

**NEAR EAST UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
LAW MASTER'S PROGRAM**

MASTER'S THESIS

**THE ROLE OF THE UNITED NATIONS
AGAINST TERRORISM AND PROTECTION OF
HUMAN RIGHTS CASE STUDY: ISIS IN THE
NORTH OF IRAQ (KURDISTAN REGION AND
NEYNEWA PROVINCE)**

Nizar Salih HAMO

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**Thesis Title: The Role Of The United Nations Against Terrorism And
Protection Of Human Rights Case Study: Isis In The North Of Iraq (Kurdistan
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ABSTRACT

As the cold war ended, the world faced a new type of war and conflict. In this era which still we live in non-state actors have gotten involved in various sorts of conflicts by threatening and violating human rights in an unprecedented manner. These actors have committed great number of atrocities for various purposes such as religious, ethnic, economic, political and other reasons. Through joint efforts with the United Nations (UN), a number of countries have pledged to fight against international terrorism. Since the cold war, the UN has adopted a number of resolutions and policies to combat the international terrorism. The present study was an effort to study the role of the United Nations in its fight against terrorism and protection of human rights in north of Iraq (Kurdistan Region and Neynewa Province) by focusing on the case of the ISIL or the ISIS and atrocities committed by the group. The study investigated the measures taken by the UN as well as its role in fight against terrorism and looked into the threats, atrocities, and human rights violation committed by the group which includes the span of time up until April 2015. Finally, some suggestions and recommendations were offered.

Keywords: *United Nations, Terror, Human Rights, ISIS / ISIL.*

DECLARATION

I hereby declare that this master's thesis titled as "*The Role of The United Nations against Terrorism and Protection of Human Rights Case Study: ISIS in the North of Iraq (Kurdistan Region and Neynewa Province*" has been written by myself in accordance with the academic rules and ethical conduct. I also declare that all the materials benefited in this thesis consist of the mentioned resources in the reference list. I verify all these with my honour.

....../....../2016

Nizar Salih HAMO

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Statement for editorial help

I can confirm that my thesis was edited for language, spelling and grammar by Mr. Abass Hdizadeh.

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ABBREVIATIONS

UN -UNITED NATIONS

KRG - KURDISTAN REGION GOVERNMENT

KR- KURDISTAN REGION

GA - GENERAL ASSEMBLY

SC - SECURITY COUNCIL

UNSC-UNITED NATIONS SECURITY COUNCIL

UNGA-UNITED NATIONS GENERAL ASSEMBLY

US - UNITED STATES

ISIL - ISLAMIC STATE OF IRAQ AND LEVANT

ISIS - THE ISLAMIC STATE OF IRAQ AND AL-SHAM

WTO - WORLD TRADE ORGANIZATION

CTC - COUNTER TERRORISM COMMITTEE

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION

UNAMI - UNITED NATIONS ASSISTANCE MISSION IN IRAQ

OHCHR - OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

NATO - NORTH ATLANTIC TREATY ORGANIZATION

WTO – WORLD TRADE ORGANIZATION

ILC- INTERNATIONAL LAW COMMISSION

ILH-INTERNATIONAL HUMANITARIAN LAW

UNHCHR- UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

UNCCT-UNITED NATIONS CENTER FOR COUNTER-TERRORISM

TREATIES, LEGISLATION AND RESOLUTIONS

European Court of Human Rights, *Kiliç v. Turkey*, N° 22492/93, Judgment of 28 March 2000, Para. 62.

Human Rights Committee, views on communication N° 859/1999, *Luis Asdrúbal Jiménez Vaca v. Colombia*, 25 March 2002 (A/57/40 (vol. II), annex IX, sect. W, Para. 7.3

Report of the Ad Hoc Committee established by General Assembly Resolution 51/210 of 17th December 1996, Sixteenth Session 8-12 April 2013. U.N Doc A/68/37

Security Council resolutions 1373 (2001) and 1377 (2001).

The Charter of the United Nations, Art. 55 (c), the Universal Declaration of Human Rights, art. 2, and the Vienna Declaration and Plan of Action.

