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Human Rights and the War on Terror: Europe

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Europe¹

by Victoria Lowdon, Angela Woolliams and Robin Davey

Both individually and collectively, European countries have vast experience with international and domestic terrorism. Because the point of terrorist attacks is primarily within a particular country (United Kingdom, Turkey and Spain), terrorism has come to be viewed by these states as a domestic problem. At the same time European countries have recognized the value of inter-governmental cooperation, which has been codified in various bilateral and multilateral agreements and conventions dating back to the 1950's.

Yet, it was the September 11 attacks that truly spurred the creation of coordinated counter-terrorism efforts in Europe. Recent domestic and transnational anti-terrorism legislation has sparked debates throughout the region due to the European Union's long standing emphasis on human rights. Human rights are a defining feature of the European Union: one requirement of admission is long standing compliance with EU human rights standards. In short, European anti-terror legislation necessarily raises a wide variety of questions regarding the balance between human rights and security.

Basic Documents

This section provides a review of some of the many human rights and terrorism conventions and measures implemented in Europe. These two issues have been of interest in Europe for decades. Consequently, the conventions of the Council of Europe, Europe's oldest political organization, are still relevant. The Council of Europe has been in existence since 1949 and includes 45 countries, including many non-EU members. The second section, on European Union instruments, includes succinct guides to contemporary EU law, and provides the texts of the official documents containing the counter-terrorism measures that were passed both after September 11 and the Madrid bombing in March 2004. Some of these measures are under scrutiny for their possible human rights implications.

Council of Europe

Two books are especially helpful in interpreting this vast body of law:

Council of Europe. 2003. [The Fight against Terrorism: Council of Europe Standards](#). Strasbourg: Council of Europe Publications.

Helpful basic guide to Council of Europe documents pertaining to terrorism. Includes conventions, as well as recommendations, declarations, orders, resolutions, and guidelines created by various Council of Europe bodies.

¹ This section has a supplement that begins on page S-10.

United Nations. 2001. International Instruments Related to the Prevention and Suppression of International Terrorism. New York: United Nations.

An excellent general resource on international legal measures on the issue of terrorism. Spanning more than the Council of Europe's documents on terrorism-related conventions, it also contains materials on instruments passed by various international bodies.

The relevant conventions include:

Council of Europe. 1979. Additional Protocol to the European Convention on Extradition_(CETS No. 086). <http://conventions.coe.int/treaty/en/Treaties/Html/086.htm>

Bars extradition in respect of all political offences. Excludes such offences war crimes, crimes against humanity and the assassination of heads of state. Supplements provisions that deal with the principle *ne bis in idem* by enlarging the number of instances in which extradition of person is barred if she has already been tried for the same crime.

Council of Europe. 1998. Convention for the Protection of Human Rights and Fundamental Freedoms as Amended by Protocol No. 11 with Protocol Nos. 1, 4, 6, 7, 12 and 13 (ETS No. 005). <http://www.echr.coe.int/Eng/BasicTexts.htm>.

Stipulates the fundamental rights and freedoms of people living in the signatory countries. Establishes the European Court of Human Rights, including its procedural matters and is still currently used by the Court.

Council of Europe. 1981. Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (CETS No. : 108). <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=108&CM=8&DF=10/2/04&CL=ENG>.

Protects people against abuses associated with the collection and processing of personal data. Seeks to regulate the flow of personal data. Gives people the right to know that information is stored on them and, if necessary, to have it corrected. Restrictions on rights only possible when overriding interests (i. e. --state security) are threatened.

Council of Europe. 1957. European Agreement on Regulations Governing the Movement of Persons between Member States of the Council of Europe (CETS No. : 025).

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=025&CM=8&DF=10/2/04&CL=ENG>.

Lists specific documents that must be presented by citizens of signatory states who wish to cross state boundaries. Holders of such documents are guaranteed reentry into a state without formality even if his/her nationality is under dispute.

Council of Europe. 1957. European Convention on Extradition (CETS No. : 024).

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=024&CM=8&DF=10/2/04&CL=ENG>.

Provides for the extradition of individuals wanted for non-political or military criminal proceedings or for the carrying out of a sentence. Sets forth the conditions under which extradition can be requested or refused in these cases.

Council of Europe. 1959. European Convention on Mutual Assistance in Criminal Matters_(CETS No. : 030). <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=030&CM=8&DF=10/2/04&CL=ENG>.

Parties agree to provide mutual assistance in the areas of gathering evidence, hearing witnesses, experts and prosecuted persons, etc. Sets rules for the enforcement of letters rogatory by States, aiming to gather evidence or communicate the evidence in trials in another state. Specifies the requirements that requests have to meet.

Council of Europe. 1977. European Convention on the Suppression of Terrorism (ETS No. 090). <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=090&CM=8&DF=10/2/04&CL=ENG>.

Designed to facilitate the extradition of suspected terrorists. Lists offences that should not be considered as political offences, or as offences connected with or inspired by political offences. Also empowers Parties not to consider as a political offence any act of violence against the life, physical integrity or liberty of a person.

Council of Europe. 1972. European Convention on the Transfer of Proceedings in Criminal_Matters (CETS No. : 073). <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=073&CM=8&DF=10/2/04&CL=ENG>.

Gives states the right to request another state to prosecute a suspected criminal in its place. Stipulates the conditions under which this request can be made and under which the request can be refused.

Council of Europe. 2004. Protocol No. 14 to the Convention for the Protection of Human_Rights and Fundamental Freedoms, Amending the Control System of the Convention (CETS No. : 194). <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=194&CM=8&DF=10/2/04&CL=ENG>.

Makes changes to the Convention, regarding clearly inadmissible and repetitive cases. Gives the Committee of Ministers more powers in certain areas and changes term limits for judges. Also sets forth new admissibility criterion.

Council of Europe. 1996. Revised European Social Charter (ETS No. 163). <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm>.

Revises the 1961 European Social Charter with new social and political rights promised to specific populations within signatory countries (i. e. --workers, children, the elderly, and the disabled). Amends several portions of the Charter, including better protection of vulnerable populations, the reinforcement of the right against discrimination, etc.

Council of Europe. 2004. Fight against Terrorism. http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Fight_against_terrorism/.

A website detailing the Council of Europe's actions against terrorism with links to adopted texts, thematic files, the Committee of Experts on Terrorism, and other general information. Also provides access to recent publications on the topic of terrorism.

European Union

European Commission. 2000. Charter of Fundamental Rights. http://europa.eu.int/comm/justice_home/unit/charte/index_en.html.

Website containing information on the Charter, which lists all fundamental rights within six categories: dignity, freedoms, equality, solidarity, citizens' rights and justice; ends the distinction between civil, political, economic, and social rights. Includes protection of personal data and bio-ethical standards; requires governments to be open and transparent; and reaffirms the EU's commitment to the elimination of discrimination.

Council of the European Union. 2004. Council Common Position 2004/309/C. F. S. P. Of 2 April 2004 Updating Common Position 2001/931/C. F. S. P. On the Application of Specific Measures to Combat Terrorism and Repealing Common Position 2003/906/C. F. S. P. http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_099/l_09920040403en00610064.pdf.

Updated list of terrorists and terrorist organizations. Includes Abu Nidal, the Continuity IRA, Kurdistan Workers Party, Euskadi Ta Akatasuna, Loyalist Volunteer Force, Palestine Liberation Front, Real IRA, Red Hand Defenders, Revolutionary Armed Forces of Colombia, Revolutionary Nuclei, Shining Path, Revolutionary 17 November, and others.

Council of the European Union. 2002. Council Common Position of 2 May 2002 Updating Common Position 2001/931/Cfsp on the Application of Specific Measures to Combat Terrorism (2002/340/Cfsp).

Council of the European Union. 2002. Council Common Position of 17 June 2002 Updating Common Position 2001/931/Cfsp on the Application of Specific Measures to Combat Terrorism and Repealing Common Position 2002/340/Cfsp (2002/462/CFSP).

