

## Fight against terrorism and individual liberties

The United Nations Global Counter-Terrorism Strategy affirms its unwavering commitment to strengthening international cooperation to prevent and combat terrorism in all its forms and manifestations, and reaffirming that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed. It emphasizes that the acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, at threatening territorial integrity and the security of States and at destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism in a decisive, unified, coordinated, inclusive and transparent manner. The Assembly also stresses that when counter-terrorism efforts neglect the rule of law at the national and international levels and violate international law, including the Charter of the United Nations, international humanitarian law and refugee law, human rights and fundamental freedoms, they not only betray the values that they seek to uphold, but they may also further fuel violent extremism that can be conducive to terrorism.<sup>1</sup>

But in many parts of the world, any form of expression that articulates a view contrary to the official position of the State, addresses human rights violations and comments on ways to do things better, in accordance with international human rights obligations, constitutes a form of terrorist activity or violent extremism or a broad “threat to national security”, which often encompasses both terrorism and extremism. The lack of definitions of terrorism and of violent extremism allows States to adopt highly intrusive, disproportionate and discriminatory measures, notably to limit freedom of expression. In particular, the term “extremism” is a poorly defined concept that has already been used to target civil society and human rights defenders. Measures countering violent extremism online may touch upon multiple human rights, including the rights to freedom of opinion and expression, to privacy, to an effective remedy, to due process and a fair trial and to a family life, as well as health-related rights. They can also seriously impinge on the right to freedom of religion.

Civil society is needed to channel discontent and allowing for constructive engagement with States, and in directly undermining the factors leading individuals to be drawn to terrorism and violent extremism, the conditions conducive to terrorism. Where civil society actors are present in areas where the State is unable or unwilling to govern, they often play an intermediary role, owing to their credibility and access to remote communities. They can meaningfully generate peace and development. Civil society can also meaningfully assist in channelling the grievances and desperation exploited by terrorist and violent extremist groups, providing peaceful alternatives and improving relationships between the State and its citizens.

Electronic modes of expression are a critical means for civil society to exercise their freedom of

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<sup>1</sup> This paragraph is formed by quotations from the Resolution adopted by the United Nations General Assembly at its seventy-second session on 26 June 2018 entitled Review of the United Nations Global Counter-Terrorism Strategy (A/RES/72/284)

opinion and expression, and are particularly important in repressive societies. Restricting such platforms – blocking, filtering or removing content – can affect civil society, journalists, human rights defenders and others disproportionately. Enjoyment of the rights to privacy and to freedom of expression are closely interrelated. Undue interference with the right to privacy limits the free development and exchange of ideas, and can have a chilling effect on freedom of expression. Civil society may refrain from online exchange, for fear of attracting government interest. Restrictions have a particularly negative impact on journalists and human rights defenders who fear accusations of “spreading terrorist propaganda”.<sup>2</sup>

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<sup>2</sup> The following text is based on excerpts from the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, entitled The impact of counter-terrorism and violent extremism measures on civic space and on the rights of civil society actors and human rights defenders, submitted to the fortieth regular session (2019) of the Human Rights Council (A/HRC/40/52)

The following questions can be discussed:

1. Can a consensus be reached on an objective definition of terrorism, protected from self-interested manipulation by States?
2. Can and should we promote an exemption of categories of civil society members from state counter- terrorism measures?
3. Is the fight against terrorism the responsibility of states, which implies that terrorism is carried out by individuals or non-state groups? Do we have the means to fight state terrorism?
4. Can the Catholic Church do more than denounce terrorism in general?
5. Are there any emblematic figures in the Dominican Order who are true defenders of human rights accused of terrorism?