United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI art 1(2)

United Nations Security Council Resolution 15, 19 December 1946

United Nations Security Council Resolution 748, 31 March 1992

United Nations Security Council Resolution 731, 21 January 1992

United Nations Security Council Resolution 1624, 14 September 14, 2005

United Nations Security Council Resolution 1624, 14 September 14, 2005

United Nations Security Council Resolution 1456, 20 January 2003 on combating terrorism

United Nations Security Council Resolution 1540, 28 April 2004

United Nations Security Council Resolution 1566, 8 OCTOBER 2004

United Nations Security Council Resolution 1044, 31 January 1996

United Nations Security Council Meeting 3660 April 26 1996 UNSPV 3660, 1996a.

United Nations Security Council Resolution 1070, 16 August 1996. P. 2, Para 4.

United Nations Security Council Resolution 1267, 15 October 1999. Para 6.

United Nations Security Council Resolution 1333, 19 December 2000. Para 1

United Nations General Assembly Resolution 51/210, 17th December 1996.section 3.para 9.

United Nations General Assembly, “International Convention for the Suppression of Acts of Nuclear Terrorism,” 13 April 2005, A/59/766

United Nations General Assembly, “International Convention for the Suppression of Terrorist Bombings,” 15 December 1997, No. 37517

United Nations General Assembly, “International Convention for the Suppression of the Financing of Terrorism,” 9 December 1999, No. 38349

United Nations General Assembly Sixth Committee. Working Group on Measures to Eliminate International Terrorism, Report, 1,10, U.N. Doc. A/C.6/55/L.2 (19th October 2000)

United Nations Security Council Resolution 1368, 12th September 2001

United Nations Security Council Resolution 883, 11 November 1993

United Nations Security Council Resolution 1373, 28 September 2001

UN Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons: New York adopted on the 14 December 1973

UN Convention for the Suppression of Terrorist Bombings adopted on 12 January 1998

INTRODUCTION

The United Nations role over the last fifty years or so has changed due to the changes in the form and structure of terrorism. Counter terrorism used to be a domestic matter; however, nowadays it has become one of the main challenges of states all around the world. The changes in tactics by terrorists have increasingly involved the United Nations in counter terrorism initiatives and measures. These have urged the United Nations to contribute a lot in the areas of security, development and international cooperation through offering its mandates and expertise in the elimination of the international terrorism. The UN counter terrorism initiatives in north of Iraq, Kurdistan Region, will be reviewed in this thesis. It is worth noting that these initiatives have been set up for counter terrorism matters and cooperation and are not limiting State sovereignty.

Terrorism has existed for centuries and the first application of the word seems to date back to 1798 during the French revolution deriving from the French word 'terreur' (Burke, 1890). Hence, the counter terrorism issue is not a new phenomenon and had existed before even UN started. The extensive history and its controversial nature have attracted a lot of attention in the academia and academic fields such as international law and political sciences.

Moreover, the word terrorism is defined differently by different scholars and researchers and no general definition has been offered for the word. However, the majority of the definitions have the word violence and the threat of violence in common. As a result, the United Nations has also not been able to offer a single definition of the term (Laqueur, 1987).

To combat and prevent terrorism, in 1996 the General Assembly founded an Ad Hoc Committee through Resolution 51/2103. This committee agreed on a number of conventions to cut the terrorism financing. The committee negotiated on a major Convention with regard to global Terrorism in year 2000. However, the committee has not been successful so far because it also has not been able to offer a general definition for the word terrorism.

After the cold war ended, the type and formats of conflicts have also drastically changed. During the cold war, states were directly engaged in conflicts and wars; however, since then non-state actors have gotten engaged in creating terror in the world. This has been due to the emergence of different factions which have their own agenda and motives such as religious, ethnic, economic, political and etc. A number of countries especially the United States (US) which have been affected by terrorism to a larger extent have pledged to fight against terrorism and terrorist organizations along with International organizations such as the UN established after the 2nd World War came to an end. However, the United Nations (UN) did not anticipate emerging issues and situations and as a result was unable to act appropriately. An increase in violent activities and loss of innocent civilian lives made the UN to get involved in counter terrorism. The UN plays an important part in its counter terrorism movement; hence, it is necessary to examine the role of the UN in fighting against terrorism and offer better ways to help this organization to combat the menace of international terrorism. The UN and its affiliated agencies as the only global organization have embarked on establishing peace by protecting the lives of the individuals affected by the scourge of war.