Council of the European Union. 2001. Council Common Position of 27 December 2001 on the Application of Specific Measures to Combat Terrorism (2001/931/CFSP).

One of the first lists designating a series of individuals and organizations as "terrorists". Requires Member States to freeze the assets of the listed people and groups and to halt the flow of such resources. List to be reviewed regularly.

Council of the European Union. 2003. Council Decision 2003/48/Jha of 19 December 2002 on the Implementation of Specific Measures for Police and Judicial Cooperation to Combat Terrorism in Accordance with Article 4 of Common Position (2001/931/CFSP).

Asks members to pass information to Europol and Eurojust. Calls for the formation of specialized law enforcement branches to collect information on criminal investigations linked to terrorist activities. Joint investigative teams are to be created when necessary. Categorizes mutual assistance requests as urgent, top priorities for Members. Requires Members to make information immediately accessible to investigators.

Council of the European Union. 2004. Council Decision of 2 April 2004 Implementing Article 2(3) of Regulation (EC) No 2580/2001 on Specific Restrictive Measures Directed against Certain Persons and Entities with a View to Combating Terrorism and Repealing Decision 2003/902/EC (2004/306/EC).

Implements the Council Regulation passed on 27 December 2001, regarding the freezing of assets. Applies to the groups and individuals listed in this document.

Council of the European Union. 2002. Council Framework Decision of 13 June 2002 on Combating Terrorism (2002/475/JHA).

Describes offences considered to be terrorist within the European Union and those that can be linked to terrorist activities. Sets a common punishment for those found to be participating in certain acts. Dictates criteria under which States may reduce these sentences. Also describes the procedures related to prosecution, jurisdiction, liability, implementation, and reports.

Council of the European Union. 2002. Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA).

Official document describing the scope of and the procedures for the use of the European Arrest Warrant.

Council of the European Union. 23 March 1999. Council Recommendation of 9 December 1999 on Cooperation in Combating the Financing of Terrorist Groups (1999/C 373/01). http://europa.eu.int/eur-lex/pri/en/oj/dat/1999/c_373/c_37319991223en00010001.pdf.

Council of the European Union. 2001. Council Regulation (EC) No 2580/2001 of 27 December 2001 on Specific Restrictive Measures Directed against Certain Persons and Entities with a View to Combating Terrorism.

Authorizes the freezing of the economic assets of specific people and groups classified as terrorists. Halts the flow of resources to such entities. Also requires private financial institutions to provide authorities with access to information that would facilitate compliance with this document.

Council of the European Union. 1996. Joint Action of 15 October 1996 Adopted by the Council on the Basis of Article K. 3 of the Treaty on European Union Concerning the Creation and Maintenance of a Directory of Specialized Counter-Terrorist Competences, Skills and Expertise to Facilitate Counter-Terrorist Cooperation between the Member States of the European Union (31996f0610).

Paul Craig and Grainne De Burca . 2003. EU Law: Text Cases, and Materials. Oxford: Oxford University Press.

While occasionally dense and legalistic, this introductory text enables readers to understand the structure of the EU and several important topical areas. Contains detailed descriptions of various treaties, allowing the tracing of EU evolution in a clear and precise manner.

European Commission: Justice and Home Affairs. European Union Plugging the Gaps in the Fight against Terrorism. http://europa.eu.int/comm/justice_home/doc_centre/criminal/terrorism/doc_criminal_terrorism_en.htm.

European Commission: Justice and Home Affairs. A Single Roof for Asylum in the European Union. http://europa.eu.int/comm/justice_home/doc_centre/asylum/doc_asylum_intro_en.htm.

European Commission: Justice and Home Affairs. Towards a Common European Union Immigration Policy. http://europa.eu.int/comm/justice_home/doc_centre/immigration/doc_immigration_intro_en.htm.

European Council. 2001. Anti-Terrorism Roadmap Justice and Home Affairs Aspects. European Union. SN 4019/1/01 REV 1. <http://www.statewatch.org/news/2001/oct/sn4019-r1.pdf>.

ABSTRACT: Created post-September 11th. Lists forty-seven measures the European Council instructed the Justice and Home Affairs Council to implement as soon as possible. Includes the creation of the European Arrest Warrant, the establishment of common definitions, penalties and lists of terrorists and terrorist organizations. Specifies the deadlines of and the bodies responsible for implementation.

European Council. 2004. Declaration on Combating Terrorism. http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/79637.pdf.

Urges members to do everything in their power to ensure that current EU bodies, like Europol, are optimally used. Calls upon Members to implement all previously adopted measures and to improve intelligence cooperation. Attempts to increase security at all transportation sites. Instructs the Council to pass proposals related to biometric passports and visas

European Union. Personal Data Protection. <http://europa.eu.int/eur-lex/en/index.html>.

European Union. 1993. Treaty of the European Union. <http://europa.eu.int/en/record/mt/top.html>.

Amends the Treaty of Rome. Established the European Union, an organization based upon the European Community. Formalized inter-governmental cooperation into three pillar: Pillar I - Common Provisions, Pillar II - Common Foreign and Security Policy, and Pillar III - Justice and Home Affairs.

Ralph H. Folsom. 2004. European Union Law in a Nutshell. St. Paul, MN: Thomson West.

Succinct guide to European Union law. Chapter breakdown facilitates easy access to subjects of interest, including internal policies and the free movement of people. the history and structure of the organization. Excellent tool for those unfamiliar with EU law.

Religious Freedom and Xenophobia

The war on terror has had a profound impact on religious freedom in Europe. While most European countries have historically embraced secularism, challenges to it have escalated since September 11. Turkey and France have recently passed laws that ban the wearing of headscarves in public schools and it appears Germany is not far behind. In Italy a Muslim woman has brought a case against the government over fines placed on her for wearing a veil in public. More than any other European state, France is the hotbed for the issue because of the strict enforcement of the headscarf ban in public high schools, which has excluded many girls. "Islamophobia" as it termed by some, is becoming more evident in Europe on the whole. Most European governments insist that the new laws are the result of an aim for a secular, not anti-Muslim society. This section presents news articles, journal articles, and electronic resources on the headscarf issue, as well as the broader

impact of the War on Terror on religious liberties and the perception of Islam and Muslims in Europe.

Susie Alegre and Marisa Leaf. 2004. "Mutual Recognition in European Judicial Cooperation: A Step Too Far Too Soon? Case Study: The European Arrest Warrant". *European Law Journal*. 10(2): 200.

ABSTRACT: The article discusses the human rights problems emerging around the European Arrest Warrant (EAW), particularly with respect to the protection of individual rights and legal certainty in the European judicial space. The way in which these problems are tackled will be a litmus test of the respect for fundamental rights across the EU.

Simon Barnett. 2001. "Religious Freedom and the European Convention on Human Rights: The Case of the Baltic States". *Religion, State & Society*. 29(2): 91.

ABSTRACT: Focuses on religious freedom in the Baltic states. Adherence to standards set by the European Convention on Human Rights; Religions experiencing difficulties in getting legal recognition in Austria; Distinction between traditional and nontraditional religions.

Jocelyne Cesari. 2004. Young, Muslim and French. [http://www.pbs.org/wnet/wideangle/shows/france/.](http://www.pbs.org/wnet/wideangle/shows/france/)

This source, targeted toward youth, is centered around a brief regarding the issue of secularism in France and how it is impacting the French community. In addition to the brief, the page also features link to an Interactive map, photo essay, polls, and a resource guide which has a number of good sources related to Muslims in France.

Liz Fekete. 2004. "Anti-Muslim Racism and the European Security State". *Race & Class*. 46(1): 3.

ABSTRACT: Focuses on the impact of the war on terror on race relations policies across Europe. Discusses the effect of new legislation, policing and counter-terrorist measures on Muslims, perception in Europe regarding Islam and the promotion of multicultural homogeneity through assimilation.

