

# Leading Global Law Group Says Governments Should Not Use Threat of Terrorism to Disregard International Law

*International Bar Association Task Force Releases Report, Global Principles on Suppressing Terrorism within International Law Framework*

**LONDON, England, October 10, 2003**—The International Bar Association’s Task Force on International Terrorism announced today a set of universal standards for governing fundamental principles of law in the fight against terrorism. The group of distinguished jurists and experts in international law also urged that a multilateral convention be developed to standardize and improve cooperation in combating terrorism.

The Task Force will explain its recommendations at a press conference in Washington, D.C., and expressed the hope that its report – issued by experts from widely differing cultures in America, Asia, Africa, Europe and the Middle East – will focus more attention on governments which depart from its international standards.

The announcement and ensuing discussion were aired live via Web cast at [www.connectlive.com/events/intbar](http://www.connectlive.com/events/intbar), and this is available to listen to subsequently on the IBA website.

“The new scale of terrorism has produced greater challenges for all of us,” said Justice Richard Goldstone of the Constitutional Court of South Africa, who led the task force along with IBA President Emilio Cardenas. “International cooperation will be critical to protecting citizens in the 21st Century, and this can only be enabled if we agree to share and respect certain common principles of how we will act.”

Ambassador Cardenas termed the report wide-ranging in scope. “It first analyses the largely ad hoc responses of states to terrorism since Sept. 11 (2001), and then makes recommendations in two areas: the principles that always should be upheld by governments and peoples in using the law to confront terrorism, and a series of actions the international community should take to ensure better cross-border cooperation, particularly in information sharing and law enforcement.”

Cardenas said that besides reaching standards and improving cooperation in fighting terrorism, a multilateral convention could address richer governments providing structured technical assistance and resources to poorer governments to help them identify and suppress terrorist funding. “When terrorism is global, it is insufficient to expect isolated measures in our own countries to solve the problem,” he said.

Among its major principles, the Task Force recommended that:

- Governments should not use the threat of terrorism to disregard the basics of international law or to restrict unlawfully rights to freedom of expression, religion, opinion and belief and the rights of minorities.
- Any act of self-defence must conform to the legal requirements of the United Nations Charter.
- Governments can disregard obligations to human rights treaties to which they are parties only in a state of emergency and provided the criteria for derogating are observed. The suspension of human rights should be reviewed regularly and must be limited in time.
- All restrictions of substantive human rights must be provided expressly by law, must be necessary and proportionate and mustn’t exclude the possibility of judicial review. Arrested or detained individuals also must have the right to challenge promptly in court the actions of the state, and no one should be held in administrative detention indefinitely.
- Governments must adopt measures to detect and suppress funds used to support terrorist activities, and these measures must be enforced consistently and universally. The system of seizing assets must be placed within a more regulated framework to protect due-process guarantees.
- International standards be developed for governments’ compliance, including standards for effective and good-faith prosecution and extradition, and a model international criminal code be set to serve as a model for codifying national legislation.

The report said it recognizes the difficulties of finding the most effective balance between suppressing terrorism and defending individual freedoms, and it also recognises the needs of governments to take special actions to protect their citizens during times of emergency.

“What the task force found,” said Justice Goldstone, “was wide agreement on these fundamental principles which underlie our recommendations, and give us confidence in offering them as a template by which to measure the actions of states and legislators in the years ahead. It also would point to the dangers for any individual state of ignoring them.”

Besides Judge Goldstone and Amb. Cardenas of Argentina, the task force members are: Dr. Badria Al-Awadhi, professor of international law at Kuwait University; M. Cherif Bassiouni, president of the International Human Rights Law Institute at DePaul University, Chicago; Sten Heckscher, Sweden’s National Police Commissioner; Baroness Helena Kennedy QC of Britain, who practices predominantly in the criminal law; Fali Nariman, president of the Bar Association of India, and W. Michael Reisman, professor of international law at Yale University.

The task force recommendations are published in a book entitled “International Terrorism: Legal Challenges and Responses”, available from Transnational Publishers or from the IBA via its Web site at [www.ibanet.org](http://www.ibanet.org), for \$55 (U.S.).

### **About the International Bar Association – the global voice of the legal profession**

The International Bar Association (IBA) influences the development of international law reform and shapes the future of the legal profession. Its 190 Member Organisations cover all continents and include most of the world’s national bars and law societies, among them the American Bar Association, the German Federal Bar, the Japan Federation of Bar Associations, the Law Society of Zimbabwe and the Mexican Bar Association.

Grouped into three Sections – Business Law, Legal Practice, and Energy & Natural Resources Law – more than 60 specialist Committees provide its thousands of individual members with access to leading experts and up-to-date information as well as top-level professional development and network-building opportunities through high-quality publications and world-class Conferences. The IBA’s Human Rights Institute works across the Association, helping to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

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