

TERRORISM AND THE CRIME OF ISIS AS A VIOLATION OF HUMAN RIGHTS IN THE INTERNATIONAL LAW PERSPECTIVE

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ABSTRACT

Terrorism has become a worldwide phenomenon in the 21st century. Acts of terrorism has threatened the human civilization and endangered the peace and the security of mankind. The purpose of this study is to analyze the acts of terrorism as a violation of human rights in the perspective of international law. This study is using a variety of approach such as statute approach, normative approach, legal doctrines and anti terrorism regulations. The introductory section will explain the acts of terrorism which includes the definitions of terrorism, the elements of terrorism, and the classification of terrorism. The second section will discuss about terrorism and the crime of ISIS as a global phenomenon in the 21st century. The third section will discuss about the terrorism as a violation of human rights. The fourth section is conclusion.

Keywords: Acts of Terrorism, Crime Against Humanity, Violation of Human Rights, Anti Terrorism Law, Universal Declaration of Human Rights (UDHR)

1. INTRODUCTION

1.1. Definitions of Terrorism

Terrorism has becoming one of the global issues since the incidents of September 11, 2001 in World Trade Centre which has threatened and endangered the peace and security of mankind. There are many definitions of terrorist but no universally accepted definition of terrorism until now, even the United Nation agencies haven't succeeded in making the official definition of terrorism. Terrorism is the systematic use of coercive intimidation, usually to service political ends. It is used to create and exploit a climate of fear amongst a wider target group than the immediate victims of the violence and to publicise a cause as well as to coerce a target to acceding to the terrorist's aims. (Paul Wilkinson, 2011).

Terrorism may be used on its own or as part of a wider unconventional war. It can be employed by desperate and weak minorities, by states as a tool of domestic and foreign policy or by belligerents as an accompaniment in all types and stages of warfare. A common feature is that innocent civilians, sometimes foreigners who know nothing of the terrorists 'political quarrel', are killed or injured. Typical methods of modern terrorism are explosive and incendiary bombings, shooting attacks, and assassinations, hostage-taking, and kidnapping and hijacking, using nuclear, chemical, or bacteriological weapons. (Paul Wilkinson, 2011)

Terrorism, in the most widely accepted contemporary usage of the term, is fundamentally and inherently political. It is also ineluctably about power: the pursuit of power, the acquisition of power and the use of power to achieve political change. Terrorism is thus violence or equally important, the threat of violence which used and directed in pursuit of , or in service of a political aim. (Bruce Hoffman 2006).

Terrorism internationally condemned as the unlawful use and the manifestation of political movement (Gus Martin, 2013). The word of terrorism referring to the system of intimidation and repression implemented by the Jacobins (the 'Red Terror' or 'Reign of Terror') in the French Revolution. Terrorism can be used as an instrument of State control. For example: Bismark "terrorized" Prussia by using the army as a means of social control; NAZI Germany imposed reign of terror across Europe and Allied air forces resorted to 'terror bombing' in the Second World War, and Stalin ruled Russia by "terror". Gradually terrorism also came to refer to non-State practices. In the late of 19th century, revolutionaries and anarchists in tsarist Russia were commonly known as terrorist. The Bolshevik seizure of power is oftend described as revolutionary terror and communist embraced terrorism as a means of class struggle.

Historically, the definition of terrorism is compiled in many international convention of terrorism. In the article 1 paragraph (2) of the international convention from League of Nations 1937 which stated ; "terrorism is the criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public" (League of Nation of Convention for the Prevention and Punishment of Terrorism, 1937

In 1999, the Organization of the Islamic Conference (OIC) adopted the OIC Convention on combating terrorism which in the Article 1 of this convention, terrorism means; " any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honor, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States" (OIC Convention on combating terrorism,1999)

In October 2004, the UN Security Council unanimously passed Resolution 1566 which defines terrorism and declares that in no circumstances can terrorist acts be condoned or excused for political or ideological reasons ; "criminal acts, including those against civilians, committed with the intent to cause death or serious bodily injury or taking of hostages with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature" (UN Security Council No. 1566).