Silvio Ferrari. 2004. "Individual Religious Freedom and National Security in Europe after September 11." *Brigham Young University Law Review*. 2004(2): 357.

ABSTRACT: Discusses the impact of religiously-motivated terrorism on the balance between religious freedom and national security. Analyzes religion and security after the September 11, 2001 terrorist attacks and deals with the creation of laws approved by the European states affecting religion and church-state relations.

Joel S. Fetzer and J. Christopher Soper. 2003. "The Roots of Public Attitudes toward State Accommodation of European Muslims' Religious Practices before and after September 11". *Journal for the Scientific Study of Religion*. 42(2): 247.

ABSTRACT: More than nine million Muslims currently live in Western Europe, which makes them the largest religious minority in the region. There has been significant political controversy in various European states over how best to recognize Muslims' religious rights. These questions have become even more significant and contentious in the aftermath of the September 11 attacks by Islamic extremists. Using privately commissioned polls on attitudes toward Muslim religious rights taken before and after September 11 in Britain, France, and Germany, this article determines the extent of popular opposition to state accommodation of Muslim practices and tests several leading theories of attitudes toward Muslims.

Willi Fuhrmann. 2000. "Perspectives on Religious Freedom from the Vantage Point of the European Court of Human Rights". Brigham Young University Law Review. 2000(3): 829.

ABSTRACT: Presents information on a study which analyzed the case law of the European Convention for the Protection of Human Rights and Fundamental Freedoms in relation to freedom of religion.

Human Rights Watch . 2004. Headscarf Is No Human Right, Court Rules. <http://www.hrw.org/wr2k2/europe19.html>.

Discusses The European Court on Human Rights ruling that banning headscarves in academic institutions is not a violation of human rights in Turkey. Implies this ruling might help the french case for a similar ban on headscarves.

Javier Jordan and Luisa Boix. 2004. "Al-Qaeda and Western Islam". Terrorism & Political Violence. 16(1): 1.

ABSTRACT: *The terrorism of Al-Qaeda could gravely endanger social co-existence in western countries with large Islamic communities. Al-Qaeda uses the presence of Muslims in Europe and the United States in order to hide itself, recruit new members and obtain aid. Even though the majority of the Muslims who live in the West reject terrorism, there exists proof that Al-Qaeda has managed to locate itself in minority sectors of Europe and America. The social alarm could endanger the relationships between Muslims and non-Muslims that live in the same country. It is necessary to adopt preventive measures to lessen this risk.*

Xing Li. 2002. "Dichotomies and Paradoxes: The West and Islam". Global Society: Journal of Interdisciplinary International Relations. 16(4): 401.

ABSTRACT: *The article focuses on the worldwide spread of radical Islamism. Since the Iranian revolution of 1979, the rise of Islamic fundamentalism has generated several issues of analytical significance for social and political scientists. The author provides analyses and arguments to uncover the paradoxes behind the dichotomous discourses on West-Islam conflicts. Islamism is seen as counter-hegemonic political movement representing an outlet for action and a force for change. Contrary to the civilization paradigm in conceptualizing and dichotomizing the long-term conflicts between the West and Islam, the current terrorist crises are less about religion and more about politics.*

Virginie Mamadouh. 2003. "11 September and Popular Geopolitics: A Study of Websites Run for and by Dutch Moroccans". Geopolitics. 8(3): 191.

ABSTRACT: *In the eyes of many, the events of 11 September have validated Huntington's prediction of a 'clash of civilizations' between the Islam and the West. Accordingly, the Muslims communities in the West are seen as vanguards of a hostile civilization. The essay aims at exploring the significance of such a geopolitical script in popular geopolitics. It deals with the position of Muslim communities in Western Europe. The analysis focuses on Moroccans in the Netherlands, a Muslim community resulting from recent immigration and on the new media. The empirical section examines how the events and their aftermath were presented and represented on websites run for and by young Dutch Moroccans (websites that have become key public places for this first generation of Muslims born in the Netherlands), and aims at assessing to what extent the 'clash of civilizations' script inform their understanding of the events.*

2002. "Freedom of Religious Association: The Right of Religious Organizations to Obtain Legal Entity Status under the European Convention". Brigham Young University Law Review. 2002(2): 561.

ABSTRACT: Examines the applicability of the freedom of association cases handled by the European Court of Human Rights in the right of religious organizations to obtain legal entity status under the European Convention for the Protection of Human Rights and Fundamental Freedoms. Discusses potential limits of the freedoms as a result of the war on terrorism.

Gerd; Niblock Nonneman, Tim; Szajkowski, Bogdan. 1996. Muslim Communities in the New Europe. Reading, Berkshire, UK: Ithaca Press.

Discusses Muslim communities in the contemporary Europe. Contains broad thematic chapters on Islam and ethnicity in eastern Europe and the role of human rights in European relations with the Islamic world. Regional foci include Muslim communities in France, Germany and Spain.

Ayla Schbley. 2004. "Religious Terrorism, the Media, and International Islamization Terrorism: Justifying the Unjustifiable". Studies in Conflict & Terrorism. 27(3): 207.

ABSTRACT: This study examines International Islamization Terrorism. It revisits the effects of the media on the propensity of Muslim zealots for conflict and terrorism by sampling 2,619 individuals in 8 European Union countries, and empowers the field with some foundations for Islamist violence.

Ivkovi Zcedil, Gordana. 2004. "Is Religious Freedom Possible?" Religion in Eastern Europe. 24(2): 29.

Human Rights, Civil Liberties and Domestic Cooperation

Prior to the September 11 attacks in the United States, European countries cooperated on terrorism policy, but they primarily dealt with threats domestically. Now, European states are increasingly recognizing the importance of international intelligence information sharing, law enforcement capacity, and judicial cooperation to combat security and terrorist threats. The European arrest warrant (EAW) is the most striking example of the extensive judicial cooperation in criminal matters that is beginning to take place in the European Union (EU). It replaces traditional extradition between EU member states and will operate on the basis of mutual recognition of judicial decisions.

Unfortunately, the EAW and other cooperative efforts to enhance security have begun to blur the lines between criminal behavior and actual security threats. This shift in perception has led to the re-interpretation of security threats. As a result of this new measurement, the number of human rights abuses and restrictions on civil liberties has increased since the beginning of the War on Terror. The European Union Charter of Fundamental Rights (2001) addresses, *inter alia*, the detainment of suspects and rights to due process of law. While the Charter presents a further step by the European community toward a rights-based approach, it is not legally binding and depends on individual states to adhere to it. Many human rights and civil liberties cases have made their way into European courts where precedents for dealing with the need for balance between security, rights and liberty are being established.

Looking at the cases of the EAW and the European Union Charter of Fundamental Rights shows us that European cooperation efforts are linked at both the security and rights levels. This section provides further resources exploring these linkages of European Cooperation Efforts and Human Rights and Civil Liberties in the war on terror.

European Cooperation Efforts

2002. "Ninth Meeting of the Ministerial Council, Bucharest, 3-4 December 2001". Helsinki Monitor. 13(1): 80-123.

ABSTRACT: Discusses proceedings of the ninth meeting of the Organization for Security and Cooperation (OSCE) in Europe's Ministerial Council in Bucharest, Romania in December 2001. Decision on combating terrorism and the Bucharest plan of action; International legal obligations and political commitments; Strengthening democratic institutions and the rule of law; Promoting human rights, tolerance, and multiculturalism.

Susie Alegre and Marisa Leaf. 2004. "Mutual Recognition in European Judicial Cooperation: A Step Too Far Too Soon? Case Study: the European Arrest Warrant". European Law Journal. 10(2): 200-218.

