



**Doc. 11973**

30 June 2009

## Human rights and fight against terrorism

### Motion for a resolution

tabled by Lord Tim BOSWELL and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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The Assembly will not condone or tolerate the commission of acts of terrorism against its peoples but is always mindful of the need always to assert and maintain vigilance in its commitment to human rights, democracy and the rule of law, and conscious that any derogation from these principles in the interests of combating terrorism and maintaining public safety should be strictly limited. It therefore welcomes the tone taken by the International Commission of Jurists on its recent report "Assessing Damage, Urging Action".

The Assembly calls on member states to note:

- the current legal framework under the European Convention on Human Rights, permitting some temporary and proportionate alleviation or even suspension of specific rights is sufficiently adaptable to counter any current or future threats;
- there is a danger that temporary measures, even if felt necessary at the time, become permanent when the original circumstances are no longer applicable;
- that it is extremely difficult to reinstate human rights protections once lost or diminished;
- that the concept of a war on terror is misleading and unhelpful, in that it is the rights of civil victims which are challenged by terrorism and that terrorist crimes do not equate to acts of war.

The Assembly urges member states to:

- confine actions against terrorism to measures that are only necessary, reasonable and proportionate;
- not operate by proxy, depending on third parties to carry out acts, including extraordinary rendition and torture which are clearly wholly incompatible with the Convention and our universal values and should not admit evidence obtained by this means into their courts;
- avoid the use of immigration law as a substitute for criminal law and that any process of administrative detention should be granted only after the judicial process and be reviewed regularly;
- take steps to ensure that the work and actions of intelligence agencies are fully compatible with human rights law;
- avoid the abuse of administrative listing process and make sure that any listing process is strictly time limited and is undertaken with due regard to effective remedies to allow decisions to be contested.



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The Assembly asks its relevant Committee to initiate a process of stocktaking to identify breaches of these principles, to repudiate violations of human rights which have occurred in consequence and to articulate the primacy of international law, with particular regard to the importance of humanitarian issues and those of the human rights of individuals.

*Signed (see overleaf)*

*Signed*<sup>1</sup>:

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1. ALDE: Alliance of Liberals and Democrats for Europe  
EDG: European Democrat Group  
EPP/CD: Group of the European People's Party  
SOC: Socialist Group  
UEL: Group of the Unified European Left