

**2014 Chairmanship OSCE-wide Counter-Terrorism Conference
The Role of the OSCE in Addressing Current Terrorist Challenges**

Interlaken, Switzerland, 28-29 April 2014

Opening remarks by Ambassador Janez Lenarčič, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) delivered on his behalf by Snježana Bokulić, Head of ODIHR's Human Rights Department

Excellencies, Ladies and Gentlemen

I am addressing this conference on behalf of the Director of the OSCE Office for Democratic Institutions and Human Rights, Ambassador Janez Lenarčič, who, unfortunately, has not been able to attend, however, in this way would like to convey his full support for this OSCE-wide Counter-Terrorism Conference on the Role of the OSCE in Addressing Current Terrorist Challenges.

The conference is topical and highly relevant, and the OSCE, given its cross-dimensional approach to security, is best placed to seek solutions for these challenges. Indeed, no adequate and effective solutions can be sought without adequately integrating human dimension issues in the counter-terrorism effort, and I would like to acknowledge in particular the diligence and commitment with which the organizers have ensured that the human rights perspective is duly addressed in this conference.

It has been recognized time and again that terrorism is a denial of democracy and of human rights, which are at the very core of the OSCE. No country in the OSCE area or beyond is immune to the threat of terrorism: it is real, pervasive and multifaceted, and it is increasing and evolving as terrorists adapt by exploiting new technologies, weaknesses and opportunities. Indeed, terrorism remains “one of the most important causes of instability in the current security environment” (Maastricht 2003).

In countering this threat, OSCE participating States have firmly committed that any action “taken by participating States and the Organization as a whole to combat terrorism [will] fully [respect] international law, including the international law of human rights and other relevant norms of international law. [...] They will defend freedom and protect their citizens against acts of terrorism, fully respecting international law and human rights (Bucharest 2001).

Make no mistake: the topics before us are not only current and reflective of some of the most difficult challenges faced in the effort to counter terrorism; they in turn present a number of challenges with regard to human rights compliance of any policies, measures and actions to counter them. It is

imperative that any discussion of them be framed in the context of international human rights law and applicable OSCE commitments.

Allow me a few thoughts in this connection.

1. Terrorist Financing – Addressing Kidnapping for Ransom:

As far back as 1989, OSCE participating States committed “to pursue a policy of firmness in response to terrorist demands” (Vienna 1989). They have also, on more than one occasion committed to taking all necessary measures to prevent and suppress the financing of terrorism. But let me also remind that they have reaffirmed their commitment “to protect the enjoyment of human rights and fundamental freedoms, especially the right to life of everyone within [their] jurisdiction against terrorist acts” (Sofia 2004). In the context of kidnapping for ransom, obligations arise not only for the states in which the hostages are held, but also for the states of nationality of the hostages. In any hostage situation, ensuring the life, physical integrity and security of the hostage should be the first priority, regardless of the circumstances of a particular kidnapping or the proposed response to it.

2. Ensuring Legality, Transparency and Accountability in Counter-Terrorism

The principles of legality, transparency and accountability are the fundamental building blocks of any true democracy. They are of particular relevance in ensuring that counter-terrorism policies and practices are human rights-compliant.

Legality requires that all measures aiming to prevent and counter terrorism must have a legal basis in national law. National law must be in compliance with international law, especially international human rights norms.

Transparency requires that decisions and actions by states are open to public scrutiny and that the public has a right to access such information. “Whistleblowers” play a crucial role in this regard. National security interests may not be invoked by States to justify the secrecy of their actions and to remove from public scrutiny actions which may have violated human rights.

Accountability is crucial for the respect of the above two principles. Independent and rigorous oversight is equally crucial. It should involve the executive and legislative branches of government as well as an independent

judiciary which upholds international fair trial standards. States have a duty to investigate any allegations of human rights violations in the anti-terrorism context and to hold those responsible accountable. Independent media and civil society are an important link in this process.

3. Responding to the Phenomenon of Individuals Taking Part in Violent Hostilities within or outside the OSCE Area (Foreign Fighters)

OSCE Participating States have repeatedly committed to the prevention of terrorism-related activities. Specifically, they have reaffirmed their conviction “of the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty” (Porto 2002).

Any measures to counter the terrorist threat arising out of the ‘foreign fighters’ phenomenon must at a minimum be non-discriminatory, show due respect for private and family life and safeguard freedom of movement and freedom of religion or belief. Any violation of these rights will undermine the integrity,

credibility, legitimacy and effectiveness of the response and could promote further radicalization, thus exacerbating existing problems.

In conclusion, I cannot offer a one-size-fits-all solution for the important challenges and problems that will be discussed over these two days. I should like, however, to suggest what the process of seeking these solutions should entail if it is to be more likely to have a successful outcome.

It should take into due account the human rights considerations. International human rights law and OSCE human dimension commitments offer ample guidance in this regard.

It should be inclusive and rely on effective consultation with concerned communities.

It should be open to public scrutiny, rigorous oversight by independent media and participation of civil society.

Finally, it should lead to learning and improved policies and measures in the future.

In line with its mandate, ODIHR as the OSCE's principal institution in the human dimension, of course, stands ready to provide assistance to participating States in ensuring that their counter-terrorism laws, policies and measures are human rights compliant and thus more effective.

I wish you all fruitful discussions over the next two days.

Thank you for your attention.