ABSTRACT: The European arrest warrant (EAW) is the first and most striking example of the extensive judicial cooperation in criminal matters that is beginning to take place in the European Union. Replacing traditional extradition between EU member states, including the ten accession countries after May 2004, it will operate on the basis of mutual recognition of judicial decisions, thus taking extradition decisions out of the hands of politicians. It rests on the presumption that criminal justice systems are equivalent throughout the EU and that the rights of the defence, in particular, are safeguarded adequately and in a comparable way EU-wide. However, before the EAW has even been implemented, a number of practical problems are beginning to emerge, in particular in relation to the protection of individual rights and legal certainty in the European judicial space. The way in which these problems are tackled will be a litmus test of the respect for fundamental rights across the EU in the field of justice and home affairs. This article highlights the problems inherent in the rapid development of the principle of mutual recognition and suggests ways in which these problems can be addressed allowing for full protection of fundamental rights within a fully functioning European area of freedom, security, and justice. The EAW will be used to illustrate the prominent features of the emerging landscape of judicial cooperation in criminal matters, providing as it does the most radical example of developments in this field so far and their implications for fundamental rights.

Arie Bloed. 2003. "OSCE Chronicle". Helsinki Monitor. 14(1): 65-69.

ABSTRACT: Reports on the Netherlands' takeover of the chairmanship of the Organization for Security and Cooperation (OSCE) in Europe. Adoption of a charter on preventing and combating terrorism; OSCE missions.

United States Congress. 2002. International Cooperation in the War on Terrorism: Hearing before the Commission on Security and Cooperation in Europe, One Hundred Seventh Congress, Second Session, May 8, 2002. Washington: United States General Publishing Office.

Monica Den Boer. 2002. "Towards an Accountability Regime for an Emerging European Policing Governance". Policing & Society. 12(4): 279-290.

ABSTRACT: Law enforcement cooperation in the European Union (EU) is booming business, as new actors emerge on the scene and inter-institutional working relationships arise between the different governance levels of policing. This dynamic has been given new impetus as a result of the terrorist attacks against the USA on 11 September 2001. These events have provided the EU with a window of opportunity for the adoption of several new measures in the area of police and judicial cooperation in criminal matters. This article looks at ways in which an appropriate and measurable accountability system could be developed for an emerging European police governance, thereby taking into account the discussions at EU-level about the review of its administration and the functioning of its institutions. The article analyses the accountability systems which are currently in place for European policing, in particular Europol, by drawing a distinction between internal and external accountability, and by looking at the complementarity between political, legal and citizens' accountability.

Andrew Der-Chin Horng. 2003. "The Human Rights Clause in the European Union's External Trade and Development Agreements". *European Law Journal*. 9(5): 677.

ABSTRACT: Since 1992, the European Union (EU) has included in all its agreements with third countries a clause defining respect for human rights and democracy as an 'essential element' of its external relationship. A Council decision of May 1995 spells out the basic modalities of this clause, with the aim of ensuring consistency in the text used and its application. The human rights clause is unique to the EU's bilateral agreements, and now applies to over 120 countries. It represents a new model for EU external relations as well as for international cooperation. The EU plays a leading role in the WTO and international economic relations. The human rights clause will have implications for the development of international rules concerning trade-related human rights policy.

Victor-Yves Ghebali. 2002. "The Bucharest Meeting of the Ministerial Council (3-4 December 2001): Towards a New Consensus at the OSCE?" *Helsinki Monitor*. 13(2): 157-167.

ABSTRACT: Reports on the agenda of the Bucharest Meeting of the Ministerial Council in Romania, which discussed reform of the Organization for Security and Cooperation in Europe and regional response to terrorism and area conflicts.

C. Grant. 2002. "The Eleventh of September and Beyond: The Impact on the European Union". *Political Quarterly*. 73(4, Supplement 1): 119-135.

ABSTRACT: Examines the impact of the September 11, 2001 terrorist attacks on the European Union's foreign and defense policies. Specifically emphasized are transatlantic police and judicial cooperation and the beginnings of effort to enhance military performance and become a more effective international actor.

Mar A. Jimeni-Bulnes. 2004. "After September 11th: The Fight against Terrorism in National and European Law. Substantive and Procedural Rules: Some Examples". *European Law Journal*. 10(2): 235.

ABSTRACT: The terrorist attacks suffered by the United States of America on 11 September 2001 have caused a considerable increase in legislation at national and European level with the same objective: the fight against terrorism. The special nature of this crime makes judicial cooperation among states indispensable. In this context, both kinds of instruments are contemplated in order to provide the necessary measures especially, and not especially, addressed to prevent and repress terrorism: they give place to substantial and procedural rules, such as the European Arrest Warrant in the territory of the European Union. But in this claimed fight against terrorism there are also two important risks, namely the creation of a kind of "Security Criminal Law" from a material point of view and the arguable breach of human rights infringed by some of those procedural measures.

Marie Lesure. 2002. "No Room for Failure". *Armed Forces Journal International*. 140(4): 10-11.

ABSTRACT: *Reports on the intensification of transnational cooperation by Europe to counter terrorism in the region. Account of the terrorist activities in France; Emergence of several terrorist networks in Europe; Details of the action plan developed by the European Commission after the September 11, 2001 terrorist strikes in the U.S. ; Increase in defense budget envisaged in France's budget plan for 2003-2008 military program.*

John D. Occhipinti. 2003. *The Politics of EU Police Cooperation: Toward a European FBI?* Boulder, CO: Lynne Rienner Publishers, Ltd.

Describes judicial cooperation within the EU in detail. Traces the developments in this area back to the 1970's. Discusses the progress made between the various treaties. A helpful timeline for those interested in a simple presentation of the events that have taken place from 1970 until 2002.

Fernando Reinares. 2000. *European Democracies against Terrorism: Governmental Policies and Intergovernmental Cooperation*. Aldershot, UK; Burlington, VT: Ashgate.

ABSTRACT: *Assesses the different measures designed and implemented by western European democratic governments since the late 1960s to counter terrorism. Analyzes the problems and perspectives surrounding intergovernmental co-operation on counter-terror as developed within the framework of the European Union.*

Lord Robertson. 2003. "Our Grandchildren's NATO". *European Foreign Affairs Review*. 8(4): 509-513.

ABSTRACT: *In the 1990's NATO evolved to engage former adversaries and deal with instability and ethnic cleansing in the Balkans. Through the same common framework of military interoperability NATO is playing a new role in the fight against terrorism and weapons of mass destruction. The article asserts that Canada's Joint Task Force 2 and Princess Patricia's Canadian Light Infantry were able to operate effectively in Afghanistan because of decades of cooperation in NATO. The NATO at November 2002 summit in Prague, Czech Republic is identified as a turning point for planning the military contribution against terrorism.*

Michael Santiago. 2000. *Europol and Police Cooperation in Europe*. New York: Edwin Mellen Press.

Good background on the developments in police cooperation within the EU prior to 2000 and the formation of EUROPOL. Provides a very detailed discussion of the negotiations and the tensions that existed between member states.

Nikki Swartz. 2004. "EU Proposes Terrorist Database". *Information Management Journal*. 38(3).

ABSTRACT: *The European Union's (EU) head office recently proposed a Europe-wide database of criminal records for terrorists to help improve cooperation between governments in the wake of the March 2004 train bombings in Madrid, Spain. A European Parliament committee voted against a commission deal allowing U.S. authorities to collect personal data on airline passengers, saying it undermined privacy rights. A report from the European Commission has proposed a register of suspected terrorists' convictions to help governments keep track of their activities and disable their finances. Since 2001, the 15 EU governments have agreed in principle on at least 10 different pan-European laws to combat terrorism but implementation has been spotty according to the New York Times.*

Asle Toje. 2003. "The First Casualty in the War against Terror: The Fall of Nato and Europe's Reluctant Coming of Age". *European Security*. 12(2): 63-76.

