

**STATEMENT BY MR. KMALESH SHARMA, PERMANENT REPRESENTATIVE ON MEASURES TO
ELIMINATE INTERNATIONAL TERRORISM (AGENDA ITEM 166)
ON OCTOBER 3, 2001**

Mr. President,

On Monday, a few hours before the General Assembly began its debate on terrorism here, in India a suicide bomber drove his car, packed with explosives, into the compound of the Legislative Assembly of Jammu & Kashmir, while two accomplices sprayed bullets at anyone in sight. Forty people are dead so far, among them schoolchildren and women, many more injured. A terrorist organisation called Jaish-e-Mohammed has jubilantly claimed responsibility, naming the man who drove the car.

Jaish-e-Mohammed was set up by Masood Azhar, a foreign terrorist who was caught in India, tried and sentenced. Two years ago, an Indian Airlines plane was hijacked to Kandahar in Afghanistan by terrorists who demanded his release, and those of a few other terrorists also in Indian jails. Using tactics that the world will now find familiar, they slit the throats of passengers, and threatened to kill the others. Very reluctantly, to save innocent lives, we handed over the convicted terrorists to the Taliban in Kandahar; the hijackers and their prizes then disappeared into Taliban-held territory, from where they have since reappeared to kill, terrorise and incite to terrorism.

The terrible events of September 11 brought home to a world that probably did not realise this until then how much of an international phenomenon terrorism truly is, international in its organisation and international in its effects. We should remember that as we take up an agenda item on "Measures to eliminate international terrorism". We understand from reports in the Western media that at least one of the terrorists we were forced to free in Kandahar is under suspicion for the attacks on the World Trade Centre. The prime suspect, Osama bin Laden, based in Afghanistan, recruited his terrorists from West Asia and North Africa, sent some of them to Europe to plan and prepare, and carried out an act of monumental cruelty in North America. While the target was the United States, and its citizens bore the brunt, individuals from all parts of the world were among the victims. 250 Indian citizens are still missing. Over the last decade, terrorists have killed tens of thousands in almost daily attacks in India, but very few incidents have taken so heavy a toll of Indian lives as this did.

The fact that terrorism is an international problem and can only be tackled collectively is something that countries who have suffered most from it know in their bones and have urged upon the rest of the world. The welcome transformation that has come about after September 11 is the sudden emergence of an international solidarity to meet an international threat. The United States,

far and away the most powerful state in the international community, nevertheless believes that it needs and must have the assistance of a coalition of states in order to successfully mount an offensive against the terrorists who attacked it. If the US needs this, how much more do others, infinitely more weak and vulnerable, need the same solidarity? Without it, countries that have been preyed upon by a global network of terrorism simply cannot cope with the challenge alone.

We therefore hope that the solidarity which has been manifest over the last two weeks will continue, and that it will not be confined to a hunt for an individual or a group, or to dealing with the symptoms alone; we must destroy terrorism as a system. Terrorism is an organic whole; it would be dangerous to try to cut one of the cells out, and to tell ourselves that we had killed it off. It is an evil that metastasises. Terrorism must be destroyed root and branch. It is the anathema of the new century.

We know that there can be a concern that a war against terrorism might turn into a witch-hunt. Some argue that a distinction must be drawn between freedom fighters and terrorists. To this, we would say, as the Secretary General reminded us on Monday, that the laws of civilised behaviour should apply to all. Normatively, international humanitarian law does not permit methods or means that can only be described as terrorism in the pursuit of any cause. And the great leap forward in international law over the last few years has been the emergence of the norm that there can be no impunity for crimes that constitute a grave violation of human rights. When political office, and bureaucratic or diplomatic immunity, have not protected some who committed grave violations, and have now been brought to justice, it cannot be admissible to argue that freedom fighters or any other group would be the only individuals who would be above all laws. Terrorism is defined by the act, not by a description of the perpetrator.

Secondly, while the cynical view might be that the end justifies the means, in all worthwhile political enterprises, the means are as important as the ends. Eighty years ago, as India's freedom struggle was moving into a decisive phase, police fired on a group of protesters in the village of Chauri Chaura, the demonstrators ran amok, and burnt down the police station with 22 policemen in it. Mahatma Gandhi declared that the freedom movement had disgraced itself, and suspended it.

What sort of freedom would it be that may be claimed by massacring six thousand innocent people on September 11? The same day, thousands of miles away in India, terrorists walked into a temple, seized the two priests, and beheaded them before the congregation. Those terrorists came from the same stable as those who slit the throats of passengers on September 11, who killed Indian passengers in the same brutal fashion two years ago, and who attacked the Legislative Assembly in Jammu & Kashmir on Monday. They were trained in the same camps, financed and backed by the same people. In facing them, as many have reminded us, there can be no moral relativism. The Secretary General emphasised the imperative of "moral clarity". One can either be for civilisation or for terrorism; there is no middle ground.

