist organizations have evolved as more complex, financially stable to carry out coordinated attacks almost in every place of the globe. Dealing with terrorism is more challenging than that of

²⁵ H Bruce, *Inside Terrorism* (Columbia University Press 2009) 45

²⁶ (n 24) 936

²⁷ L Walter, *The New Terrorism: Fanaticism and the Arms of Mass Destruction*(Oxford University Press 2011) 8

²⁸ *Ibid*

²⁹ R Richard, *Alchemists of Revolution: Terrorism in the Modern World* (New York: Basis Books 2019) 11

conventional crime. This is because terrorists do not follow a social and demographic profile that is followed by conventional crime and warfare. Terrorism aims to achieve publicity as well as social or political gains, therefore making it harder to eliminate. Dealing with terrorism therefore requires diverse approaches both by State agencies in their counter terrorism measures to ensure the protection of human rights. Coordination between Governments worldwide is essential to deter the spread of terrorism and their ideas across the world, with more efforts put into crippling terrorists operations such as communication, finance structure, access to weapons rather than through violent combats to protect human rights.

Terrorism may be minimized by the use of force or violence against terrorists for instance the U.S military actions against the Taliban in Afghanistan is an example of the use of force against terrorism.³⁰ Secondly International Agreements are another attempt at addressing terrorism by the passage of Resolutions that seek to foster greater political actions against member states. Again negotiations may be another method for dealing with terrorism. While Nations may refuse publicly to negotiate with terrorists groups, they may follow a different strategy in secret.

³⁰ (n27) 9