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Balancing Security and Human Rights: Post 9/11 Reactions in United States and Europe

Chiara Giorgetti

University of Richmond, cgorget@richmond.edu

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Karin von Hippel

SECURITY BY FORCE (2000)

Europe Confronts Terrorism

Edited by

Karin von Hippel

*Senior Research Fellow,
International Policy Institute,
King's College London*

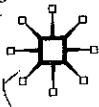
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Notes on

Dr Paul Cornish
and is Head of the
He has been a Brit
arms control and
Office London, ar
national Affairs. I
College London (I
tions include *Part*
(1997), *Controllin*
Military Planning
Trade and Europe (

Dr Thanos Dokos
and Foreign Polic
the Hessische Stif
Center for Scienc
He served as the
Ministry of Nation
of Foreign Affair
include *Negotiati*
Initiative: Prospe
no. 3, June 2003;
terranean: NATO
contributions in
security, and Gre

Lord Timothy (C
Institute, King's C
from 1982 to 199
was subsequentl
as Assistant Chi
Defence. His fin
the Royal Colleg
Force in 1996 as
Institute of Inter

Chiara Giorgetti
practising with
national public

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Balancing Security and Human Rights: Post 9/11 Reactions in the United States and Europe

Chiara Giorgetti

The acts of 11 September 2001 demonstrated how vulnerable civilians are, in any part of the world, to terrorist attacks. This awareness led to a determined response by the international community to fight international terrorism in all its forms. As governments and international organisations alike re-evaluated the effectiveness and appropriateness of their counter-terrorist measures, the challenge emerged of conducting the fight against terrorism while respecting human rights and civil liberties. In fact, the wide consensus that actions are necessary to confront terrorism does not undermine the necessity to balance human rights considerations and preserve the democratic process.

As portrayed throughout this book, measures to confront terrorism are multifaceted and complex. This chapter examines policies adopted to confront international terrorism, with special attention paid to their implications for human rights and personal freedoms, comparing the United States, the European Union and specific EU member states.

The day that changed the world?

Coordinated international legal action to confront terrorism is not a new phenomenon. It has been on the international agenda for the last 40 years, and the first two international conventions on specific terrorist activities were concluded in the early 1970s.¹ In fact, a more comprehensive international legal framework was already being negotiated in the 1990s.² The enormity of the terrorist attacks on 11 September, however, required a rethink of the entire approach and accelerated the effort of the international community to find better tools to combat international terrorism in an appropriate manner.³

The international community was quick to react to the 11 September events, supporting the United States and urging states to take measures to combat terrorism. At the United Nations, the international community reacted by passing measures directed at stopping the financing of terrorism and encouraging sharing of information, among other actions. On 28 September 2001, the UN Security Council approved the seminal resolution 1373/2001 within

Chapter VII of the Charter of the United Nations to ensure their national

- prevent and suppress the flow of funds and assets of accounts and
- take measures to prevent the use of the international financial system, including the international warning system
- ensure that the measures are not brought to justice in the territories for which they are responsible
- afford one another the highest level of cooperation in information exchange
- deny safe haven to terrorists, their associates, or providers of support, and deny them access to their territories

At the same time, the international community created, and is implementing the international legal framework with

Tensions within the international legal framework, as noted in Res. 1373/2001, have led to the refugee status from the official link between the CTC and the Security Council. The Security Council seemed unable to coordinate the fight against terrorism.

Human rights concerns at the time of the 9/11 attacks being adopted by the international community. It is observed that 'the vast majority of asylum-seekers' would result in a significant increase in the number of asylum-seekers, especially towards

Disproportionate

The vulnerability of the international community within the US and