

Committee: Human Rights 2



Topic: Differential Rights of Suspected Terrorists

Introduction

The question of differential rights of suspected terrorists has been a debated topic during these last years seeing major powers such as the United States of America and China under the spotlight.

Terrorism has both criminal and military aspects, and a central issue in the war on terrorism is whether terrorist acts should be treated as crimes or as acts of war. Terrorist acts involve violence and murder, and are clearly illegal. In addition, law enforcement agencies do not want to elevate terrorists to the status of soldiers, choosing instead to characterise them as criminals. On the other hand, some terrorist groups have the organisation, sophistication, and capacity for violence of a military force. Moreover, when committed by terrorists, violence and mass murder are more than simply heinous criminal acts; they are the means by which terrorists try to harm the interested nation, and therefore they have national security implications.

Background information and main countries involved

Whether terrorism is regarded as a criminal or military act has enormous implications for how suspected terrorists should be treated by the **U.S. and other government**. The U.S. criminal justice system affords criminals many civil liberties protections, including the right to trial by jury, access to legal representation, a presumption of innocence, and the requirement that guilt be proven beyond a reasonable doubt. The rules for dealing with spies, saboteurs, and other threats to national security, in contrast, are much less rigid, essentially curtailing the civil liberties of the accused because of the great security threat that he or she may pose.

President Bush and other U.S. leaders have made it clear that the United States will treat suspected terrorists as national security threats rather than ordinary criminals. "Foreign terrorists who commit war crimes against the United States, in my judgment, are not entitled to and do not deserve the protections of the American Constitution," said Attorney General John Ashcroft in November 2001. This opinion has led to a variety of debates over the extent to which civil liberties concerns should impede the government's efforts to detain, interrogate, and try suspected terrorists. In the first two years of the war on terrorism, there have been more questions than answers on these issues.

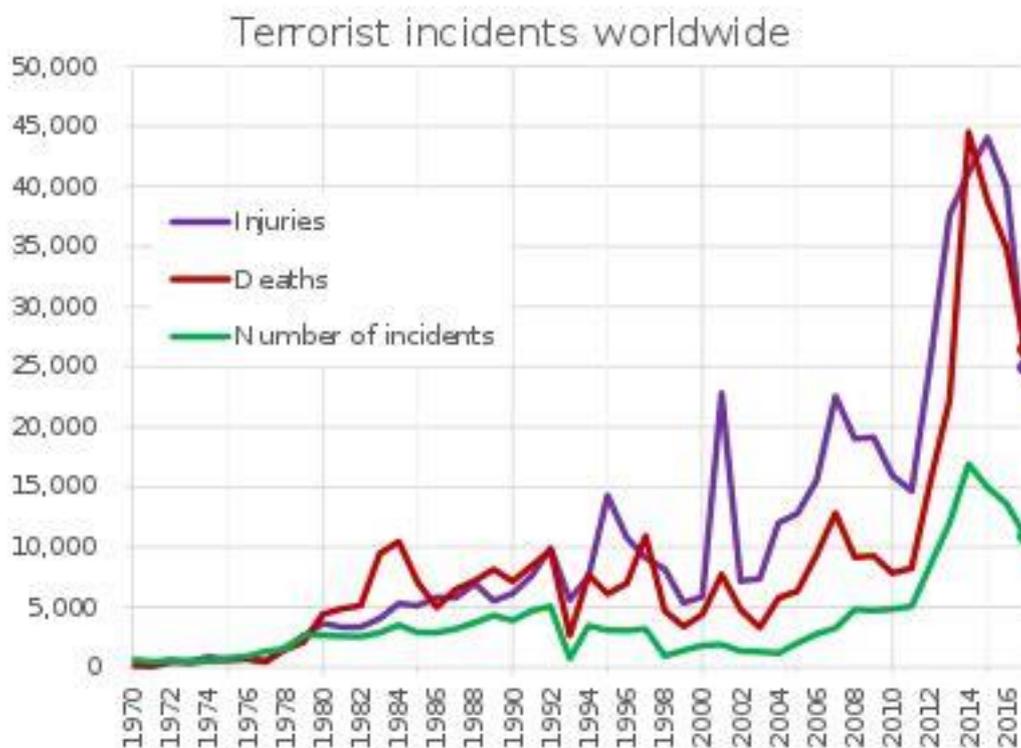
An aura of secrecy pervades the detention of suspected terrorists. Journalist Mark Bowden reports that "there is no clear count of suspected terrorists now in U.S. custody." As of July 2003, about 680 people were being held at a specially constructed prison at the U.S. naval base in Guantánamo Bay, Cuba. Most of them were captured during the U.S. invasion of Afghanistan in October 2001. Hundreds of other suspects are being held around the world in **America's** military installations or **those of its allies**. The government has not made public the numbers or names of those being held for intelligence reasons: "Once a top-level suspect is publicly known to be in custody," reports Bowden, "his intelligence value falls. His organisation scatters, altering its plans, disguises, cover stories, codes, tactics, and communication methods.