ABSTRACT: In 2003, hardly a keynote speech goes by without Western leaders stressing that the transatlantic bond is as important as ever. This is perhaps true - a timelier question is whether the same can be said for the perception of common values and common threats that used to define this partnership and its sole institutional link: NATO. This essay explores five security policy conundrums that point towards a revised burden-sharing and power-sharing in the transatlantic strategic partnership: the UK's ambiguous role in the European Security and Defence Policy (ESDP); the blocking of the formal bond between NATO and the EU; the implications of a change in U.S. policy towards Europe; NATO's improbable move into soft security and, finally, NATO's invocation of Article 5 in the wake of the September 11 attacks on New York and Washington.

Neil N. Wynn. 2003. "Towards a Common European Security and Defence Policy? The Debate on Nato, the European Army and Transatlantic Security". *Geopolitics*. 8(2): 47-68.

ABSTRACT: The movement towards a Common European security and Defence Policy (CESDP) in the contemporary European Union (EU), and the possible creation of a European army, capture the leitmotiv of contemporary European political integration. The movement towards a Common Foreign and Security Policy (CFSP) in western Europe transatlantic relations about the very nature of European foreign and defence policy, transatlantic relations and, most most significantly, the core meaning and destination of European union. Defence therefore takes on a salience not just in its own field, but in the entire European integration process. The culmination of interstate security cooperation would be the formation of an integrated security community in which identities and policy-making capacities have been consolidated or unified at the European level. Defence policy forms the spine of broader European security policy and a security strategy can only exist with a strong military spin. This is especially prescient following the terrorist attacks of 11 September 2001 on New York and Washington, DC. Washington expects Europe to follow its lead in international politics and terrorism policy. Since 1998, the Europeans have developed new plans to gain greater political and military independence from Washington and NATO. To what extent, therefore, does the EU want to go beyond being a mere 'civilian power' consequences of such a transformation for western Europe, the United States (US) and transatlantic relations? To what extent will the U.S. remain involved in European security and in what form? The present analysis begins with an analysis of key issues in European defence and security after 11 September 2001. The article then goes on to consider options for transatlantic relations and European security. The article then considers the positions of the major western European powers towards the so-called CESDP.

Rob Zaagman. 2002. "Terrorism and the OSCE. An Overview". *Helsinki Monitor*. 13(3): 204-215.

ABSTRACT: Focuses on the enhancement of the legal and operational capacity of national governments to fight terrorism by the United States and numerous regional bodies after September 11.

Wolfgang Zellner. 2001. "The 9th OSCE Ministerial in Bucharest 2001". *Helsinki Monitor*. 13(1): 62-71.

ABSTRACT: Discusses the proceedings of the Organization for Security and Cooperation in Europe's (OSCE) Ministerial meeting in Bucharest, Romania in 2001. Issues addressed included the capacity of the OSCE to regulate conflicts and crises in its field of application in the geopolitical aftermath of the September 11, 2001 terrorist attacks; the failure of the Vienna Ministerial meeting in 2000; and the Bucharest plan of action for combating terrorism.

Human Rights

2000. "Magee V. The United Kingdom". *Human Rights Case Digest*. 11(5): 277-279.

ABSTRACT: Bombing suspect kept incommunicado and denied access to a solicitor for forty eight hours during which time he made a confession. Discusses differences in treatment between detainees in Northern Ireland and other parts of the United Kingdom under prevention of terrorism legislation is to be explained in terms of geographical location and not personal characteristics.

2001. "Marshall V. The United Kingdom". *Human Rights Case Digest*. 12(7): 669-671.

ABSTRACT: Detention prolonged more than six days under the UK Prevention of Terrorism (Temporary Provisions) Act 1989 without the detainee being brought before a judge.

Dirk Haubrich. 2003. "Anti-Terror Laws and Civil Liberties: Britain, France and Germany Compared". *Government & Opposition*. 38(1): 3-29.

ABSTRACT: Compares anti-terrorism laws and civil liberties in Great Britain, France and Germany with special attention to the broader liberal democratic tradition and the protection of human rights.

Magnus Hörnqvist. 2004. "Risk Assessments and Public Order Disturbances: New European Guidelines for the Use of Force?" *Journal of Scandinavian Studies in Criminology & Crime Prevention*. 5(1): 4-27.

ABSTRACT: Over the last twenty years, the prison system, border controls, crime prevention programmes, anti-terror measures and private security companies have expanded within Europe. This article discusses some of the implications. It will be argued that we are witnessing a paradigmatic shift in the manner in which state-sanctioned force is employed. The distinction between what is criminal, to be dealt with by the justice system, and what creates a 'perception of security'—formerly to be dealt with by social policy—is being eroded at both macro- ('war on terror') and micro- ('public order') levels. The rule of law is giving way to a security mentality, where force is employed on the basis of risk assessments. Social problems are re-interpreted as security threats, and met with measures recreating the original threats. This gives the policy field a distinctive rationality of its own.

Istvan S. Pogany. 1995. Human Rights in Eastern Europe. Brookfield, Vt., USA: E. Elgar.

A. H. Robertson. 1993. *Human Rights in Europe: A Study of the European Convention on Human Rights*. Manchester, UK; New York: Manchester University Press: Distributed exclusively in the USA and Canada by St. Martin's Press.

Steven D. Roper. 2001. "A Comparison of East European Constitutional Rights". *International Journal of Human Rights*. 5(2): 1.

ABSTRACT: Examines the human rights and liberties prescribed in East European constitutions. Presents background on the historical development of constitutional rights; a discussion on the changes in the constitutions; and a comparison of the rights in east European constitutions.

W. Sadurski. 2002. "Charter and Enlargement". *European Law Journal*. 8(3).

ABSTRACT: Current debates about the contents, status, and the future role of the EU Charter of Fundamental Rights should have a stronger enlargement dimension: the constitutionalisation of Europe (with the Charter as its key element) and the EU enlargement should be seen as two interrelated (and, possibly, mutually

supportive) phenomena rather than as two separate challenges which must be approached one at a time. There are two main aspects to this relationship. First, the Charter may be seen as a yardstick by which the human rights credentials of the candidate states will be tested. Second (the central focus of this article), one may ask whether the candidate states, once involved in the debate about the constitutional future of Europe, will bring any constitutional insights which may affect the articulation of Charter rights. It is argued, against the background of candidate states recent experience of constitution-making, that these insights should be embraced rather than feared, and that the current member states should resist a temptation of adopting a paternalistic approach towards the candidate states as participants in the European constitutional debate.

Patrick Thornberry. 2003. "Conclusions of the Conference by the General Rapporteur". *International Journal on Minority & Group Rights*. 10(4): 381-386.

Andrew A. T. Williams. 2003. "Mapping Human Rights, Reading the European Union". *European Law Journal*. 9(5): 659-676.

ABSTRACT: The EU's human rights policy has provoked increasing scholarly attention over the last decade. Yet rarely has it been subjected to rigorous analysis in the context of any integration theory. This article is an attempt to rectify the omission. By building on the approach of historical institutionalism, whilst at the same time recognizing its analytical deficiencies, a method of reading the EU and interpreting its human rights policies is promoted. Specifically, the article contends that an analysis based on the textual nature of the EU and the configuration of this text through 'institutional narrative' will enable a better understanding of the institutional logic behind the construction of human rights policy. An agenda for research and analysis is thus suggested that might map the development of human rights in the EU and predict the compass of future policy direction more effectively.

Neil N. Winn. 2003. "Towards a Common European Security and Defence Policy? The Debate on Nato, the European Army and Transatlantic Security". *Geopolitics*. 8(2): 47-68.