Terrorism can be conceptually and empirically distinguished from other modes of violence and conflict by the following characteristics; a) it is premeditated and designed to create a climate of extreme fear; b) it is directed at a wider target than the immediate victims; c) it inherently involves attacks on random or symbolic targets, including civilians; d) it is considered by the society in which it occurs as 'extra-normal' that violates the norms; e) it is used primarily to influence the political behavior of governments, communities or specific social groups. (Paul Wilkinson , 2011) . A terrorist group can be identified if the following elements are fulfilled: a) exploited human weaknesses which is called "fear"; b) the use of threats and physical violence; c) aims to political objectives; d) targeting civilians; e) planning and preparation (Sukawarsini Djelantik, 2010).

A better definition of terrorism can be seen in the International Convention for the Suppression of Terrorist Bombings, 1997 in article 2 paragraph (1) ; “every person commits an offence within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility: (a) with the intent to cause death or serious bodily injury; or (b) with the intent to cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss” (International Convention for the Suppression of Terrorism, 1997)

The definition of terrorism in the UK Legislation is contained in the Terrorism Act (2000) which stated: “Terrorism is the use or threat of the action where (a) the action falls within subsection (2) which includes a) involves serious violence against a person; b) involves serious damages to property; c) endangers a person’s life, other than that of the person committing the action, d) creates a serious risk to the health or safety of the public or a section of the public; or e) is designed seriously to interfere with or seriously to disrupt an electronic system. (b) Terrorism also means the use or threat which is designed to influence the government or to intimidate the public or a section of the public ; (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause” (UK Terrorism Act, 2000).

The U.S. Government has employed the definition contained in US Code Title 22 Section 2656f (d) since 1983 . The term ‘terrorism’ means premeditated politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience. The term ‘International terrorism’ means terrorism involving citizens or the territory of more than one country. The term ‘terrorist group’ means any group practicing or that has significant subgroups that practice, international terrorism. (US Code Title 22 Section 2656f (d))

The U.S. Legislation on progress distinguished the terrorism definitions to international terrorism and domestic terrorism. The definition of terrorism in the United States contained in 18 U.S. Code section 2331; “the term of “ international terrorism” means activities that ; a) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed withi the jurisdiction of the United States or of any State; b) appear to be intended; (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination or kidnapping ; and c) occur primarily outside the territorial jurisdiction of the United States or transcend national boundaries in the terms of the means by which they are accomplished, the person they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or to seek asylum (U.S. 18 Code Chapter 113B, Terrorism, Sec. 2331)

The term of “domestic terrorism” means activities that: a) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; b) appear to be intended ; i) to intimidate or coerce a civilian population; ii) to influence the policy of a government by intimidation or coercion; or iii) to affect the conduct of a government by mass destruction, assassination or kidnapping; and c) occur primarily within the territorial jurisdiction of the United States (U.S. 18 Code Chapter 113B, Terrorism, Section 2331)

In 2002, the Council of the European Union adopted the 'Framework Decision on Terrorism', containing a detailed definition specifying a terrorist act as an act which may seriously damage a country or an international organization where committed with the aim of seriously intimidating a population, or unduly compelling a Government or international organization to perform or abstain from performing any act, or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization. (Icelandic Human Rights Centre, 2017) . The definition enumerates nine types of terrorist acts, including: a) certain attacks on life and integrity of persons, b) seizure of aircraft and ships, c) kidnapping or hostage taking, d) causing destruction of government property or infrastructure, e) manufacture of what amounts to weapons of mass destruction and c) interfering with a country's resources with the effect of endangering human life.

From many definitions of terrorism, we can identify several essential components of terrorism acts as follows ; a) the unlawful force; b) intimidations ; c) coercions; d) the use of threats; e) attacking civilian people; f) motivated by ideological, political and religious things; f) aim to influence the public (audience) ; g) destruct the government facilities; h) conducted by State actors or non-State actors; i) targeting the civilian and military objects; h) cause death or serious bodily injury.

1.2. State and non-State Terrorism

Generally, acts of terrorism can be categorized into two kinds. The first is a 'State Terrorism' or 'State Sponsored Terrorism' and the second is a 'non-State Terrorism'. 'State Terrorism' is a use of terror by a government as an instrument to subjugate other party to achieve governments purposes (Ali Mahsyar, 2009). 'State Terrorism' is likely occurred in the authoritarian and repressive government. In other words, this kind of authoritarian and repressive government always using terror as their instrument to intimidate anyone who opposed them (Mahrus Ali, 2012). For example, State Terrorism in Adolf Hitler authoritarian regime in Germany and Joseph Stalin totalitarian government in Uni Soviet which commits many acts of terrorism like kidnapping, punishing, torturing, and executing many innocent civilians which make a lot of people terrified.