Of course, civil libertarians and human rights advocates object whenever any government secretly arrests people and holds them without charging them with a crime. As law professor Stephen Schulhofer puts it, "To say that the Executive Branch on its own determination can pick somebody up and hold them indefinitely without any procedure or access to a court or to counsel or the press is an absolutely staggering thought." However, civil libertarians understand the intelligence concerns involved, and many of them accept the need for secrecy in the detention of suspected terrorists. Moreover, in the absence of more information about those being held by the government and how they are being treated, even the most mistrustful government watchdog groups have little

choice but to hope that the U.S. government conducts this aspect of the war on terrorism in a fair and lawful manner. For example, they must accept Secretary of Defense Donald Rumsfeld's assurance that "no detainee has been harmed; no detainee has been mistreated in any way."

On the other hand, **China** has been heavily accused of detaining alleged 'suspected terrorists' in detention camps located in the northern-eastern part of the country. Claims affirm that the detainees are locked up without a trial and that they are 'brain washed' because of their muslim beliefs however, the official authorities of the county deny these claims, saying people willingly attend special "vocational schools" which combat "terrorism and religious extremism".

This has become an important issue because in these recent years, terrorist attacks have been exponentially increasing, from 2002 to 2014 worldwide terrorist attacks increased by 12 times and terrorist fatalities increased by more than 8 times. However, In 2015 total terrorist attacks decreased by 11.5 percent and total terrorism-related deaths by 12.7 percent. In 2016, we saw a further 9.2 percent decrease in attacks and 10.2 percent decline in total terrorism-related deaths. The downward trend continued in 2017, the most recent data available, with a 19.8 percent drop in attacks and a 24.2 percent decline in fatalities. Taken together, these 36 months have witnessed the single largest three-year decline in attacks and fatalities since the Global Terrorism Database



began in 1970 – nearly a half century ago.

Some may argue that these decreasing trends are due to the 'harsh' methodologies used by certain governments, despite this a heated discussion around the matter started questioning the reliability of the information obtained by people undertaking torture. There are persuasive advocates on both sides of the issue who cite examples of the benefits or the losses incurred by the use of torture, and no objective way to settle the matter. Even if we were to grant that torture sometimes does provide useful information and that it is possible to know when the information provided is accurate, the question would still remain about whether the United States or its allies should use torture.

Definition of key terms:

Suspected: have an idea or impression of the existence, presence, or truth of (something) without certain proof. It is a believe or feel that (someone) is guilty of an illegal, dishonest, or unpleasant act, without certain proof.

Terrorist: A person who is usually a member of a group who advocates terrorism throughout the use of violence or of the threat of violence in the pursuit of political, religious, ideological or social objectives.

Rights: They are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory.[1] Rights are of essential importance in such disciplines as law and ethics, especially theories of justice and deontology.