



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Joint written statement\* submitted by the International  
Organization for the Elimination of All Forms of Racial  
Discrimination (EAFORD), Arab Organization for Human  
Rights, Indian Movement "Tupaj Amaru", International-  
Lawyers.Org, Union of Arab Jurists, non-governmental  
organizations in special consultative status, International  
Educational Development, Inc., World Peace Council, non-  
governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2016]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## Assessing Fifteen Years of the War on Terror

### The Counterintuitive Results of Combating ‘Terrorism’

George W. Bush proclaimed the ‘War on Terror’ on 20 September 2001, nine days after the attacks that struck New York and Washington. Fifteen years later, its direct military consequences have been the full-scale invasion of Afghanistan in 2001, Iraq in 2003 and other military operations in Yemen, Pakistan, and Syria. Of these, the war on Iraq has authoritatively been categorized as completely illegal, and the war on Afghanistan have often been argued to be so as well.

The war on terror has for the vast majority of those affected by it been an utter and complete failure. International military campaigns have invaded, occupied, and left several countries in political turmoil, hundreds of thousands of civilians have died, millions have been displaced and human rights violations the world over have soared. At the same time, terrorist groups and their activities – the very elements the war on terror set out to subvert – have flourished.

The direct link between the global war on terror and the surge in violent extremism is well established. The anti-Western sentiment as well as the political vacuums that the U.S.-led international military campaign has left behind in many areas of the world have provided a favourable environment for the breeding of violent extremism. Regrettably, it is the local populations of the Global South that have paid the highest price for these developments.

The United Nations has failed to assert itself as a key player both in the fight against terrorism and, perhaps even more importantly, in ensuring that the global war on terrorism employs policies that protect innocent civilians and promote the prevention and repression of violent extremism. While it has adopted a series of measures in order to rectify this passivity, significant hurdles remain.

### The War on Terror in Statistics

The war on terror has not resulted in a reduction of terrorism but in fact a dramatic increase. The number of people who have died from terrorist activity has increased nine fold since the year 2000.<sup>1</sup> And between 2013-2014, the last years for which data is available, terrorism-related deaths increased by 80 percent to 32,685 victims – its highest recorded level ever.

While many Western countries portray terrorism as the main threat to their societies, it is all too often overlooked that terrorism, and the civilian victims of both terrorism- and anti-terrorism activities, is very geographically concentrated. Since 2000, and thus including the casualties of the 11 September attacks, only 2.6 per cent of deaths from terrorist-related activity have occurred in western states.<sup>2</sup> Perhaps even more strikingly, in 2014 some 78 percent of all terrorist-related deaths occurred only in 5 countries: Iraq, Nigeria, Afghanistan, Pakistan, and Syria.<sup>3</sup>

It is also clear that terrorism has increased particularly in areas where the war on terror has actively been fought. For example, prior to the U.S.-involvement in Iraq there were a total of *sixty-five* deaths from terrorism in the four years between 1998-2002. Contrast this to 2015, a year in which there were 9,929 terrorist-related deaths that occurred exclusively in Iraq.<sup>4</sup> This figure stands as the highest annual death toll from terrorism ever been recorded in a single country in history. As the Global Terrorism Index, the highest authority for empirical research on terrorism concluded in its 2015 report, “the catalyst for the rise in terrorism in Iraq had been the US-led invasion in 2003.”

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<sup>1</sup> Global Terrorism Index 2015, Institute for Economics and Peace, 14. Accessed 5 July 2016 at <http://economicsandpeace.org/wp-content/uploads/2015/11/Global-Terrorism-Index-2015.pdf>

<sup>2</sup> Global Terrorism Index 2015, 5.

<sup>3</sup> *Ibid.*, 16.

<sup>4</sup> Global Terrorism Index 2015, 18, 20.

## The Human Rights Record

The human rights record of counter-terrorism policies is egregious and worsening. In war-torn countries where terrorism is increasing, abductions, rape, killings, and a plethora of various other forms of human rights abuses are now commonplace. Non-state actors that roam and ravage affected countries can do so largely due to a political vacuum in which any modern conception of law and order has broken down.

However, it is equally important to note that governments that employ anti-terrorism policies have also systematically been found guilty of violating human rights. At the hands of the U.S.-led coalition there have been countless cases of extrajudicial killings, torture and prisoner abuse, enforced disappearances, and extraordinary renditions.<sup>5</sup> Legal and practical safeguards, such as regular and independent monitoring of detention centers, have often been disregarded, as has the international obligation of non-refoulement.<sup>6</sup> Civil liberties have also been severely restricted.