It is generally believed that that terrorism cannot be effectively addressed and prevented unless all the countries cooperate with each other. The plight of September 11, 2001 shocked everyone around the world. After the incident, the global community came to the realization that terrorism is a widespread problem and it has to be tackled immediately. Shortly after the incident, the UN ratified a resolution which requires all the nations to take effective measures to combat and prevent terrorism.

The purpose of the study

The purpose of this study is to explore the role of the UN and its effectiveness in protecting the human rights in the north of Iraq. The case of north of Iraq, especially Kurdistan Regional and Neynewa (Mosul) Province in north of Iraq is a recent challenge to the international community due to the rise of the Islamic state of Iraq and Levant (ISIL) or the Islamic State of Iraq and al-Sham (ISIS) which will be used as a case in order to investigate critical issues concerning the human right issues in Iraq and the role of the UN in helping to fight against terrorism and protection of

human rights in the area under investigation. Another aim of this study is to investigate and explore the measures taken by the UN for people who have been exposed to human right abuses, discrimination and banishment in the area under study. Therefore, this thesis aims to find answers to the following questions:

1. What is the role of the UN in fight against terrorism in north of Iraq (Kurdistan Region and Neynewa (Mosul) Province)?
2. What measures have been taken by the UN to safeguard human rights?
3. How has terrorism been threatening human rights in north of Iraq and particularly in Kurdistan Region and Neynewa (Mosul) Province?

CHAPTER ONE: OVERVIEW OF UNITED NATIONS, TERRORISM AND HUMAN RIGHTS

1.1 The United Nations (UN)

In October 1945, the United Nations was established comprising of 51 countries which agreed to preserve peace through working together and joint security. This number has risen to 193 countries today and almost all nations are members of this organization. Upon joining this organization, each nation has to abide by the commitments of the UN charter which is an international treaty comprising of basic rules of international relations. This charter aims to:

1. To preserve global peace and safety;
2. To establish non-hostile relations among nations;
3. To collaborate in handling international problems and in encouraging respect for human rights;
4. And to be an organization for coordinating the nations' actions.

The UN does not make any laws and is not a country rather it is an organization established to resolve international conflicts and wars. In this organization, each and every nation has a voice and representative which represents their nations and can vote on behalf of their nation.

Moreover, the United Nations consists of six principal organs: the GA, the SC, the Economic and Social Council, the Trusteeship Council and the Secretariat, and the International Court of Justice. Some of these organs are located in different countries (UN, n.d.a).

1.2 Terrorism

1.2.1 Origin of the Word

At first we need to define the word terrorism. By following the etymology, the study of the origin of the words, we find that the word terrorism is a derivation of the word terror borrowed from the Latin word *terrere* meaning 'frighten' or 'tremble' and *ism* is the French suffix denoting practice (Burke, 1890). Moreover, the word terrorism means practicing violence or use of violence. The word terror goes back to 2,100

years ago when the Roman faced a state of fear and panic from Cimbri tribe killers in 105 BCE (Burgess, 2003).

Burke (1890) argued that the word terrorism itself came to life during the French between the years 1793 and 1794, during which the rebels used the term to refer to what they did. During this reign of terror, the French state used a lot of violence against its people which ended in 16,000 to 40,000 deaths over a year. The severity of the situation can be seen in the description of the situation as ‘terror is the order of the day’ by the French National Convention in 1793. One of the leaders of the French state, Maximilien Robespierre in 1794 stated that terror means justice. Five years later, the word terrorism entered the dictionary of the Académie Française. Moreover, the English version of the word terrorism refers to the description of Sir Edmund Burke, a British man, of the bloodshed that took place during the French revolution which he witnessed (Burke, 1890).

