



European Master Thesis in Human Rights and Democratisation 2009-2010

# The Counter Terrorism Terror

The Erosion of Human Rights in the U.S. Fight against Terrorism

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## **Abstract**

With the advent of international terrorism, the world has become a less secure place. As a result, many states have taken measures to reinforce national security. But especially during these challenging times it is important that the rule of law and international treaty obligations are respected. Modern democracies should univocally distinguish themselves from terrorist regimes by respecting the rule of law and international human rights treaties, one of the greatest achievements of the last century. As the ‘herald of free democracy’, the U.S. should have behaved as a model of a state respecting the rule of law. Instead, the Bush administration has committed serious human rights violations, in Guantánamo and elsewhere. They have engaged in arbitrary and unlawful detention and most likely even torture. This has sent out a wrong message to rising political powers as China who has been using the same ‘war on terrorism’ rhetoric as a justification to suppress their cultural minorities. To prevent such behaviour from happening again the U.S. should be brought to justice. This is not likely to happen by the United States’ own efforts, neither can be much expected from the United Nations. There might be, however, an important role for the Council of Europe here. After issuing an important investigation on the matter, the CoE could take the call for justice even further through human rights standards from the ECHR, which guarantees the highest level of human rights protection of all regional HR instruments. A possible way to achieve this would be through the principle of universal jurisdiction, as applied by courts in Spain.

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