Research Report

Leiden Model United Nations 2017
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Forum: *Human Rights Council*
Issue: *Counter-terrorism and the protection of human rights and fundamental freedoms*

Position: *Deputy President*

Introduction:

In the past people were just fighting in a "tradition" way, there were no rules or rights. After many years humans had finally created organizations and rights in order to protect safety of the civilization. Nowadays unfortunately, more and more people do not recognize we are going backwards after all we have built. Terrorists are creating more and more ways of attacking without any specialized destinations or grounds. The surprise of an attack is partly what makes it so terrifying.The world is going into a bad direction of auto-destruction. That's why all the Member States should put an effort to make counter-terrorism more effective and to respect, remember and understand human rights and fundamental freedoms.

Definition of Key Terms:

Terrorism - is the use of violence to spread fear on a grand scale. It is generally driven by an ideology that defines its goals and justifies attacks against civilian populations. In order to respond to terrorism unique ways are needed.

Counter-terrorism - or anti-terrorism, incorporates the practice, military tactics, techniques, and strategy that government, military, law enforcement, business, and intelligence agencies use to combat or prevent terrorism. Counter-terrorism strategies include attempts to counter financing of terrorism. If terrorism is part of a broader insurgency, counter-terrorism may employ counter-insurgency measures. The United States Armed Forces use the term foreign internal defense for programs that support other countries in attempts to suppress insurgency, lawlessness, or subversion or to reduce the conditions under which these threats to security may develop.

Human rights - rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status is. We

are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international laws, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Fundamental freedoms- includes those rights and freedoms considered essential to the functioning of a democracy. They allow individuals and groups to express themselves, to believe and practice what they choose, and to exercise their right to vote. For example, freedom of religion, speech, and conscience are fundamental freedoms. It is almost impossible to imagine how a democracy could work without protection for these most basic rights and freedoms.

Background information:

UN Global Counter-Terrorism Strategy:

The United Nations General Assembly adopted the Global Counter-Terrorism Strategy on 8th September 2006. The strategy is a unique global instrument to enhance national, regional and international efforts to counter terrorism. The General Assembly reviews the Strategy every two years, making it a living document attuned to Member States' counter-terrorism priorities.

Counter-Terrorism Coordinator

Gilles de Kerchove has been the EU Counter-Terrorism Coordinator since 2007.

He is in in charge of:

- coordinating the work of the Council of the EU in the field of counter-terrorism,

- monitoring the implementation of the EU counter-terrorism strategy,

- ensuring that the EU plays an active role in the fight against terrorism;

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Fighting with terrorism specification

Terrorists are not formally associated with any nation and therefore their actions cannot be interpreted as the foreign policy of any nation. This makes fighting terrorism difficult. Imagine that Canada attacked the United States tomorrow. In that case, a nation would have declared war on us, we would know where to find them, and they would be expected to adhere to international standards of warfare or risk ending up at war with other nations. That's what we expect from warfare between nations. A terrorist group, however, is without true national affiliation. They may move across national borders, they are not represented in any international body or bound to any international treaties.

Intelligence and Disrupting Activities

Counter terrorism is all about: developing and applying methods of preventing and fighting terrorism. The first step, and in many ways the most important, is intelligence. Fighting terrorism requires knowledge of the whereabouts, movements, recruitment, and ideology of that group. Since terrorists are not bound by national borders and may often coordinate efforts across several nations at once. one of the most important tasks of counter terrorism units is to coordinate the sharing of information between various intelligence-gathering sources.
Terrorist groups tend to be mobile and secretive, and thus naturally prone to instability. Counter terrorist units have consistently found that disrupting terrorist activities is much more effective than sending soldiers to chase them around the globe.

Human rights

One of the primary difficulties of implementing effective counter-terrorist measures is the waning of civil liberties and individual privacy that such measures often entail, both for citizens, and for those detained by the states attempting to combat terror. At times, measures designed to tighten security have been seen as an abuse of power or even violations of human rights. While international efforts to combat terrorism have focused on the need to

enhance cooperation between states, proponents of human rights, as well as human security have suggested that more effort needs to be given to the effective inclusion of human rights protection as a crucial element in that cooperation. They argue that international human rights obligations do not stop at borders and a failure to respect human rights in one state may undermine its effectiveness in the international effort to cooperate to combat terrorism.

Major countries and organizations involved:

USA

After the attacks on 11 September 2001, the United States represented by the President G. W. Bush declared war against terrorism (war on terror), which inter alia resulted in commencing the intervention in Afghanistan and Iraq. In the announced in 2006 "National Security Strategy" it was declared again that the USA were in state of war on terrorism. In the practical aspect, activities of the USA against terrorism came down to actions in the military, diplomatic, intelligence and financial sphere, e.g. through the application of sanctions towards people and institutions suspected of terrorist activities. The United States had a special role in the globalisation of the fight against international terrorism, inter alia due to the available military and political potential as well as the military forces which were at the disposal.