Since the beginning of human history, clandestine violence and assassination have been used as means of furthering governmental objectives and the potential of modern terrorism appears to have become a convenient addition to this arsenal. Examples of this mode of violences were found in the practice of the German Democratic Republic, South Yemen, Libya, Syria, Cuba, Israel and the US and the USSR. 'State Sponsored Terrorism' can be transformed into transnational crime if a country commits acts of terror against other countries by giving assistance, protection, financing plan, and facilitating terrorist group to other countries.

The Iraqi hostage -taking preceding the 1991 Gulf-War- is a recent and conspicuous example of the use of State-sponsored terrorism for foreign policy purposes where ten of thousands of people being held as hostages (Noemi Gal-Or , 1993). Libya which was led by Colonel Muammar Khadafi, commits many acts of terrorism around the western countries in 1980's, as well as the Iranian State terrorist group, Hezbollah (Party of God) which is Shiah Islamist militant group and political party based in Lebanon. Hezbollah was conceived by Muslim clerics and funded by Iran primarily to harass the Israeli occupation. Its leaders were followers of Ayatollah Khomeini, and its forces were trained and organized by a contingent of 1,500 Revolutionary Guards that arrived from Iran with permission from the Syrian government, which was in occupation of Lebanon at the time.

On the other hand, 'Non-State Terrorism' is a terror used by non-State actor by individual or certain group of people against the people or government with any motives behind. (Ali Mahsyar 2009). Terrorism is an activity which has been used by an enormous variety of non-State groups, regimes and governments. However, in an operative democracy, the major threat of terror is posed by non-State movements or groups seeking to destroy or undermine democratic governments and to impose their own agenda by coercive intimidation. (Paul Wilkinson, 2011) .

For example political group , ETA (Euzkadi Ta Askatasuna or Basque Fatherland and Liberty) which continued its bombing campaign despite numerous capture of its top echelon by the Spanish and French authorities and a short-lived ceasefire declared in March 2006 that ended with ETA's attack on Madrid Airport in December 2006; ideological groups, for example the Red Brigades which waged a campaign against the Italian Republic in the 1970's and 1980's with the aim of creating a neo-communist socio-economic system and state; religious-political groups , for example HAMAS, which aims to create an Islamic Republic of Palestine and ultimately to dismantle the State of Israel; Jemaah Islamiyah, (JI) which is an Indonesia-based clandestine terrorist network formed in the early 1990s to establish an Islamic state encompassing southern Thailand, Malaysia, Singapore, Indonesia, Brunei, and the southern Philippines which responsible for a series of lethal bombings targeting Western interests in Indonesia and the Philippines from 2000-2005, including attacks in 2002 against two nightclubs in Bali that killed 202 people; the 2003 car bombing of the JW Marriott hotel in Jakarta that killed 12; the 2004 truck bombing of the Australian Embassy that killed 11; and the 2005 suicide bombing of three establishments in Bali that killed 22; Abu Sayyaf which is a Jihadist terror group based and in around Jolo and Basilan Islands in the southwestern part of the Philippines, which conducted terrorist attack by kidnapping, hostage, assassination and extortion in what they describe as their fight for an independent Islamic province in the Philippines.

2. The Phenomenon of Global Terrorism and the crime of ISIS in the 21st Century

ISIS which known as the Islamic State in Iraq and Syria or Islamic State in Iraq and Levant (ISIL), is a new phenomenon inside the global and regional strategic environment, specially in the Middle East (A.S. Hikam, 2016). It was formed officially in the year of 2013 and 2014 which gradually changed its name into Islamic State (IS). Islamic State is one example of the non-State Actor terrorism that expanding rapidly. ISIS also became one of the most heinous terrorist group in the world, which recruiting its members from European to Asian, and became one of the most powerful terrorist group in the world today beyond other terrorist group such as Al-Qaida or Jemaah Islamiyah.