1.2.2 Terrorism: Definition

Although the word terror or reign of terror came into English language from the French revolution. The word terrorism first came to be seen as the killing of humans by non-state individuals for various purposes in Russia when Sergey Nechayev, the founder of People’s Retribution, introduced himself a terrorist. Moreover, about a century later in the 1880s, Johann Most, a German writer, used the word by its modern meaning while giving advice for terrorists (Crenshaw, 1995).

The governments all around the world do not usually tend to define the word terrorism officially because they fear that such definition might endanger their freedom and liberty. In some countries it is synonymous with political opposition in the country for example in Zimbabwe; President Robert Mugabe regarded the democratic opposition as terrorists (Moeller, 2002).

The literature on the term shows more than two hundred definitions. In this regard, more than 212 definitions of the word can be found across the world, of which about a hundred has been used recently by governments and other institutions. Moreover, by adopting a social science approach, over a hundred definitions of the term have been collected for identification of their main components. The two researchers did a content analysis and their findings indicated that in 83.5% of the

cases, the concept of violence could be seen. The results also showed that political goals were the main components in 65%, fear and terror in 51% of the cases, while unselective targeting and victimization of innocent people could be seen in more than 17% of the cases (Schmid, Jongman & Stohl, 1988).

In another study, it was found that, the definitions offered for terrorism in three countries of the U.S., Britain, and Germany comprise three main elements of violence, political objectives and fear (Berg, 2001).

In the next section, we are going to review and cite some of the definitions offered by various scholars and institutions around the world. Many researchers and institutions have defined the word terrorism, but due to the some conceptual problems, a generally accepted definition of the word is not possible. Interestingly, the word has become a commonly heard term in everyday life and on the media. However, some definitions of the term from the prominent scholars and distinguished institutions are offered below, Laqueur (1987) defined it as:

“Terrorism is the use or the threat of the use of violence, a method of combat, or a strategy to achieve certain targets... [I]t aims to induce a state of fear in the victim, that is ruthless and does not conform with humanitarian rules... [P]ublicity is an essential factor in the terrorist strategy.” (p. 143).

Alexander (1976) argued that terrorism is “the use of violence against random civilian targets in order to intimidate or to create generalized pervasive fear for the purpose of achieving political goals” (p. 14).

Further, the US most distinguished institutions have defined it in a different way. For example League of Nations Convention maintained that terrorist acts are “all 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” (Alexander, 1976, p.14). While, U.S. Department of Defense referred to terrorism as “the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological”(Chiefs, 2001, p.39).

Furthermore, as we stated earlier, despite the absence of a general definition of terrorism, a lot of researchers and scholars agree that the definitions offered have the element of violence in themselves which is usually politically, religiously, and

ideologically motivated and is aimed at non-combatant targets such as civilians. It should also be pointed out that it is different than murder, assault, and arson because the terrorism target is not limited to the immediate target victims (Rush, 2000).

1.2.3 Old Terrorism and New Terrorism

Some scholars especially Walter Laqueur (1999) argued that the nature of the terrorism has drastically changed. He believed that old terrorism only targeted a selected group of individuals, while the new one using extreme violence strikes indiscriminately which leaves many casualties behind. The researcher also maintained that “the new terrorism is different in character, aiming not at clearly defined political demands but at the destruction of society and the elimination of large sections of the population” (Laqueur, 1999, p. 81).

This change has taken place due to a paradigm change that is a model or pattern that has been accepted by a certain group of people. When a paradigm changes, the group affiliated or ascribed to that paradigm also experience a paradigm shift.

A number of researchers believe that the shift from old to new terrorism has been due to some incidents taking place between the years 1990 and 1993 especially after the World Trade Center was attacked (Carter, Deutch & Zelikow, 1998). These scholars believe that religious motivation, predominantly radical Islam, is one of the main features of such a paradigm shift. Despite the secular nature of the old terrorism, the new terrorism is to a large extent religiously motivated. The new type of terrorism does not approve the new life styles and advocates a life style in line with the religion principles and ideologies, in his study 1980 showed that, only two percent of the terrorist organizations were religious while this number reached to 43 percent in 1995 (Gurr & Cole, 2002).