ABSTRACT: The movement forwards a Common European security and Defence Policy (CESDP) in the contemporary European Union (EU), and the possible creation of a European army, capture the leitmotiv of contemporary European political integration. The movement towards a Common Foreign and Security Policy (CFSP) in western Europe transatlantic relations about the very nature of European foreign and defence policy, transatlantic relations and, most most significantly, the core meaning and destination of European union. Defence therefore takes on a salience not just in its own field, but in the entire European integration process. The culmination of interstate security cooperation would be the formation of an integrated security community in which identities and policy-making capacities have been consolidated or unified at the European level. Defence policy forms the spine of broader European security policy and a security strategy can only exist with a strong military spin. This is especially prescient following the terrorist attacks of 11 September 2001 on New York and Washington, DC. Washington expects Europe to follow its lead in international politics and terrorism policy. Since 1998, the Europeans have developed new plans to gain greater political and military independence from Washington and NATO. To what extent, therefore, does the EU want to go beyond being a mere 'civilian power' consequences of such a transformation for western Europe, the United States (US) and transatlantic relations? To what extent will the U.S. remain involved in European security and in what form? The present analysis begins with an analysis of key issues in European defence and security after 11 September 2001. The article then goes on to consider options for transatlantic relations and European security. The article then considers the positions of the major western European powers towards the so-called CESDP.

2001. "Yaman V. Turkey". *Human Rights Case Digest*. 12(11): 1087-1089.

Transatlantic Relations and Collaborative Efforts

Transatlantic relations have been more controversial than ever. Some observers have asserted that the fundamental cultural and structural basis for a Euro-American alliance has eroded to an almost critical level since the beginning of the Iraq war in 2003. This stands in contrast to the feeling immediately after September 11th that European and American common values and political cohesiveness were strengthened. Whatever its current status, it is clear that the bond is an important one, demonstrated by the inclusion of both sides of the Atlantic in organizations like NATO and the OSCE.

In spite of the perception of animosity between Europe and America, Western leaders have consistently contended that the transatlantic bond is as important as ever. Both sides are seeking to strengthen diplomacy and collaboration, reevaluate security threats and address human rights and minority issues in order to respond to threats that do not arise neatly from within the borders of other nation-states. At the same time, because this policy stance is unique, its impact on human rights is easily overlooked. This section seeks to provide information regarding transatlantic relations, collaborative efforts, and these security organizations in particular.

North Atlantic Treaty Organization

Arie Bloed. 2003. "OSCE Chronicle". *Helsinki Monitor*. 14(1): 65-69.

ABSTRACT: Reports on the Netherlands' takeover of the chairmanship of the Organization for Security and Cooperation (OSCE) in Europe. Adoption of a charter on preventing and combating terrorism; OSCE missions.

Arie Bloed. 2001. "The OSCE and the War against Terror". *Helsinki Monitor*. 12(4): 313-318.

ABSTRACT: Focuses on the history of Organization for Security and Co-operation in Europe (OSCE). Effect of the war against terrorism on OSCE agenda; Loss of American interest in developments in other parts of the OSCE region; Role of the OSCE in the implementation of the peace agreement in Macedonia.

Victor-Yves Ghebali. 2002. "The Bucharest Meeting of the Ministerial Council (3-4 December 2001): Towards a New Consensus at the OSCE?" *Helsinki Monitor*. 13(2): 157-167.

ABSTRACT: Reports on the agenda of the Bucharest Meeting of the Ministerial Council in Romania, which discussed reform of the Organization for Security and Cooperation in Europe and regional response to terrorism and area conflicts.

Rob Zaagman. 2002. "Terrorism and the OSCE. An Overview". *Helsinki Monitor*. 13(3): 204-215.

ABSTRACT: Focuses on the enhancement of the legal and operational capacity of national governments to fight terrorism by the United States and numerous regional bodies after September 11.

Wolfgang Zellner. 2001. "The 9th OSCE Ministerial in Bucharest 2001". *Helsinki Monitor*. 13(1): 62-71.

ABSTRACT: Discusses the proceedings of the Organization for Security and Cooperation in Europe's (OSCE) Ministerial meeting in Bucharest, Romania in 2001. Issues addressed included the capacity of the OSCE to regulate conflicts and crises in its field of application in the geopolitical aftermath of the September 11, 2001 terrorist attacks; the failure of the Vienna Ministerial meeting in 2000; and the Bucharest plan of action for combating terrorism.

OSCE

Arie Bloed. 2001. "The OSCE and the War against Terror". *Helsinki Monitor*. 12(4): 313-318.

ABSTRACT: Focuses on the history of Organization for Security and Co-operation in Europe (OSCE). Effect of the war against terrorism on OSCE agenda; Loss of American interest in developments in other parts of the OSCE region; Role of the OSCE in the implementation of the peace agreement in Macedonia.

Arie Bloed. 2003. "OSCE Chronicle". *Helsinki Monitor*. 14(1): 65-69.

ABSTRACT: Reports on the Netherlands' takeover of the chairmanship of the Organization for Security and Cooperation (OSCE) in Europe. Adoption of a charter on preventing and combating terrorism; OSCE missions.

Victor-Yves Ghebali. 2002. "The Bucharest Meeting of the Ministerial Council (3-4 December 2001): Towards a New Consensus at the OSCE?" *Helsinki Monitor*. 13(2): 157-167.

ABSTRACT: Reports on the agenda of the Bucharest Meeting of the Ministerial Council in Romania, which discussed reform of the Organization for Security and Cooperation in Europe and regional response to terrorism and area conflicts.

2002. "Ninth Meeting of the Ministerial Council, Bucharest, 3-4 December 2001". *Helsinki Monitor*. 13(1): 80-123.

ABSTRACT: Discusses proceedings of the ninth meeting of the Organization for Security and Cooperation (OSCE) in Europe's Ministerial Council in Bucharest, Romania in December 2001. Decision on combating terrorism and the Bucharest plan of action; International legal obligations and political commitments; Strengthening democratic institutions and the rule of law; Promoting human rights, tolerance, and multiculturalism.

Rob Zaagman. 2002. "Terrorism and the OSCE. An Overview". *Helsinki Monitor*. 13(3): 204-215.

ABSTRACT: Focuses on the enhancement of the legal and operational capacity of national governments to fight terrorism by the United States and numerous regional bodies after September 11.

Wolfgang Zellner. 2001. "The 9th OSCE Ministerial in Bucharest 2001". *Helsinki Monitor*. 13(1): 62-71.

ABSTRACT: Discusses the proceedings of the Organization for Security and Cooperation in Europe's (OSCE) Ministerial meeting in Bucharest, Romania in 2001. Issues addressed included the capacity of the OSCE to regulate conflicts and crises in its field of application in the geopolitical aftermath of the September 11, 2001 terrorist attacks; the failure of the Vienna Ministerial meeting in 2000; and the Bucharest plan of action for combating terrorism.

Case Studies

Spain

Spain has had a long struggle with irredentism. Under the regime of the dictator Franco, languages such as Basque and Catalan were banned and regional identities were suppressed. It was during this period that the Euskadi Ta Askatasuna (ETA) was founded. ETA is an outgrowth of the Basque separatist movement and has long used terrorism as a “negotiation tool” with the Spanish government. While Basques on the whole have voted to remain part of Spain, the separatist movement is alive and well. Since September 11, however, what for decades had been considered a problem for Spain alone became recognized and acknowledged as a problem for the world under the banner of the “War on Terror.”

This has had many implications for the ETA. Most important was the insistence of the Aznar administration that ETA was linked to the 2004 train bombing in Madrid, which claimed more than 200 lives. Unconvinced of this relation, Spaniards reacted to the Madrid attacks by voting out the Aznar administration, which they felt had distanced itself from the wishes of the Spanish people and pursued an ineffective counterterrorism policy that included involvement in the invasion of Iraq.

The articles in this section present some background information and history of ETA and further explore the 2004 Madrid train bombing and its impact on the Spanish political environment. 2004. “Europe without Aznar”. *Economist*. 370(8367): 56.

ABSTRACT: Asserts that the departure of Spanish Prime Minister José María Aznar and his People’s Party will shift the balance of power within the European Union. The election of Spain’s Socialist Party marks a shift in Spanish policy toward the big European powers and away from the U.S.

