
Human Rights And Terrorism

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Abstract

Human rights are the basic rights and freedoms, to which all humans are entitled. They include the right to life and liberty, freedom of thought and expression, and equality before the law. Proponents of the concept usually assert that everyone is endowed with certain entitlements merely by reason of being human. Human rights are thus conceived in an universalistic and egalitarian fashion. Such entitlements can exist as shared norms of actual human moralities, as justified moral norms or natural rights supported by strong reasons, or as legal rights either at a national level or within international law. However, there is no consensus as to the precise nature of what in particular should or should not be regarded as a human right in any of the preceding sense, and the abstract concept of human rights has been a subject of intense philosophical debate and criticism.

Keywords- Human rights, basic rights, freedoms, Terrorism and international law.

Although ideas of rights and liberty have existed throughout the human history, it is unclear to what degree such concepts can be described as ‘human rights’ in the modern sense. The concept of rights certainly existed in pre-modern cultures. Ancient philosophers such as Aristotle wrote extensively on the rights of citizens to property and participation in public affairs. However, neither the Greeks nor the Romans had any concept of universal human rights; slavery, for instance, was justified in both ancient and modern times as a natural condition. Medieval charters of liberty such as the English Magna Carta were not charters of human rights, let alone general charters of rights : they instead constituted a form of limited political and legal agreement to address specific political circumstances, in the case of Magna Carta later being mythologized in the course of early modern debates about rights. Promulgation of such rights is not binding on any country, but they serve as a standard of concern for people and form the basis of many modern national constitutions. Although they were defined first by the UK philosopher John Locke (1632-1704) as absolute moral claims or entitlements to life, liberty, and property, the best-known expression of human rights is in the US Declaration of Rights in 1776 which proclaims that “All

men are by nature equally free and independent and have certain inherent natural rights of which when they enter a society they cannot by any compact deprive or divest their posterity.¹

The basis of most modern legal interpretations of human rights can be traced back to recent European history. The 'Twelve Articles' are considered to be the first record of human rights in Europe. They were part of the peasants' demands raised towards the Swabian League in the German Peasants' War in Germany. In Britain in 1683, the English 'Bill of Rights' and the Scottish 'Claim of Right' each made illegal a range of oppressive government actions. Two major revolutions occurred during the 18th century, in the United States (1776) and in France (1789), leading to the adoption of the 'United States Declaration of Independence' and the 'French Declaration of the Rights of Man and of the Citizen' respectively, both of which established certain legal rights. Additionally, the 'Virginia Declaration of Rights of 1776' encoded into law a number of fundamental civil rights and civil freedoms.

Terrorism

The term terrorism has been derived from 'terror' which is a Latin term. It is a psychological condition and a condition of extreme fear and tension. Webster's New Collegiate Dictionary has defined terror as 'acute condition of fear' and terrorism as 'employment of terror as a forcing method.'² Terrorism has been explained in the Chamber's Twentieth Century Dictionary as 'organized system of intimidation'.³ Well-known US analyst of terrorism, Brian M Jenkins has defined terrorism as an act or threat of individual or violence or a campaign of violence mainly intended to intimidate.⁴ Eugene V. Walter explained terrorism as a method of fear which includes the use of violence designed to instill fear and induce submission. It is not mere violence but coercion by extreme fear compelling one to do by dread of death, injury or pain, either for himself or others, what he normally, will not do.⁶ It has become an umbrella term denoting a variety of violent activities with different causes and motivations. But all violent activities are not necessarily, terrorism, as it does not merely mean injuring, killing or maiming. It is something more Terrorist violence is planned and executed in such a way as to produce maximum terror.