1.2.4 The underlying causes of terrorism

Terrorism can result from a number of social, religious, economic, psychological, and other reasons. A list of these causes will be reviewed in the next sections which are based on various findings from different journal articles and books.

The first and main reason is religion. Religious extremism is an ideologically motivated phenomenon that a group of people resort to. A number of radical religious Islamist groups have been identified as terrorists who have operated in different groups. Islamist attacks against civilians from Europe to Asia all in all confirm that a group of radical extremist Muslims are ideologically motivated to involve in terrorist attacks (Prus, 2005).

The next reason behind terrorism is oppression. In autocratic societies or military-occupied areas, the oppositional groups might resort to terroristic activities especially when they are not given freedom to express their voice and positions. For example, in case of Palestine, Hamas has been treated unfairly by the government and have been deprived of their identity, dignity, security, and freedom which have engaged them in some terrorist activities (Post, Sprinzak & Denny, 2003).

The third reason can be attributed to poverty and impoverishment. A number of scholars have linked terrorism to poverty. Considering the unemployment rate in Afghanistan, low GDP, and the male wage-earner role, a large group from Afghanistan have joined the terrorist groups such as ISIL and Al-Qaeda (Harmon, 2000).

The fourth reason behind terrorism can be a sense of hatred towards the global economic hegemony. Terrorist groups are usually coming from countries that complain about the hegemony of global economy. The attack on World Trade Organization by Al Qaeda of Afghanistan and Pakistan can be considered hatred towards the global economic hegemony because terrorists saw the WTO with hatred. The September 11, 2001 attacks, according to the Bureau of Economic Analysis, led to \$16 billion worth of property loss (Bernanke, 2010).

The next reason behind terrorism can be financial issue. For example in some cases of hostage taking especially in in Central and South America, a large sum of money was requested from either the family or the governments of the hostages.

The sixth reason can be due to racism. A study showed that both Palestinian and Israeli terrorists resorted to violence which emanated from stereotypes and racism (Gottschalk & Gottschalk, 2004).

The seventh reason can be the guilt by a country or organization, for example, in 2004 Al Qaeda terrorist groups carried out an attack in Madrid in retaliation to Spain's involvement in the Iraq war (Louw, 2003).

A number of other reasons such as feeling sympathy for other groups, love of self and etc. can also be added to this list. However, this list is not exhaustive and more reasons or causes can be extracted from different studies.

1.2.5 History of terrorism

Although the word terrorism is a newly coined term, the act of terrorism goes back to the history much before the word itself. One of the artifacts remaining from Assurnasirpal, the conqueror and king of Assyria (884–860 BCE), describes the hideous acts of killing those who revolted against him as follows:

I built a pillar over against his city gate and I flayed all the chiefs who had revolted, and I covered the pillar with their skin. Some I walled up within the pillar, some I impaled upon the pillar on stakes... Many captives from among them I burned with fire, and many I took as living captives. From some I cut off their noses, their ears and their fingers, of many I put out the eyes. I made one pillar of the living and another of heads. (Roux, 1992, pp.269-270).

A number of ancient writers supported the killing of tyrants in order to have a better society and to please their Gods. This can be seen quite often in case of Roman Empire whose kings were killed and murdered for example the murder of Julius Caesar in 44 BCE and Caligula and Galba. A famous case took place in 9 CE when Germanic tribes attacked the passing Roman brigades. It followed after Hermann the Arminius, a Germanic freedom fighter, left the Roman army and rebelled against the Roman army. Arminius's forces ambushed the Roman legionnaires in the deeply wooded region of Teutoburger Wald which ended in deaths of 15,000 Roman soldiers and slay of hundreds more captives. As a result, the Romans retreated Germania and back past the Rhine. This Barbarian resistance was considered terrorism by the Romans (Gibbon & Low, 1960; Imre & Mooney, 2008; Laqueur, 1999; Wells, 2003).