2004. Euskal Herria Eta Askatasuna: The Basques and Their Fight for Freedom Euskadi Ta Askatasuna (ETA). <http://free.freeppeech.org/askatasuna/docs/eta.htm>. (Spanish/English)

Published by Basque nationalists, this site provides a history of ETA as well as a history of the Basque separatist movement in general. There are links to Basque nationalist songs, video clips and timeline of the Basque Separatist movement.

Dale Fuchs. 2004. “Investigation of Madrid Bombings Shows No Link to Basque Group, Spanish Minister Says.” *The New York Times*. 153(52804): A6.

ABSTRACT: Reports on the lack of evidence linking the Basque separatist group ETA to the terrorist bombings of commuter trains in Madrid, Spain. Further discusses the unpopularity of Prime Minister José Maria Aznar with the Spanish public.

Tim Golden; Douglas Jehl and David Johnston. 2004. Spanish Officials Divided on Whom to Blame for Train Attacks: Basques or Islamists. *The New York Times*. 153(52787): A7.

ABSTRACT: Reports on Spanish officials’ investigation of the terrorist bombing of the rail transport system in Madrid. Discusses the type of bomb used by the terrorists and the clues being considered by the investigators to determine prime suspects.

Keith Johnson. 2003. "With Basques, Spain Hits Snag in War on Terror". Wall Street Journal - Eastern Edition. 241(59): B4B.

ABSTRACT: *Reports the problem faced by the Spanish government with the Basque terror group ETA.*

Benjamin Jones. 2001. "Spain Endures Scourge of the ETA". *Europe*. (410): 44.

ABSTRACT: *Focuses on the terrorist actions of the armed Basque separatist organization, ETA, in Spain. Discusses both how Spain expressed solidarity with the United States after September 11, 2001 and the scope of ETA activities as of October 2001.*

Lucy Jones. 2004. "'Europe Is Scared,' Says Le Parisien after Madrid Attacks". Washington Report on Middle East Affairs. 23(4): 36.

ABSTRACT: *Discusses reasons why the Spanish government immediately blamed the ETA for the March 11, 2004 explosions in Madrid, Spain, which killed at least 200 people and injured many more. The European press, as well as many ordinary people, has questioned whether they instead were al-Qaeda's response to Spain's support for the United States in Iraq.*

Renwick McLean. 2004. Spain Considers Financing for Major Religions. The New York Times. 153(52930): A6.

ABSTRACT: *Reports on the formal discussions of a proposal to expand financing to religious organizations by the Spanish government. Discusses the government's support of the mosques to make them less dependent on money from international militant groups and its implication on the prevention of the terrorism activities.*

Ludger Mees. 2001. "Between Votes and Bullets. Conflicting Ethnic Identities in the Basque Country". *Ethnic & Racial Studies*. 24(5): 798.

ABSTRACT: *This article focuses on the historical origins of the Basque conflict, its evolution during the Francoist dictatorship (1939-75), and the reasons for its continuity in the new political context of democracy. Special attention is paid to the attempt of kick-starting a peace process in 1998, comparison with the Northern Irish experience, and factors which contributed to the collapse of that attempt of peaceful accommodation. Several proposals for the necessary rethinking of this problem are presented.*

Valentí Puig. 2004. "Spain's Atlantic Option". *National Interest*. (76): 69.

ABSTRACT: *Deals with the effects of the U.S. -Iraq war on the foreign policies of Spain. Information on how the U.S. helped in the Madrid government's fight against Basque terrorism. Discusses the reasons conservative Prime Minister José María Aznar is working toward a shift in government.*

Alan Riding. 2004. Europe Knows Fear, but This Time It's Different. The New York Times. 152(52788).

ABSTRACT: *Discusses the bombings in Madrid, Spain as an effect of terrorism. Explores terrorism in Europe and the opposition of the government in European countries on the call for an all out war on terrorism.*

Andrew Rigby. 2000. "Amnesty and Amnesia in Spain". *Peace Review*. 12(1): 73.

ABSTRACT: *Important background information for understanding the current political environment in Spain. Discusses the issues of amnesty, human rights violations and political reform during and after the regime of dictator Francisco Franco of Spain.*

2004. "Terror & Truth in Spain". *The Nation*. 278(13): 3.

ABSTRACT: *This article discusses the impact of the train bombings in Spain. It asserts the perpetrators of the Madrid attacks were able to meet their objective of punishing the Aznar government because Bush had drawn the Spanish government into the war on Iraq. According to the article, the attack reinforces beliefs that the war on Iraq has undermined the effort against Al Qaeda.*

Jackie Urla. 2003. "Voice of the People Recast as Language of Terrorism". *Times Higher Education Supplement*. 1604): 18.

ABSTRACT: *Discusses the impact of Spain's campaign against separatist bombers on its quest to preserve the Basque Language. Arrest of the staff of the Basque language magazine 'Egunkaria' due to its presumed collaboration with the Basque national liberation organization, ETA. Recognition of the act as a threat to democracy and violation of linguistic rights and concern over the potential loss of language diversity.*

United Kingdom

For decades, terrorism has been a major concern for the government of the United Kingdom. The UK passed numerous counter-terrorism laws, all of which primarily focused upon the situation in Northern Ireland. As of 2000, however, the focus of the government became more international in nature, leading to the passage of the Terrorism Act of 2000 and, more recently, the Anti-Terrorism, Crime and Security Act 2001 (ATCSA), one of the strictest anti-terror legislations passed in Europe since September 11.

The act is extensive in scope and has been questioned by the European Council of Human Rights. According to this new policy, foreign nationals suspected of terrorist involvement can be detained indefinitely, and confessions obtained under torture on foreign soil can be used to detain suspected terrorists in the UK. However, the ATCSA have been highly criticized. Many cite it, as a means to undermine human rights in the UK. This is of further concern because the UK, which is at the center of major international institutions including NATO and the UN, has the ability to influence major international decisions.

Amnesty International. 2001. Amnesty International Report 2004, United Kingdom.

This section of the AI Report 2004 discusses the impact post-September 11 legislation has had on human rights in the United Kingdom. It deals specifically with the detention of foreign nationals under the Anti-terrorism, Crime and Security Act 2001 (ATCSA) the impact of Section 55 of the Nationality, Immigration, and Assylum Act 2002 on asylum-seekers, and the use of police force granted by "anti-terrorist" legislation to interrupt peaceful demonstrations. Summary: <http://web.amnesty.org/report2004/gbr-summary-eng>
Full text: <http://web.amnesty.org/report2004/2eu-index-eng>

Amnesty International. 2002. Rights Denied: The UK's Response to 11 September 2001. <http://web.amnesty.org/library/index/ENGEUR450162002>.

This article cites the "anti-terrorist" legislative measures taken by the UK since September 11, 2001, particularly the Anti-terrorism, Crime and Security Act 2001 (ATCSA), as a means to

undermine human rights in the UK. Amnesty International asserts that human rights violations have occurred since the ATCSA's inception and makes recommendations to the UK government.

David Bonner. 1992. "United Kingdom: The United Kingdom Response to Terrorism". *Terrorism & Political Violence*. 4(4): 171.

ABSTRACT: Examines the United Kingdom's response to terrorism, particularly with respect to security legislation, policy, and antiterrorist personnel. It asserts that the situation in Northern Ireland has shaped the government response most. The article also describes measures taken in the economic, political, security and intelligence, prison and media spheres, as well as the organisation of specialized anti-terrorist units and the anti-terrorist bureaucracy in Great Britain and Northern Ireland.

Clare Dyer. 2004. "Goldsmith Defends Indefinite Detention." *The Guardian*. Special Reports (October 7).

Report on the attorney general's decision to defend the government's decision to allow foreign nationals to be detained indefinitely on suspicion of involvement in terrorism, thus ignoring obligations under the European convention on human rights. Cites the attorney general, Lord Goldsmith, as saying, "This was not a step taken lightly. The government believes it was a legitimate and appropriate response to protect the human rights of the suspected international terrorists."