As a political group, ISIS was a result of the dynamics of the regional politic in the areas of the Middle East after the fall of the Former Iraqi President Saddam Hussein, which led to the emergence of the movement of pro-democracy movement in the Middle East and North Africa which widely known as 'the Arab Spring' particularly in Syria. The purpose of ISIS is none other than to establish the Islamic Chaliphate State where Islamic Sharia Law can be enforced radically and exclusively to the entire population. The exclusivity of ISIS is much higher than Al-Qaeda because in their view, Islamic Groups such as Shiite and Sunni are classified as 'infidels' and considered as their enemies (A.S.Hikam, 2016)

Since its emergence in 2013, ISIS has undertaken various actions against the Iraqi and Syrian government that have killed hundreds of thousand of civilian innocent people and destroyed many possessions in both countries. ISIS often conducts brutal acts to innocent civilians such as performing public execution in the presence of the children, decapitating or beheading the civilians, mass murder, raping hundreds of non-muslim women, and other inhumane acts which is condemned by the international community. Not only that, ISIS has destroyed and damaged Muslim and Non-

Muslim worship places, looting and burning all the civilized Islamic historical heritages in Syria and Iraq.

ISIS ironically, is perhaps the only example of successful nation-building in the contemporary Middle East. Its tactics are much like those of the Jewish guerrillas who used violence, terrorism, foreign fighters, clandestine arms shipments and foreign money, along with horrific ethnic cleansing and the massacre of hundreds of Arab civilians. (Chris Hedges, 2014) . Loretta Napoleni, the author of the book “The Islamic Phoenix,” pointed out that the message imparted to Muslims by ISIS is radically different from that of other jihadist groups, especially al-Qaida. ISIS does not call for martyrdom and self-immolation. It has launched a jihad against secular and discredited regimes in the Middle East rather than against Western targets abroad. It is seeking to establish a religious state. It holds up the ancient Caliphate—which united Muslims throughout the Middle East in the seventh century and whose time is considered the golden age of Islam—as an ideal, much as Jews held up the biblical kingdoms chronicled in the Hebrew Bible. (Chris Hedges, 2014) .

ISIS to build its state, has called on engineers, doctors and technicians to immigrate to the area it controls. And ISIS, although devoted to a fundamentalist form of Salafist Islam, is thoroughly modern. It has mastered sophisticated forms of electronic communication and delivers its messages through social media. And unlike groups such as al-Qaida, which bans television sets and radios, it views the technical advances of modern society as an asset. The mixture of fundamentalist religion with modernity is a potent and intoxicating brew for disenfranchised Muslims. And ISIS has attained what peaceful uprisings in the Middle East have not—liberation from detested regimes, at least for now.

ISIS has become a global phenomenon, a non-State power which transformed into a powerful forces that ruled on many areas and population. The influence of the ISIS have exceeded their territory, as evidenced by the presence and the merger of some 170 thousands ‘Jihadis’ from 40 countries. The ISIS also conducts campaigns that spreading their influences in the Islamic countries and also in other countries, in order to recruit more volunteers who will be involved in a battle against their enemies and to make its nation-building (A.S. Hikam 2016) . ISIS not only spreading their ideologies and influences, but it has executed more foreigners such as the execution of American Journalist, James Foley, and Steven Sotloff, as well as some journalists from United Kingdom and Japan, which signs that ISIS is a part of a transnational and anti – imperialist movement . It is also a form of anger and revenge to countries that are considered responsible for the condition of Muslims in the world and in the Middle East .

Not only globally, but the influence of ISIS also has entered Indonesia and calling the Indonesian society to get out of Indonesia , to declare its compliance under the Caliphate of Abu Bakar Al - Baghdadi. According to the opinion of a former deputy of National Counter-Terrorism Agency in Indonesia, Major General Agus Surya Bhakti, radical ideology that has been used by ISIS has spread widely in Indonesia, long before it was established in 2013. The ISIS radical ideology has entered to Indonesia through the internet, that is easily accessible by Indonesian society. The influence of ISIS radical ideology also accepted by majority of some leaders and members of a radical Islamic Organizations in Indonesia. The ISIS radical ideology offers a special attention for those who believe that the war together with ISIS in Syria has higher religious values than any other war in order to fight against the power of Bashar Al-Assad’s regime in Syria and its considered as an effort to establish and to enforce the Islamic Chaliphate which influence many Islamic radical organization in Indonesia to join the battle together with ISIS.