Terrorism : Violation of Human Rights

Since time immemorial civilians have been victims of terrorist acts. Ordinary people going to work by bus or having coffee on the sidewalks are the usual target of indiscriminate violence, not well-known players on the domestic or international scene but bystanders. It may, however, also happen that

an act of terrorism strikes persons in the limelight; government officials, opposition leaders, and military or police personnel. Such recourse to unchecked and indiscriminate violence has always been deemed contrary to fundamental rules of law, whether enshrined in international treaties protecting the human being or codified by domestic law, in particular criminal law. No civilization, no creed-and no decent human being-condones acts of terrorism. Moreover, terrorists have always been prosecuted for their crimes. Terrorist attacks on human lives and property have not only brought suffering and distress to the individual victims, but have often had far-reaching consequences for the life of a nation or even the course of history. In 1914, for example, the killing in Sarajevo of the Austrian Crown Prince triggered the outbreak of the First World War. The twentieth century has seen a spate of terrorist acts all over the world. Few recent conflicts have not been characterized by appalling acts of cruelty against civilians, perpetrated with the sole aim of terrorizing the civilian population of a country at war. To mention only a few examples, there was the war which led to a independent Algeria, the crushing of independence movements by the Soviet Union, the various armed conflicts in Indochina, in particular during the involvement of American and Allied forces in Vietnam, the mass murder of the Cambodian people, the civil war in Sri Lanka and in several African countries, the armed conflict in Colombia, the events which have shaken Northern Ireland for years and, of course, the wars in the Middle East, in particular the ongoing tragedy in Palestine. A cursory look at the contexts in which these events took place shows that acts of terrorism are usually part of or indirectly linked in some way to an armed conflict, i.e. a situation in which peaceful ways of settling disputes among contending groups have failed to end the conflict. It took a form of warfare of its own during the seventies of the twentieth century which witnessed a large number of terrorist acts against civilians, the more spectacular of which were linked to the conflict between Israel, the Palestinian people and some Arab States. That was also the time when “terrorism” in general and the international response to such events were placed on the agenda of the United Nations and international governmental organizations. Scholars and the media likewise took up the subject. Moreover, under the headings of “wars of national liberation” and guerrilla warfare, terrorism became a dominant issue for the Diplomatic Conference which brought about the adoption, on 8 June 1977, of the two Protocols Additional to the Geneva Conventions of 12 August 1949. Having launched the process of updating international humanitarian law, the International Committee of the Red Cross was suddenly confronted with the problem. The destruction, by hijacked passenger planes, of the World Trade Centre’s Twin Towers in New York and part of the Pentagon in Washington D.C. on 11 September 2001, and the subsequent armed campaign led by the United States against Afghanistan “to

destroy terrorism”, have once again thrust “terrorism” to the forefront of international concern. The worldwide reaction to these events has been particularly intense, among other things because of the obvious link between them and the more than thirty years’ conflict in the Middle East over the destiny of the Palestinian people. The world is seeing the use of a considerable amount of violence to support or counter the goals of the contending parties. Suicide attacks by Palestinians against civilians on Israeli territory and retaliatory incursions by the Israeli armed forces into the territories of the West Bank and Gaza, with casualties among the civilian population and destruction of the civilian infrastructure, particularly housing, have generated an incredible degree of hatred between two peoples which history and geography have condemned to live side by side.

Terrorism has also been employed as proxy war. The US has used it in Afghanistan against USSR which, then, was occupying it. Pakistan has been employing terrorism as proxy war against India since eighties of the last century which have claimed nearly 80,000 lives.

Terrorism is a double edged weapon harming the humanity by both of its edges. Innocent people are the victims of terrorists endangering the human rights. Governments have to counter act to defend its people, leaving the possibility of the violation of human rights. In fact, it is a part of terrorist strategy, first to instigate security forces to react and then, make a hue and cry of ‘state terrorism’.

Conclusion :

Thus, it is apparent that human rights are bound to be violated in a terrorist situation. While the human rights violations by terrorists are intentional, the human rights violation by governments may be accidental at it is very difficult to differentiate who is a terrorist and who is not. Systematic human rights violation is a part of terrorist strategy. In fact, disrespect for human lives has also increased. Now the necks of the victims are slashed slowly right before video camera and the clips are widely circulated. Terrorists deserve no human rights. Governments, on their part should strike balance. Terrorists should be dealt with iron hand but all care should be taken to defend the fundamental rights of the people. International community should join hands to formulate a legal framework to ensure the eradication of terrorism as well as the defence of the human rights.

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