Another early case was a terrorist group by the name of the Sicarii in 66–73 AD who fought against Roman occupiers in Palestine. The Sicarii avoided paying tax

to the Romans and did not accept the Roman Emperor, Vitellius. They resorted to the violent acts and terroristic tactics as a way to bring political change (Matusitz, 2008). They first investigated a target's routine and then ambushed in a nearby temple and cut their throats. In fact, the first four letters, sica means short sword or dagger. They thought that any means to achieve political and religious liberation was justifiable. They did whatever they could to force the people to rebel against the Romans. Eventually in 73 CE, the group committed mass suicide when they were besieged by the Romans (Ben-Yehuda, 1998).

Further, during 11th century in Persia, Assassins were a group of religious people who terrorized the empire of Saladin. They rebelled against the Ottoman Empire and killed Nizam al-Mulk, the grand vizier of Turkish Seljuq sultans, which is considered to be one of the vicious terrorist activities in history (Chaliand & Blin, 2007). They also murdered many people especially fellow Sunni Muslims and Christians. They terrorized even the Crusader leaders who paid them tribute. The group used various strategies to hide, act in secret, and carry out secret attacks; hence the term assassination comes from such practices. It is believed that their success was rooted in their cause because they believed that they would secure a place in paradise either by killing or being killed. They like many contemporary Islamist terrorists believed that "Allah has purchased of the believers their persons and their goods; for theirs in return is the garden of Paradise: they fight in His cause, and slay and are slain: a promise binding on Him in truth" (Qur'an 9:111). The Assassins have influenced the modern era greatly (Anderson & Sloan, 2002, p. 342).

Furthermore, between the 13th and the 19th century, a group of people called the Thugs of India who worshiped the Hindu Goddess Kali, the destroyer, robbed the travelers by strangling travelers with a rope and then dismembered their victims whose number reached 20,000 a year on average (Anderson & Sloan, 2002).

1.2.6 Motivations behind Terrorism

Behind terrorism, there can be a number of motivations which are classified as theories of motivation as follows:

1. Theory of religious motivations (Stern),

2. Theory of clash of civilizations (Huntington),
3. Theory of political and ideological factors (Radu),
4. Theory of deprivation or impoverishment (Stern).

1.3 Human Rights

Human rights refer to a number of universal human values and principles that protect humans against their unjustified actions of state agents that threaten individual or group freedom and dignity. It includes a number of issues such as the protection of basic human rights regarding their civil, cultural, political, religious, social and economic rights. Moreover, human right includes all humans on the face of earth (Charter of the United Nations, 1945; Universal Declaration of Human Rights, 1948; Vienna Declaration and Plan of Action, 1993).

1. 3. 1 International human rights law

This law can be seen in many principal international human rights treaties and international laws. Such treaties usually comprise economic, cultural, social, political and civil rights as well as other optional protocols. There are a number of principal general human rights treaties such as the International Convention of Racial Discrimination, the Convention of anti-torture and anti-cruelty, the Convention of Children rights and its accompanying two Optional Protocols; and the International Convention of migrant Rights. Recently, two more conventions have been added to the previous ones: the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the disabled people Rights and its Optional Protocol, which are followed by specific subject and region treaties that emerge every now and then.

However, International human rights are not only confined to treaties, but also include rights of the ordinary international law obliging all the states to follow particular treaties. These rights are usually reflected in the Universal Declaration of Human Rights which sometimes appears in the customary international law. There are also some human rights called jus cogens that cannot be set aside under any

circumstances. These rights include genocide, racial discrimination torture, slavery, and self-determination which are stated in the International Law Commission's articles on world government responsibility (ILC, 2008).

Likewise, the Human Rights Committee considers a number of offences such as indiscriminate deprivation of life, torture and maltreatment, collective punishment, hostage-taking, and arbitrary denial of liberty, as non-derivable, while the Committee of Racial Discrimination considers the principle of nondiscrimination as a norm of *jus cogens* (ILC, 2008).