3. Terrorism as a Violation of Human Rights

Terrorism is generally understood as acts of violence which spread terror among the civilians and civilian population (Saqib Jawab, 2015). Terrorist use a terror as their weapon. The hijacking and crashing of the aircrafts create terror in the minds of people, especially the direct and indirect victims. Such is the fear created that people now afraid to fly. The Abu Sayyaf kidnappers inspire fear by beheading their hostages. Exploding bombs in public places and killing innocent people inspire fear and terror, and a feeling of being unsafe anywhere at any time (Mahathir Mohammad, 2003)

Terrorism is a human rights issues because it involves deliberate attacks on civilians causing death and serious injury to the right of life and physical integrity. Terrorism is a serious human rights violation which undermines the State and peaceful political processes; and threatens international peace and security. Numerous resolutions of the UN General Assembly since the 1970's, and of the Commission on Human Rights since the 1990's assert that terrorism threatens or destroys basic human rights and freedoms, particularly life, liberty and security, but also civil and political and economic, social and cultural rights.

Regional anti terrorism instruments such as 1998 Arab Convention, preamble; 1999 OIC Convention, preamble; 1971 OAS Convention, preamble; 1999 OAU Convention, preamble, OAS Declaration of Lima to Prevent, Combat and Eliminate Terrorism, 26 April 1996, preamble also stated that terrorism gravely violates human rights. Terrorism clearly has a very real and direct impact on human rights, with devastating consequences for the enjoyment of the right to life, liberty and physical integrity of victims. In addition to these individual costs, terrorism can destabilize Governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. All of these also have a real impact on the enjoyment of human rights (Office of the United Nations High Commissioner for Human Rights, 2008)

The definition of human rights basically is freedom to do something or not to do something related to the subject without interference from any party and those freedoms are recognized and have protected by law and therefore have a legal basis (Max Boli Sabon 2014). Human rights are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements and human dignity. The full spectrum of human rights involves respect for, and protection and fulfilment of, civil, cultural, economic, political and social rights, as well as the right to development. Human rights are universal, in other words, they belong inherently to all human being and are interdependent and indivisible.

Human rights are moral principles or norms which describe certain standards of human behavior and are regularly protected as legal rights in municipal and international law. Human rights have a number of characteristics such as follows; a) human rights are definite and high priority norms whose pursuit is mandatory ; b) these rights are alleged to be universal which means applicable around the world; c) human rights are held to exist independently; d) human rights are important norms; e) the rights implies duties for both individuals and governments; e) human rights establish minimal standards of decent social and governmental practice (James Nickel, 2007)

They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being" and "which are inherent in all human beings" regardless of their nation, location, language, religion, ethnic origin or any other status (United Nations OCHCR, 1996). Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other

status, where everyone are equally entitled to human rights without discrimination. There rights are all interrelated, interdependent and indivisible.

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems. (Vienna Conference on Human Rights, 1993)

The Universal Declaration of Human Rights (UDHR) preamble states that ‘freedom from fear’ is part of ‘the highest aspiration of the common people’ while the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Political Rights (ICESCR) preambles refer to ‘the ideal of free human beings enjoying freedom from fear’. The political ideal of ‘freedom from fear’ was first articulated as one of four freedoms in a speech by US President Franklin D. Roosevelt in 1941. Roosevelt stated the Four Freedom which was known as “the four freedom speech” (1941 State of the Union Address) where he proposed four fundamental freedoms that people everywhere in the world ought to enjoy as follows; a) freedom of speech, b) freedom of worship, c) freedom from want ; d) freedom from fear (History, 2017). The four freedoms of Roosevelt formed an important pillar of the Universal Declaration of Human Rights that were adopted on December 10, 1948 by United Nation General Assembly.

