Terrorism, Counter-terrorism, and Human Rights

20th ISODARCO Winter Course

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Director of the School:
Carlo Schaerf, University of Rome "Tor Vergata", Italy

Director of the Course:
Matthew Evangelista, Cornell University, Ithaca, NY, USA

The twentieth ISODARCO Winter Course was dedicated to sub-state violence and its causes and consequences for the fifth consecutive time, but this time with a major emphasis on Counter-terrorism policies and their effect on Human Rights. More than five years after the terrorist attack in New York in September 2001, and after the attacks in Madrid, in Bali and in the London subway, terrorism, counter-terrorism and security issues continue to dominate a large part of the political agenda of many Western countries. Many of the proposed countermeasures however limit a number of civil liberties that are at the heart of modern democracies.

The course has offered 89 participants from 23 countries and 5 different continents the opportunity to discuss openly a range of topics related to international security. In particular these included the ongoing search for an internationally acceptable definition of terrorism necessary as a basis for international law and conventions, adopted countermeasures for terrorism such as electronic surveillance of people and private data, the issue of risks of terrorist attacks by biological and chemical weapons, cyber-terrorism, the relationship between immigration, religious terrorism and discrimination, the relationship between traumatic events in a country's history and its reaction to terrorism, and the role of international treaties for the prevention of torture and serious abuses of Human Rights.

Twenty distinguished lecturers and panelists accepted the invitation and challenge to share their knowledge and views on these topics with a highly motivated, multidisciplinary and international audience. Among them were Alexei Arbatov (Carnegie Moscow Center, Russia), Nadia Arbatova (Institute of World Economy and International Relations, Russia), Sergei Batsanov (Pugwash Conferences on Science and World Affairs, Switzerland), Luigi Caligaris (Former MPE and Brigadier General, Italy), Gary Chapman (LBJ School of Public Affairs, University of Austin, USA), Christopher Chyba (Princeton University, USA),

1

Blake Dawgert (independent attorney, USA), Giovanni Ercolani (UN Institute of Training and Research, Italy), Matthew Evangelista (Cornell University, USA), Giampiero Giacomello (University of Bologna, Italy), Virginie Guiraudon (European University Institute Italy, Canada and France), Peter Katzenstein (Cornell University, USA), Diego Latella (National Research Council, Italy), Maati Monjib (Institute of African Studies, Morocco), Sebastian von Muenchow (government advisor, Chancellory of the Federal Republic of Germany), Alexander Nikitin (Director of the Center for Euro-Atlantic Security, Russia), Robert Nurick (Monterey Institute of International Studies, USA), Deborah Pearlstein (Director of Law and Security Programme, Human Rights First, USA), Laura Reed (Hampshire College, USA), Alessandro Silj (Italian Social Science Council, Italy).

The course was introduced by Matthew Evangelista explaining the main topics and themes. He addressed the ongoing efforts in the international community to reach a common working definition of terrorism.

Two sessions were dedicated to how traumatic episodes in the history of a country can play an important role in how countries interpret major new events and on how they respond to those events. As an example the responses of Japan, Germany and the USA to the attack in New York in September 2001 were compared and their rather different reactions explained. A similar approach was applied to understand the view and the role of different kinds of actors such as the US administration, Al Qaeda and oil companies in what has been coined the war on terror.

Several presentations analyzed the current response of the United States and the Western world to the terrorist attacks of September 2001. The United States mainly opted for a highly technological war against terrorists in countries far from their own territory, involving as few soldiers as possible. However, the asymmetric nature of both the war in Afghanistan and the war in Iraq increasingly shows the weaknesses of that approach. Further causes for the increasing problems in Iraq from a military point of view include the unilateral decision to start the war without a mandate of the UN, the fact that no weapons of mass destruction have been found in Iraq -- the primary justification to enter Iraq in the first place -- and the lack of collaboration of the neighboring countries of Iraq to reach a common strategy for counter-terrorism. Possible solutions were discussed such as a more prominent role for the EU and NATO in the search for political solutions and international collaboration rather than pure military approaches.

