

International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

25th Session of the UN Human Rights Council

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Side-Event Organized During the 25th session of the Human Rights Council

During the 25th session of the Human Rights Council EAFORD organized a side event at the United Nations under the title “Countering Terrorism in the Middle East”, during which speakers addressed the question of terrorism under international law in general and the case of Egypt and Iraq in particular.



On 18 March 2014 EAFORD organized a side event at the United Nations under the topic “Countering Terrorism in the Middle East.” The Panelists included the International Human Rights Lawyer and Chief Delegate of International Educational Development, Dr. Karen Parker; the founder of Citizens for Peace-Building, Ms. Tomader Gohar; and Mr. Ahmed Quraishi, Senior Research Fellow at the Pakistan Federal Reorganization Program. The panelists addressed the question of terrorism under international law in general and the case of Egypt and Iraq in particular.

In her presentation, Dr. Karen Parker in her role and professional capacity as an expert on human rights law and humanitarian law explored the various definitions of terrorism under international law. So far the international community does not give a clear and legally binding definition of terrorism, she explained. The use of questionable means, policies and tactics is sometimes not labeled terrorism even though it involves violence perpetrated by state and non-state actors including the extreme actions of politically motivated groups. This poses serious challenges to the international community while encountering terrorism. Thus, Dr. Karen Parker called for the

urgent need to strengthen existing legal instruments to bring actors and accomplices of terrorism before the specialized courts based on the resolutions and conventions established by the United Nations to fight against terrorism.

The founder of "Citizens for Peace-Building, Ms. Tomader Gohar, began her presentation by relating the topic to Einstein's theory on light and darkness: Is terrorism lack of peace? Or is it a result of other issues?

UN International instruments generally aim at the curbing of violence and promoting of peace and security. Yet so far most UN Conventions and resolutions issued on the issue refer to terrorism as individual acts committed by persons, she explained. The OHCHR has deployed all its efforts mainly to ensure that the rights of perpetrators to a fair trial is guaranteed, while the victims of terrorism, on the other hand, should receive the right to compensation.

The UN Committee on Counter-Terrorism outlined the criteria for identifying a terrorist group. A comprehensive approach however is still missing. The Global Counter-Terrorism Forum (GCTF) speaks of extremism as being terrorism. Yet, if terrorism is merely an individual act, how can we describe the situations where terrorism is used to instigate violence, instability and terror with the aim to impose new concepts on a society by force, or where extremists are coming from outside a given state.

Ms. Tomader Gohar reflected in her presentation by saying that it would be a solution to describe some of these situations as "proxy wars". Inter-state wars in the classic sense take place between states, yet they have decreased significantly in comparison with intra-state wars. She gave the example of Egypt as a case where terrorist groups systematically tried to destabilize the country. Ms. Gohar conclusively proposed that a new concept should be developed in order to find proper solutions in countering terrorism, to which different rules may apply than to war. She ended by referring to United Nations' performance on counter-terrorism issues and in particular, the set of practical recommendations within the existing framework to meet the demands for a more substantive and effective process.

Mr. Ahmed Quraishi, who has lived in southern Iraq from March through July 2003, described the case of Iraq. Although international law has given sanctity and protection to religious belief and the right of individuals to practice any faith there is a black hole in this law concerning the use of religion or sect by States to further political or strategic objectives, Quraishi said, and one of the blatant examples in this regard is the case of Iraq.

In Iraq, sect was partially exploited to pave the way for the invasion. Empirical evidence exists that the United States deliberately included the exploitation of sectarian divisions as part of the plan to invade Iraq along religious and sectarian lines in order to divide and conquer. After the war, Iraq became a playing ground for various States using sect to further political or strategic objectives. What was not anticipated by most observers is that Iraq's post-Saddam government would itself become the biggest user/exploiter of sect to achieve political objectives. Iraq became a playground for hardline elements in Iran to experiment with the idea of supporting sectarian proxy groups to assume power in another country.

This led to a domino effect far beyond the borders of Iraq, affecting sectarian harmony in Syria, Lebanon, Egypt, Malaysia, Bahrain and Pakistan. Sectarian warfare in Pakistan intensified after 2003, mirroring what happened in the rest of the Middle East. Again, this warfare was directly linked to certain governments in the region using the Sunni and the Shia sects of Islam for

political objectives, with the support of superpowers. Sunnis and Shias are not to be blamed as much as the governments and their spy agencies that support small groups of sectarian extremists who hijack the national discourse and exaggerate sectarian tensions.

The Iraqi government action in Al-Anbar Province and specifically in and around Fallujah, Quraishi concluded, will probably be taught in the future as a classic example of how post-war Iraq produced a new urgency to debate and possibly legislate a ban on the use of sectarian divide within any country to promote political or strategic objectives. This should include proper national legislation prohibiting the licensing of political parties that are based on narrow sectarian definitions.