

The Special Representative

PA Secretary General Spencer Oliver, instead of reading out the PA's statement, made reference to it and announced that it would be distributed in written form. Here it is. Equally attached is the Resolution on Human Rights and the Fight Against Terrorism, which the PA passed during its Annual Conference in Berlin, 2002.

Thank you Chair,  
Ladies and Gentlemen,

I was not sure at what point I should make my intervention on behalf of the PA, taking into account that subjects like combating terrorism, border management or comprehensive security all belong to the items frequently discussed by the PA. The decisions that the PA has taken so far on these subjects can be found on our website and in other PA publications, so I will refrain from reading them out to you.

Let me instead come back to the issue of security measures and human rights. I thank the Swiss delegation for naming the PA as an important institution and a watchdog making sure that human rights will not be victims of the measures that are supposed to protect them. For everybody around this table has said rightly that when we talk about security we mean to guarantee everybody a life in freedom and dignity. Without this objective, security would be an empty shell, as the PA has repeatedly pointed out, most clearly and unmistakably in Berlin in its 2002 Annual Conference.

Especially in the context of the fight against terrorism we should never forget that the first real victory terrorists can win is when the measures taken against them lower our determination to safeguard human rights and civil liberties under any circumstances.

Therefore, saying this should not just come as an afterthought after discussing ways and means of how to combat terrorism and organized crime. I applaud the Danish Ambassador for having made this very clear. On the contrary: There is an inverse correlation between enhancement of security measures and human rights scrutiny. The more vigilant we are at our borders, the more we resort to new rules, interdictions, and police action, the more determined we have to be in ensuring that everybody entrusted with this task does it in a democratic and humanistic spirit.

After all, if you talk about border management, what you do not want to happen is that people are deterred from legitimately crossing borders because they have to be afraid of arbitrarily being harassed. We all know that it is a pious wish that our security forces only dispose of well trained agents who in all their actions have human rights on their minds. It therefore is the responsibility of every superior, up to the highest political level, to make sure that instructions and supervision make human rights' violations virtually impossible.

This is where the PA comes in. Parliamentarians are the ones who have a special responsibility that in exercising parliamentary oversight they keep the level of human rights' awareness on the governmental side on a high level. And, contrary to a common misperception, parliamentary oversight, though some might find it burdensome, also helps enhance the efficiency in the security sector. It is parliamentarians who undertake every effort to make sure that there are no unnecessary and inflexible bureaucracies installed or funds wasted. This has been made impressively clear by many parliamentarians, in particular by PA Vice-President Alcee Hastings (PA.DEL./4/04), during the PA-CPC-Conference on the parliamentary oversight of the Security Sector two months ago.

If we want to see the values of the OSCE prevail, we have to be credible in every action. Credibility also means transparency, because transparency is a precondition for credibility. The Parliamentary Assembly stands for this transparency.

Thank you, Chair.

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## Resolution on Human Rights and the Fight Against Terrorism

1. Noting the present threat posed by terrorism, and the obligation all participating States have to eradicate terrorism and protect their citizens from terrorist acts;
2. Aware of the potential for States to use such threats and other national security concerns, real or perceived, as the basis to expand the power of the ruling authorities and restrict the exercise of fundamental freedoms and human rights;
3. Recalling that the participating States pledged to maintain freedom of expression and freedom of information, taking no measures to bar journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation; and
4. Believing that increased adherence by all participating States to democratic principles, and their OSCE commitments in the human dimension in particular, are essential to genuine peace, security and prosperity, not only in the region but throughout the world.

### The OSCE Parliamentary Assembly

5. Reminds all participating States that any measures which may restrict human rights and fundamental freedoms in response to terrorism have to fully respect international law and relevant OSCE commitments and must be viewed as exceptional, temporary and non-arbitrary;
6. Considers that any measure in response to terrorism must respect human rights and fundamental freedoms;
7. Urges all participating States to ensure that such measures do not undermine the democratic principles which they seek to defend and protect, nor otherwise subvert the democratic constitutional order which should, in accordance with OSCE commitments already be in place;

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8. Urges all participating States to ensure that police searches and seizures of persons and private premises and property related to the fight against terrorism will be undertaken only in accordance with standards that are judicially enforceable.
9. Urges all participating States not to allow the stated goals, ideology or principles of any body to preclude legal action against such a body if evidence indicates it is engaged in terrorist acts or supports, financially or otherwise, terrorists.
10. Recalls the commitment of OSCE participating States to inform each other through the Office for Democratic Institutions and Human Rights when a “state of emergency” is declared and a derogation from international human rights obligations is deemed necessary;
11. Reminds all participating States that the prohibition against torture or cruel, inhuman or degrading treatment is absolute and unconditional and therefore cannot be derogated under any circumstances;
12. Emphasizes as well that the right to freedom of thought, conscience, religion or belief must be protected at all times and that governments should therefore not be limiting these freedoms under the pretext of “state security”;
13. Opposes the targeting of certain groups of people in the fight against terrorism, based on their race, ethnicity or religious background;
14. Condemns all manifestations of intolerance and xenophobia targeted toward Muslims, which became more widespread in the OSCE region after the September 11, 2001, terrorist attacks in the United States which claimed the lives of nationals from over 75 countries;
15. Condemns equally the recent escalation of anti-Semitic violence against individuals and cultural sites throughout the OSCE region;
16. Urges political leaders in the participating States where such criminal acts occur to denounce the perpetrators and prosecute them to the fullest extent of the law;
17. Supports the spread and strengthening of democratic governance as essential to the victory over terrorism;
18. Encourages public discussion on the observance of human rights and fundamental freedoms; and

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19. Encourages parliaments to actively protect and promote human rights and fundamental freedoms during states of emergency and other times of conflict or threats to national security, exercising in particular their responsibility for the oversight of executive power and the creation of law.

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