At the hands of afflicted governments, in turn, the independence and impartiality of judiciaries have been undermined, anti-terrorism laws have been enacted for political ends, and repressive measures have been used to stifle voices of human rights defenders. Legitimised by a national fight against terrorism, government-sanctioned torture, arbitrary detentions and extrajudicial killings are unfortunately commonplace in some of the most stricken areas of the world.

Sectarian polarization and violence has also seen a dramatic increase, especially in the MENA region, where hundreds of pro-government militias are able to commit war crimes, crimes against humanity and genocide against particular components of society practically undisturbed, under the pretext of fighting terrorism.

Despite their human rights violations, which are very well known to the regional governments, these militias still enjoy the support of the authorities, who have allowed them to cooperate with some army units, and in most cases to dominate them, and put them in charge of “anti-terrorism” military operations aimed at “liberating” cities which are claimed to be under ISIS control. In this context, the pivotal role of regional powers and other states, in particular United States and Iran, in supporting such factions with weapons and arms, has helped legitimise their massive campaigns of destruction and ethnic cleansing in the eyes of the international community. This is occurring on a daily basis in Iraq, where the latest anti-terrorist campaign in Fallujah, conducted mainly by pro-government militias, has resulted in thousands of deaths, hundreds of executions and countless cases of torture and enforced disappearances.

Today, the line between terrorist organizations and those who seek to fight them has never been so blurry.

## The Role of the United Nations

The war on terror is not sanctioned by the United Nations, but the body has taken steps of its own in an effort to curb terrorism.

Following the 9/11 strikes, the United Nations Security Council adopted Resolution 1372, which established the Counter-Terrorism Committee (CTC), and outlawed terrorism generally and the financing of terrorism. The CTC was set up to monitor progress in curbing terrorism, but was not given substantive mechanisms to enforce compliance. The

<sup>5</sup> Concluding observations on the combined third to fifth periodic reports of the United States of America (CAT/C/USA/CO/3-5), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 4. Accessed 5 July 2016 at [http://www.un.org/ga/search/view\\_doc.asp?symbol=CAT/C/USA/CO/3-5](http://www.un.org/ga/search/view_doc.asp?symbol=CAT/C/USA/CO/3-5)

<sup>6</sup> Human Rights, Terrorism and Counter Terrorism: Fact Sheet No. 32, Office of the United Nations High Commissioner for Human Rights, 1. Accessed 5 July 2016 at <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>.

resolution also failed to define terrorism, which left each signatory to rely on its own interpretation of the term and act accordingly. This lack of definition still hampers anti-terrorism efforts today, and is a severely politicized matter.

Despite several subsequent efforts to implement measures to prevent and combat terrorism, such as the 2006 UN Global Counter-Terrorism Strategy and the 2016 “Plan of Action to Prevent Violent Extremism”, presented by the United Nations Secretary General to the United Nations General Assembly, the role of the UN in the global war on terror remains small due to a number of interrelated challenges.

The UN seems undecided if it is to embrace unconditionally the struggle against terrorism and make it a core priority of the institution, or if it is to continue to serve as a marginal but useful player in the counterterrorism effort.

Furthermore, these divisions, and the varying state interests that they reflect, have made it impossible for the member states to agree upon a working definition of terrorism, which in turn complicates policy adoption substantially. This can clearly be seen in the currently deadlocked negotiations for the proposed Comprehensive Convention on International Terrorism. While the definition as it stands is not controversial in itself, the question as to whether it would be applicable to the armed forces of states and self-determination movements has left negotiations at a standstill.

### **Recommendations**

We, NGOs Signatories to this statement recommend to the United Nations and its relevant bodies to:

-Denounce and condemn all acts of terrorism, including those committed by state-actors, militias and military organised groups which support them in order to de-legitimise violence against civilians as part of anti-terrorist strategies.

-Assume a central role in the global war on terror to promote prevention and de-radicalization, as well as protection of innocent civilians as core policies.

-Work with Member States to formulate a universal working definition of terrorism, applicable to both state and non-state actors including militia groups.

-Set up an independent commission of inquiry to investigate into the crimes committed within the framework of the global war on terror and bring those responsible to justice.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussels Tribunal, General Arab Women Federation, The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, Association of Iraqi Diplomats (AID), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), Women Will Association (WWA), Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), International Society of Iraqi Scientists, Children of Iraq Association (UK), The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty-CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, NGO(s) without consultative status, also share the views expressed in this statement.