The Universal Declaration of Human Rights is considered fundamental human rights document and binding on all states. International human rights law has been codified through major human rights treaties and the remaining portion is available in customary international law. The most important of these treaties are, International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights, and its two Optional Protocols (Max Boli Sabon, 2014)

The Universal Declaration of Human Rights serves as a reminder of the idealistic objectives for the collective good of humanity, in enshrining ‘pre-legal’ ethical standards, which manifest as rights and freedoms for all of humanity, irrespective of nationality, creed, ethnicity, gender, religious beliefs or any other status. It’s declarations act as a “moral guide of world order, governance, moral, and normative standards, international law, and individual interactions”. It is distinguished by its unprecedented aspirations to conceive human rights applicable to all in a universal and indivisible fashion. The Universal Declaration of Human Rights has inspired more than 80 international human rights treaties, conventions, and declarations.

Modern human rights standards are rooted in the following four simple values ; a) freedom of want, b) freedom of fear; c) freedom of belief, d) freedom of expression. These freedoms form the core principles of the Universal Declaration of Human Rights which set out the fundamental elements of international human rights accepted United Nations member states and elaborated in many subsequent human rights treaties . This declaration is accepted as “a common standard of achievement for all people and all nations” (OSCE & Office for Democratic Institutions and Human Rights, 2007)

Terrorism aims at the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and other international instruments: respect for human rights; the rule of law; rules governing armed conflict and the

protection of civilians; tolerance among peoples and nations; and the peaceful resolution of conflict. Terrorism has a direct impact on the enjoyment of a number of human rights, in particular the rights to life, liberty and physical integrity. Terrorist acts can destabilize governments, undermine civil society, jeopardize peace and security, threaten social and economic development, and may especially negatively affect certain groups.

All of these have a direct impact on the enjoyment of fundamental human rights. The destructive impact of terrorism on human rights and security has been recognized at the highest level of the United Nations, notably the new Human Rights Council which states have set out that terrorism: a) threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights; b) has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of society, and destabilizes legitimately constituted Governments; c) has links with transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery; d) has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations of cooperation among States, including cooperation for development; and e) threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of the United Nations, is a threat to international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security (OSCE & Office for Democratic Institutions and Human Rights, 2007)

International and regional human rights law makes clear that States have both a right and a duty to protect individuals under their jurisdiction from terrorist attacks. This stems from the general duty of States to protect individuals under their jurisdiction against interference in the enjoyment of human rights. More specifically, this duty is recognized as part of States' obligations to ensure respect for the right to life and the right to security.

The right to life, which is protected under international and regional human rights treaties, such as the International Covenant on Civil and Political Rights, has been described as "the supreme right" because without its effective guarantee, all other human rights would be without meaning. As such, there is an obligation on the part of the State to protect the right to life of every person within its territory and no derogation from this right is permitted, even in times of public emergency. The protection of the right to life includes an obligation on States to take all appropriate and necessary steps to safeguard the lives of those within their jurisdiction. As part of this obligation, States must put in place effective criminal justice and law enforcement systems, such as measures to deter the commission of offences and investigate violations where they occur; ensure that those suspected of criminal acts are prosecuted; provide victims with effective remedies; and take other necessary steps to prevent a recurrence of violations.

In addition, international and regional human rights law has recognized that, in specific circumstances, States have a positive obligation to take preventive operational measures to protect an individual or individuals whose life is known or suspected to be at risk from the criminal acts of another individual, which certainly includes terrorists. Also important to highlight is the obligation on States to ensure the personal security of individuals under their jurisdiction where a threat is known or suspected to exist. This, of course, includes terrorist threats.

3. Conclusion

The conclusion of this study are as follows: first, terrorism and human rights are interrelated to each other because acts of terrorism violates the fundamental norms of human rights which always conducted with the violent acts of killing, murdering, intimidating, threatening, causing death and injuries and containing violence and the use of force to innocent civilians. Secondly, acts of terrorism containing violence, coercion, intimidation and threats that used by terrorist group as their method and legitimate means to achieve their goals, shows a complete ignorance to fundamental human rights where this rights are violated by terrorist attacks on the innocent people and those who are involved in the terrorist attack. Thirdly, acts of terrorism which is conducted widespread and systematic constitute a crime against humanity. The law enforcement to the acts of terrorism requires a certain effort by adding acts of terrorism into the jurisdiction of International Criminal Court so that the terrorist can be punished in international norms level, not just in a domestic courts for the sake of human rights especially the rights of the victims. Forth, Governments have a responsibility to protect those within their jurisdiction from terrorist attacks but must ensure that all counter-terrorism measures respect human rights.

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