H. Fenwick. 2002. "Responding to 11 September: Detention without Trial under the Anti-Terrorism, Crime and Security Act 2001." *Political Quarterly*. 73(4): 80.

ABSTRACT: Argues that the Anti-Terrorism, Crime and Security Act 2001 (ATCSA) satisfies the terrorist aim of installing authoritarianism in democratic states. It concludes that it is unarguable that detention without trial is opposed to fundamental human rights norms and legislation that allows for such practices should be seen as a threat to our base human rights.

Xavier Groussot. 2003. "UK Immigration Law under Attack and the Direct Application of Article 8 ECHR by the ECJ". *Non-State Actors & International Law*. 3(2): 187.

ABSTRACT: Immigration law might be wrongly perceived as a field where the so-called doctrine of purely internal matters applies with virulence. Between 2002 and 2003, UK immigration law has been the object of three preliminary rulings referred to the European Court of Justice (ECJ). The ECJ has already delivered two judgments, i. e. Carpenter (July 2002) and Baumbast (September 2002). Similarly, the Opinion of the Advocate General (AG) in Akrich (February 2003) concerns an identical issue and thus appears of interest.

Peter Hain. 2002. "Britain, Europe and the Commonwealth". *Round Table*. (363): 41.

ABSTRACT: Being at the centre of the North Atlantic Treaty Organization, the United Nations, the G8 group of major economic powers, and the European Union advances Britain's interests Just as Europe contributed to the end of the Milosevic regime in the former Yugoslavia, Britain and the rest of the Commonwealth have worked to restore democracy in Fiji and Sierra Leone, and engage constructively in Zimbabwe. The Government's aim is a strong Britain, a strong Europe, a strong United Nations and a strong Commonwealth.

James Hammerton. 2003. The Terrorism Act 2000 - Commentary. <http://cynatech.co.uk/gwi/docs/Terrorism%20Act%202000-%20-%20Commentary.doc>.

This web page provides information about the Terrorism Act 2000 and enumerates the problems with the bill in relation to human rights.

Human Rights Watch. 2004. UK: Promises on Torture Don't Work: "Diplomatic Assurances" Will Not Protect Deportees. <http://www.hrw.org/english/docs/2004/10/06/uk9459.htm>.

Focuses on the implication of allowing UK-detained terrorism suspects to be sent back to their home countries after receiving diplomatic assurance that they will not be tortured once they arrive. Human Rights Watch is opposed to the United Kingdom's decision to simply seek diplomatic assurance stating that such assurances have not been effective in preventing torture in the past.

Donald Jackson. 1994. "Prevention of Terrorism: The United Kingdom Confronts the European Convention on Human Rights". *Terrorism & Political Violence*. 6(4): 507.

ABSTRACT: Examines cases filed before the European Court of Human Rights on the efforts of Great Britain in controlling terrorism in Northern Ireland. Evidence of a constraint imposed by the European Convention on Human Rights. Also covered are the use of emergency power by Great Britain in Northern Ireland and the withdrawal of 1973 derogations by Britain.

Ben Ward. 2004. Britain's Core Values Face Ultimate Trial. *The Observer*. Date. <http://observer.guardian.co.uk/international/story/0,1318486,00.html>.

The article discusses the United Kingdom's current counter terrorism strategies. It claims that the current strategies are eroding the Britain's core human rights values. Claims the ban on torture, principle of equality under the law, and the right to a fair trial have all been but in jeopardy as a result of legislative action that has yet to prove effective against torture.

Turkey

Since the modernization of Turkey by President Mustafa Kemal Ataturk during the interwar period, Turkey has struggled with a tension between secularism and its Muslim heritage. Cleavages have deepened between the Turkish government and the Kurdish Workers Party (PKK) as a result. Turkey has been condemned by the international community members for its treatment of Kurds in 1980s and 1990s, and also for torture and other human rights abuses. Many of these violations have been over the repression of extremist Muslims. Current members of the EU who are implementing such policies may stand to look at lessons learned from Turkey.

Turkey is an interesting case because Turkish policies toward terrorists, unlike those in Spain and the UK, have not tightened as a result of September 11. Their reticence to crack down is likely due to their desire to gain acceptance into the EU. The Turkish government claims to be making efforts to promote democracy and human rights for all, including its Kurds. However, the international community remains dubious of Turkey's preparedness for EU membership and unsure of the effect the inclusion of a Muslim country will have on the community of developed liberal-democratic states.

Mark Bentley. 1999. "Turkey Targets Islamist Factions". *Middle East*. (296): 8.

ABSTRACT: A report on the plan of Turkish government to pass legislation opposing radical Islamic movements. Discusses the effect of anti-Islamic legislation on human rights and the claims of the Turkish government to promote democracy and human rights protection. Also addresses a Turkish Court of Appeals speech against religious terrorism.

Bill Cooke. 2004. "World Report". *Free Inquiry*. 24(2): 42.

ABSTRACT: This broad ranging article reports that Turkey has become a target for jihadist terrorists. Turkey's longstanding Western orientation angers Muslim terrorists.

Steven Greenhouse. 1994. After Convictions of Kurds, U.S. Presses Turkey on Rights. *The New York Times*. 144(49911): A10.

ABSTRACT: Details President Bill Clinton's request to Turkey to stop human rights abuse. Discusses the Turkish court's conviction of eight Kurdish members of Parliament and the importance of Turkey in the Middle East. Suggestion for Turkish Prime Minister Tansu Ciller to solve the Kurdish crisis by nonmilitary means.

Roger Hardy. 2004. Islam in Turkey: Odd One Out. http://news.bbc.co.uk/1/hi/talking_point/3192647.stm.

This brief provides a general background on Turkey and its struggle between secular "modernism" and traditional Muslim identities.

James C. Helicke. 2004. PKK Declares End of Cease Fire with Turkey. *Kurdistan Observer*. Date. <http://home.cogeco.ca/~kurdistan3/15-6-04-pkk-rejects-ceasefire-appeal.htm>.

Reports on the killing three security guards by suspected Kurdish rebels in an overnight attack in southern Turkey. A rebel commander rejected an appeal to reinstate a five-year unilateral cease-fire that ended in June 2004.

David A. Korn. 1995. "A Dynamic of Peace-and Terror". *Freedom Review*. 26(1): 32.

ABSTRACT: Presents an update of developments in Turkey. Addresses human rights violations and the repression of the Kurdish populations in Iraq and Turkey.

Kevin McKiernan and Axel Koester. 1993. "Turkey Terrorizes Its Kurds". *Progressive*. 57(7): 28.

ABSTRACT: Looks at how Turkey, a firm American ally, is supporting the use of death squads against its Kurdish minority. Statistics on the number of unsolved murders in Turkish Kurdistan from human-rights monitors; information on the Kurdish separatist war in Turkey; a discussion of the shooting death of Turkish reporter Halit Gungren.

1986. "Nihilism and Terrorism". *New Republic*. 195(10): 9.

ABSTRACT: Discusses how the recent murder of Jews in an Istanbul synagogue relate to the evolution of Arab terrorism in the 1980s. Further investigates the implications of the attacks in Istanbul for the position that appeasement is the best strategy for the War On Terror.

H. Tarik Oguzlu. 2004. "Changing Dynamics of Turkey's U.S. And Eu Relations". *Middle East Policy*. 11(1): 98.

ABSTRACT: Talks about one of the greatest challenges to Turkey's foreign policy in the post-Iraq War era and the changing dynamics of Turkey-European Union relations. Discusses the effect of the inclusion of a predominantly Muslim country in the community of developed liberal-democratic states.

Mark Thomas. 2002. "New Labour Backs the Turks over the Kurds Because Turkey Is the Richard Desmond of the British Arms and Construction World". *New Statesman*. 131(4591): 11.

ABSTRACT: Comments on the idea of banning terrorist groups. Mention of the banning of the Kurdish Workers' Party (PKK) by the European Union. and the role of the PKK in war in Turkey. Further discusses relations between Great Britain and Turkey.