We hope that the shock of what happened on September 11 will force many Governments to rethink positions to which they have been wedded for far too long. Some of them, who are liberal, open societies, but who have not so far been the target of terrorists, have argued that only states violate human rights; terrorism, they think, is only a crime, and they have been reluctant to join in either a condemnation of or action against terrorism as a violation of human rights.

Speaking to the Commission on Human Rights on September 25, the High Commissioner for Human Rights reminded its members that the victims of the attacks of September 11 "have lost the

foremost right, the right to life". We could not agree more. Terrorists violate human rights in the most egregious ways and, as the High Commissioner told the Commission, the terrorism on September 11 should be considered a crime against humanity.

But there is an even more insidious way in which terrorists undermine human rights. As the events of September 11 showed, terrorists are driven, not so much by blind rage, as by a clear-eyed hatred of the values that open, liberal, secular societies represent. There is an inevitable progression in plural, democratic societies to ever greater freedoms for their citizens, balanced by civic responsibilities freely undertaken; the citizens of the freest societies in the world enjoy freedoms now that their parents did not have.

It is this progress towards ever greater freedom that represents the greatest threat to those who believe in violent, repressive creeds. Multi-ethnic, multi-religious, open and tolerant societies are naturally odious to them; it is these values that they want to destroy most of all, even more than symbols like the World Trade Centre, or a Legislative Assembly. For them, terrorism is a double-barreled weapon. After the devastation it wreaks, it takes an even greater and more insidious toll. Open, democratic societies, by their very nature both the targets of and vulnerable to terrorism, must necessarily take steps to defend their citizens; instead of moving towards greater civil liberties, they have to constrict some in the interests of security. In the most unfortunate situations, the state apparatus, unable to cope with the security challenge posed by terrorism, is forced to take draconian measures to counter it, with an inevitable impact on civic and human rights. The anguished debate over this that we see taking place in the United States is one that many other democracies wracked by terrorism have gone through many times over. Terrorism wants to force a diminution of openness, tolerance, rights and freedom. This is why it is, and must be seen as, a principal threat to human rights.

We hope that the international solidarity forged in the crucible of the recent disaster will be permanent, but it would be prudent to work on the assumption that, as memory fades, so too might be the willingness to stay together to fight a common evil. SCR 1373, the far-reaching resolution that the Security Council has just adopted, should provide a framework for collective and individual action, laying down a permanent obligation on all member states. We see it as analogous to the special powers that democratic governments enact to counter terrorism. We hope that it will be followed up and effectively implemented. The attack on the Legislative Assembly, which took place two days after SCR 1373 was adopted, and is a deliberate challenge to it, will be the first test of the willingness of States to abide by the responsibilities that the Council has now made mandatory, and of the resolve of the Council and the international community to back up its words with deeds. Because OP 2(d) demands that States "prevent those who finance, plan, support or commit terrorist acts from using their respective territories for those purposes against other States or their citizens".

The General Assembly must do at least as much. It does not have the power to compel compliance, but it speaks with the voice and the moral authority of the entire international community. The General Assembly cannot, and perhaps should not, try to match the Resolution of the Council, but it can, and we hope it will, decide that it will throw its whole weight behind measures to develop a framework of international law within which international action can be taken against terrorism.

The capstone on this structure of Conventions against terrorism is the Comprehensive Convention now under negotiation. The question has sometimes been asked, why, when we already have twelve international Conventions against terrorism, do we need a Comprehensive Convention? The answer was given, sadly and monstrously, on September 11. Planes were hijacked, but the cluster of Conventions on hijacking provide for action only against the hijackers; on September 11, they killed themselves with their victims. Passengers were taken hostage, but the cluster of Conventions against hostage-taking also provide for action only against the hostage-takers; on September 11, they killed themselves with their victims. Planes were used as massive bombs to destroy the World Trade Centre and damage the Pentagon, but the Conventions on terrorist bombings have precise definitions of what constitutes an explosive; no one thought a plane would ever be used as an explosive. Therefore, as experts on international law now realise and our citizens will find hard to believe, under the framework of the existing Conventions on terrorism, the international community could not take action against those who recruited, trained, ordered, supported, instigated or harboured the terrorists who committed the most horrendous act of terrorism the world has ever seen.

The Working Group of the Sixth Committee goes into session in a fortnight's time. There are a few issues left to resolve. As the Secretary General reminded us, some of them have been contentious in the past, when we might have permitted ourselves the luxury of theoretical debate. It would be the best memorial for those who died on September 11, and the clearest pledge that we will work to ensure that an atrocity like that never recurred, if, at this session, the General Assembly came to an agreement by consensus on a Comprehensive Convention to outlaw international terrorism.