1. 3. 2 The obligations of nations under international human rights law

According to the human rights law, states are obliged to perform certain activities and to avoid doing certain others. The states are obliged to respect and protect human rights of its citizens and migrants which mean not preventing them from doing what they enjoy and like doing within the bounds of law. Moreover, protection is creating a situation which no one interferes in other people's life and rights. These require the states to take certain legal, judicial, administrative measures for fulfillment of those legal obligations. As a result of such law, it is not uncommon that state parties are sometimes accused of interfering in their private individual lives of their own citizens or others. In this regard, the International Covenant on Civil and Political Rights obliges the state parties to take certain measures in order not to cause any pain on others within their power. Also, Human rights laws also require states to take certain precautions and measures to avoid any such violations (University of Minnesota, n.d.).

1. 3. 3 Terrorism and Human Rights

Terrorism destroys the human values and threatens the integrity of the charter of the United Nations and international human rights law such as respect for human rights, civilian protection, tolerance of others, and the peaceful resolution of conflict.

Further, terrorism threatens the integrity of the major human rights such as the rights to life, freedom, and peaceful coexistence. It also can cause huge problems for the governments as well as the citizens for example it can also inflict the

economy of a country, such as Afghanistan where even the country has to hold its national events in the neighboring countries (Office of the UNHCHR, 2008). Besides, it can also impact certain groups of people or even females in certain societies such as Pakistan where Taliban terrorists target females going out alone. The destructive impact of terrorism is not hidden for anyone and the United Nations as well as its comprising organizations such as the Security Council, the GA, and the new Human Rights Council has all unanimously stated that terrorism:

- threatens the integrity of human beings everywhere, leads to the loss of innocent lives, creates an environment of fear and lack of freedom, destroys basic human rights, impacts laws negatively, threatens the integrity of a society, destroys democracy, and disrupts legally constituted Governments;
- is related to other illegal activities such as international organized crime, money-laundering, drug trafficking, homicide, blackmailing, abduction, hijacking, attack, hostage-taking and theft;
- negatively impacts the social, cultural, and economic development, and severs the relations among nations which in turn causes great problems in terms of cooperation between nations;
- jeopardizes the sovereignty and integrity of states, violates the UN's principles and purposes, threatens the global peace and security which must be considered immediately (Office of the UNHCHR, 2008).

According to global and local human rights law, governments must protect their citizens against terrorism which interferes in the possession of human rights. This means that states have to ensure respect for their people's right to life and safety.

The right to life which is part of the International Covenant on Civil and Political Rights are referred to as the supreme right, because if this right is violated, then there is no use to discuss other rights (Nowak, 2005). Therefore, according to this law, states have to ensure the protection of its citizens' rights to life (Human Rights Committee, 2002) Moreover, according to international and regional human rights law, states are also obliged to take effective precautionary measures to protect

the life of its citizen who is supposed to be at risk from the illegal activities of another person (*KILIÇ v. TURKEY*, 2000).

1.3. 4 Human Rights and Counter-Terrorism

As we stated earlier, terrorism can severely impact the enjoyment of human rights, therefore, states must take certain precautions and measures to tackle this problem which is referred to as counterterrorism. Combating terrorism and counterterrorism poses significant challenges for states, but international human rights law has very well addressed the challenges and difficulties. States are also obliged to their counterterrorism actions are in line with human rights standards. Moreover, effective counter-terrorism actions and the protection of human rights work are both necessary and help the states to protect the lives of their individuals within their jurisdiction.

Furthermore, National counter-terrorism strategies should aim at preventing acts of terrorism, prosecuting the offenders and perpetrators, and importantly encourage and protect human rights and the rule of law (*KILIÇ v. TURKEY*, 2000).

1. 4 Summary of the chapter

This chapter reviewed the definitions, impacts, and history of the word terrorism. It was mentioned that although the word itself is a newly coined term, the practice of terrorism goes back to over 2,000 years ago. Moreover, it was mentioned, that there is not a universally agreed definitions for the term but some definitions of the term were presented as such: terrorism is the use of violence to generate fear and tension, and it can be politically, religiously, or ideologically motivated. Furthermore, a history of the term was reviewed which showed great links between the old and the new terrorism, although the old terrorism targeted a selected group or groups, the new form of it is done indiscriminately which leads to great number of casualties.