Australia

Australia treats terrorism with a modified law enforcement model, with the domestic intelligence agency authorized to direct the police to make secret arrests and conduct interrogations. Foreign intelligence is the responsibility of the Australian Secret Intelligence Service (ASIS). Australia belongs to the Five Powers Defense Arrangement (FPDA) of Australia, Great Britain, New Zealand, Singapore and Malaysia, which appears to be concerned primarily with counter-terrorism. In addition, Australia is a member of the UKUSA agreement for sharing communications intelligence.

Belgium

The Prime Minister has direct responsibility for counter-terrorism, with the Council of Ministers setting strategic policy. A Ministerial Committee on Intelligence and Security works out detailed policies. Belgium, with due regard to domestic concern about sovereignty, takes a leadership role in European cooperation on terrorism. Principally, counter terrorism is seen as a police responsibility, coordinated principally by the Ministry of the Interior, with some work in the Ministry of Justice. Either the police or a federal magistrate do investigations. The Ministry of Justice controls the civilian intelligence agency,

the State Security and General Intelligence Service, which may call on the military intelligence service under specific and limited circumstances.

Israel

External and offensive counter-intelligence, counter-terrorism, and some direct action is the general responsibility of Mossad, although military units will carry out specific counterterrorism actions. There are some standing military special operations forces, such as Sayeret Matkal, but *ad hoc* task forces were assembled for major operations such as the 1976 Entebbe rescue. Mossad, on foreign intelligence, also works with Aman, the military intelligence service. Shabak is the Israeli domestic counterintelligence organization. It works with police organizations, especially the Israel Border Police.

United Kingdom

The UK Cabinet, chaired by the Prime Minister, is the top decision-making body of the UK government. The Cabinet Office supports the UK ministerial committee system by coordinating policy and strategy across government departments, and as such, has a role in bringing together department ministers, officials, and others involved in homeland security affairs and counterterrorism. The Cabinet Secretariat, which sits in the Cabinet Office, largely manages the day-to-day business of the Cabinet committees and is divided into six individual secretariats that support the different Cabinet committees. In April 2004, the British government unveiled a new comprehensive, cross-departmental Counterterrorism Strategy (known as CONTEST) centered on the "4Ps" of prevent, pursue, protect, and prepare. Prevention work seeks to address the underlying causes of terrorism both at home and abroad; pursuit efforts aim to disrupt terrorist organizations and their ability to operate; protection measures focus on protecting the public, critical national infrastructure, and key sites at particular risk; preparedness work aims to enable the UK to respond and recover from the consequences of a terrorist attack. The "4Ps" seek to give greater coherence to UK counterterrorism measures and take advantage of existing expertise and resources throughout the UK government.
The UK has three main intelligence and security services engaged in the fight against terrorism. The Secret Intelligence Service (SIS, or MI6), the UK's foreign intelligence service, gathers intelligence overseas. The Government Communications Headquarters (GCHQ) provides signals intelligence to counter a range of threats, including terrorism, and is also the national technical authority for information assurance, helping to keep data residing on government communication and information systems safe from theft, manipulation, and other threats. Both MI6 and GCHQ operate under the statutory authority of the Foreign Secretary, although neither is part of the Foreign and Commonwealth Office.

Research Report

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The Security Service (MI5) is responsible for the protection of national security against threats from espionage, sabotage, and terrorism. MI5 operates under the statutory authority of the Home Secretary, although it is not part of the Home Office.

Timeline of events:

Date:	*Description of event:*
16 February 2013	International Conference to promote counter-terrorism collaboration between National, Regional and International Centres and Initiatives
21 October 2014	The UNCCT and the European Union co-hosted the Second International Conference entitled "Engaging Partners for Capacity-Building: United Nations' Collaboration with Counter-Terrorism Centres," in Brussels.
21 July 2015	On 21-22 July 2015, the Kingdom of Morocco hosted the inaugural conference of the joint United Nations Counter-Terrorism Centre (UNCCT) – Global Counterterrorism Forum (GCTF) Border Security Initiative (BSI) in El Jadida, Morocco.
10 September 2015	The Expert Seminar of the joint United Nations Counter-Terrorism Centre (UNCCT) – Global Counterterrorism Forum (GCTF) Border Security Initiative (BSI) took place in the premises of the UN Office on 10-11 September 2015, in Vienna.
11 February 2016	The UN Conference on Human Rights of Victims of Terrorism is taking place on Thursday 11 February from 10 am to 6 pm at the United Nations Headquarters.

Research Report

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15 June 2017

The General Assembly approved the establishment of a new United Nations office to help Member States implement the Organization's global counter-terrorism strategy.

Possible solutions:

To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.
To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens.

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