A further theme of the Winter Course was the position of immigrants in Europe after the events of September 2001 and the various terrorist attacks by Islamic fundamentalists that followed. In several European countries the ideal of building a tolerant and multi-cultural society has been rapidly replaced by the belief that

this ideal was only an illusion. A closer look at the recent history of these countries shows that the starting point for this change in society can be found in the decade preceding September 2001 when European politicians and citizens raised the problem of a too large flow of immigrants from outside Europe. There are perceived problems with integration both of immigrants with the indigenous population as well as integration between immigrants of different origin. For example, in the Netherlands this new view on immigrants became prevalent and led to severe constraints on immigration. France witnessed the violent uprising of mostly immigrants from Northern-African origin in the suburbs of many cities. Of growing concern are this new mistrust of the indigenous population and the perceived lack of respect of the third and second generation immigrants and their consequent search for a new identity, which might include religious fundamentalism.

Several sessions addressed different forms of potential terrorism such as cyber-terrorism and terrorism using biological or chemical weapons. Cyber-terrorism could be described as a form of terrorism where a computer is used to cause widespread disruption in, for example, a country's critical infrastructure such as electricity networks, oil pipelines or the transportation system. The real threat of cyber-terrorism has however probably been overestimated in the past. Although attacks like computer viruses are very easy to launch and occur very frequently in the Internet, it is far from easy to use such attacks for causing serious disruption and violence. In practice almost no such cases have been actually verified. A somewhat similar story holds for terrorism trying to use biological or chemical weapons. Terrorists might try to spread dangerous diseases, such as small pox or anthrax, among the civil population. Laboratories that keep pathogens of this kind are in general well-protected. It would however be a good policy to maintain better oversight of the laboratories and the kind of research that takes place. Various ideas for improving transparency and oversight were discussed.

Countermeasures against terrorism are not limited to military approaches outside the United States. There is an increasing international collaboration between law enforcement bodies aimed at the gathering of electronic data on people in order to discover potential terrorists and prevent attacks. Examples of such data gathering are air-passengers screening programs, collection of data on a person's telephone contacts and the long term conservation of these data. There are numerous international agreements being made on the exchange of such data, challenging in some cases the sovereignty of countries on these issues. A concern is also to what extent such agreements are still under democratic control, the role of security professionals and the consequences for citizens of errors in the use of the data-bases.

A further serious concern that has been discussed is that of episodes of torture that have taken place in prisons such as Abu Ghraib in Iraq and the one in

Guantanamo Bay. A series of memoranda issued and partially revoked by the US government starting in early 2002 caused great confusion on what the precise rules of engagement were for soldiers in their treatment of prisoners. Understanding the situation was made more difficult by the secrecy with which most decisions concerning the treatment of detainees were taken. The situation of detainees suspected of terrorist activities is still unclear and a matter of ongoing concern.

Forms of terrorism discussed during the course were not limited to those attributed to Al Qaeda. Past and current episodes of terrorism or guerrilla warfare in other parts of the world were extensively addressed, including the situation in Russia and Chechnia, the guerrilla techniques used during the war of independence of Algeria during the 1950s and terrorism in the Middle East.

As during previous ISODARCO winter courses, this year there were informal seminars and discussions in after-dinner sessions on issues related to the topics of the course. The initiative for such sessions came mainly from the participants and the activities included the presentation of films, discussion sessions and a special session for those working on their Ph. D. thesis.

The winter course closed with a brief evaluation session of the course soliciting opinions from the participants and ideas and preferences for themes of future ISODARCO winter courses.

In conclusion, this course has covered many issues concerning the ongoing "War on Terror", counter-terrorism and its repercussions on Human Rights from many different perspectives, including historical, social, political, legal and technical. As in previous years, the lively and well-informed participation of the international audience in the discussion sessions following each lecture and in the round table sessions formed a valuable contribution to the unique atmosphere in which these sensitive topics could be openly discussed among students and professionals from so many different countries.