

Human Rights and Terrorism in the Present International Scenario

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Abstract – The concept underlying human rights is not new, although the name is. The ideology of human right stands upon the fact that human dignity must be protected at any cost. Since these rights belong to human beings because of their very existence, they became operative with their birth. Human rights are rights, which belong to a person as a consequence of being human as a means of human dignity.[1] They are a guarantee of nature for human beings. Due to their origin in nature their rights are also called natural rights.[2] When they are given legal or constitutional protection, they are known as fundamental rights.[3] It can therefore, be said that human rights "is the protective umbrella which covers all the rights essential for human beings"

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Certain basic and inalienable rights have universally been accepted for human beings. International community has accepted the view that human dignity must be respected. Keeping in view this object, the United Nations since its inception has always considered human rights as a matter of universal concern. The United Nations Charter provides adequate safeguards to protect human rights. Its Preamble says that we the peoples of the United Nations determined to reaffirm faith in fundamental human rights. Article I of the Charter encourages the member nations to achieve cooperation to promote and respect such rights. To achieve this object the United Nations General Assembly adopted the Universal Declaration of Human Rights on Dec 10, 1948. This is a proclamation of the international community's commitment to human rights as a common standard of achievement for all peoples and for all nations. The United Nations has been playing a significant role in protecting human rights.[4]

Change is the law of nature. Everything except the law of nature itself is subject to change. With the passage of time new trends have taken place under various dimensions of human right. There are many factors which affect human rights and one of them is the menace of terrorism. At one hand terrorists involve themselves in anti-people and anti-national activities the other hand they want to protect themselves by the weapon of human rights. They allege that their rights are violated by security forces. It becomes, therefore, necessary to discuss the matter in detail in international perspective.

Terrorism is one of the extreme forms of violence. No doubt all individuals have an instinct to violence but not all are equally inclined to resort to such activities. In fact violence becomes a form of human behaviour

only in special conditions and not in the natural state of civilized human life. Whatever may be the object of terrorist activities, creation of panic or fear in the minds of the people are the widely accepted means or weapons of all terrorists.[5]

The leading factors responsible for the growth of terrorism are- economic disparities, political frustration, foreign support and capturing power. Terrorism can be found in many forms depending upon the object sought to be achieved by a terrorist or a group of terrorists. Thus the prevailing forms of terrorism are individual terrorism, state terrorism[6], revolutionary terrorism and international terrorism.[7]

The term international terrorism stands upon the fact that people are terrorized while forcing a government or organization to either act or not to act in a given direction.[8] International terrorism also occurs when a group of terrorists terrorise the people of another state.[9] When a state is involved in the act of terrorism, directly or indirectly, for the fulfillment of certain objectives the act may be referred to as "state terrorism".

Terrorism has no limitations. It may extend in air as well in the sea. Aircraft hijacking is one of the forms of terrorist violence.[10] It is an act, which is committed on board in aircraft in flight, unlawfully, with the use of force or the threat of force against those who are in control of an aircraft in order to achieve certain aims or to reach desired destination. Seas are also used as a means of terrorism. Recently intelligence reports are warning of terrorist attack in India through the sea route.[11]

Terrorism is no problem for a particular nation. It is a matter of universal concern. No country is free from

this evil.[12] With a view to combat terrorism in different forms, the United Nations has adopted various measures in the forms of Conventions, Covenants and Protocols. Some of are the Suppression of Terrorist Bombing, 1997; Convention for Suppression of the Financing of Terrorism, 1999. and Convention against the Taking of Hostages, 1979.

A very important academic question is whether terrorist should be provided basic human rights? The basic principle of law as well as of logic is that collective interest always prevail individual interest. Therefore, welfare and interest of the society and security of the State determines the human rights. protection to the terrorists. At the same time, however, lives of innocent persons must not taken in the name of terrorists. There is a need to maintain an equilibrium. The resolution on "Human Right and Terrorism" adopted by the General Assembly also emphasizes that terrorists should be punished. However, innocent persons should not be interfered with in the veil of terrorists.

The above discussion makes it clear that both human rights and terrorism are issues of International concern. The International Community is much aware of both of them. There is a need for international cooperation in the promotion and respect of human rights, and, to condemn terrorists related activities. In some cases "Sanctions" are also imposed upon the States which do not protect human rights and encourage terrorism. There is also a need to implement in true spirit the covenants relating human rights and terrorism. States Id not interfere unnecessary in the internal matter of other States.

NOTES AND REFERENCES

1. Encyclopedia Britannica defines human rights as those rights that belong to an individual as a consequence of being human. They refer to a wide continuum of values that are universal in character. See Vol. 6, p 137.
2. In the beginning these rights had strong religious and ethical background. The Greco-Roman natural law doctrine of stoicism was of the view that a universal force pervades all creation and human conduct should be judged according to law of nature. See, Basu, D.D. Human Rights in Constitutional Law, pp. 5-7.
3. For detail, Part III of the Constitution of India.
4. The United Nations has also adopted some other important covenants and combinations to protect human right, e.g. Covenant on Civil and Political Rights, Covenant on Economic, Social and Cultural Rights, and, Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
5. See Khan. Parvez Ahmad, Terrorism in India: An Analysis, 1998 Cr. L.J. journal 168.

6. The term "State terrorism" is used by academicians and journalists for causing terror by persons in power against general public or persons arrested or imprisoned. "State Terrorism" has probably produced greater political consequences. A Hitler or a Stalin killed more people than all terrorists See Sinha, R.K., and Crimes Affecting State Security: Problems and Recent Trends, pp. 120-209
7. International terrorism also includes those acts where two or more states are involved in terrorist activities against other states. It may be caused either with or without violence in the time of peace or in time of armed conflicts.
8. See, Agrawal, Dr. H.O, International Law and Human Rights, Chapter 49
9. The terrorist attack by Al-Quaeda on World Trade Center and Pentagon on Sept 11, 2001 are probably the most important incidents of terrorism since World War II. More than six thousand people lost their lives and thousands injured.
10. It is also known as "skyjacking".
11. See, The Hindustan Times, New Delhi, March 18, 2007.
12. For example, LTTE is the main terrorist problem for Sri Lanka. See, The Hindustan Times, New Delhi, March 09, 2007.

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