CHAPTER TWO: THE UNITED NATION'S ROLE IN TERRORISM PREVENTION

Introduction

This chapter will review the role of the UN against terrorism; the United Nations counter terrorism policy, and the historical background to the issues. The chapter will also highlight the strength of the General Assembly's contribution through its Ad Hoc Committee on fight against Terrorism, its Global Counter Terrorism Strategy as well as the Universal Legal Framework against Terrorism.

2.1 The role of United Nations in the fight against terrorism

The UN affiliated agencies have a very crucial role in addressing terrorism, making sure that treaties are implemented, and establishing international norms to prevent terrorism. In the chapter VII of the charter of the UN, the role of UN in its fight against terrorism is very well specified. Two of its principal bodies, the GA and the SC, are responsible for fighting and combating terrorism.

Two ad hoc committees comprised of delegates of member states appointed by the UNGA are responsible to make laws concerning terrorism. The UN specialized organizations should address the issue of terrorism and states around the world are also obliged to take certain measures to combat terrorism. In 2001, the GA adopted a resolution in its fight against terrorism which required:

"International cooperation to bring to justice the perpetrators, organizers and sponsors of the outrageous of September 11, 2001 ", stressing that "Those responsible for aiding, supporting or harboring the perpetrators, organizers and sponsors of such acts will be held accountable." (Un.org, 2001 c. Para 4).

In 1992, the SC had a meeting of the head of states in which they stressed that terrorism had risen and grown in the world. Soon after, the SC adopted sanctions against Libya to hand in the suspects assumed to be behind two airliner bombings. Sudan also experienced a similar sanction because of its involvement in helping

some terrorist groups. Another example can be sanction against the Taliban in Afghanistan in 1999 by the international community.

Following the September 2001 terrorist's attacks, the UNSC disapproved the attacks severely and promised to take necessary measures to remove obstacles ahead of the international peace and security. Shortly after, in the same year on September 28, Counter Terrorism Committee (CTC) was established following resolution 1373. The SC urged the states to cooperate on the issue of prevention of terrorist acts and called for related international conventions accordingly.

2.2 Historical overview of the United Nation and its Counter Terrorism policy

2.2.1 UN and the beginnings of its counter terrorism policies

The world war two led to the loss of millions of lives and enormous property damage. This made the nations involved plan for a post war era of peace and security. The allied leaders expressed great hope to prevent such wars from happening. In 1945, the United Nations was established. However, no one thought of non-State actors as potential future obstacles to international peace and security and it was not included in the United Nations Charter. The charter comprised of general issues and terrorism acts were unforeseeable and could have been interpreted through other issues (Comras, 2010).

The right to Self- Determination as a clear outlined priority of the drafters is enshrined within Article 1(2) of the Charter stating that the UN has to create a friendly atmosphere between countries which can lead to self-determination of states through which peace and security can be fostered (Charter of the UN, 1945, art. 1) Since the drafting of this article, the United Nations has firmly stuck to this priority and has expedited the process of independence of more than 80 former colonies of about 750 million people (Un.org, n.d. b).

This ambiguity in the definition has lasted ever since and has burdened the development of international counter terrorism policy. At the beginning of the United Nation establishment, the members did not tend to internationally develop counter

terrorism initiatives or a definition of terrorism. Therefore, the SC did not see such threats as an international problem and mainly included them under the local state problems (Millar, 2007), which the nations themselves had to take care of.

Moreover, Self-Determination was not the only problem in the development of the UN counter terrorism policy, the Cold War stalemate has also created another burden which made the development of such policies almost impossible (Messmer & Yordan, 2010). For example, during the Greek Civil War from 1947-1952, the SC through Resolution 15 (1946) started investigation into a complaint made by Greece that Albania, Yugoslavia and Bulgaria have interfered in the internal issues of their country by supporting insurgency in the north of Greece. It turned out that both sides of the conflict had resorted to unlawful tactics including terrorism.

The Soviet Union put forward terrorism was a national issue rather than an international one, terrorism which was rejected by the US, UK and France. As a result, these meetings yielded nothing and the members could not come up with any counter-terrorism policy (ies). However, the Greek case was referred to the GA which resulted in the establishment of the UN Special Committee on the Balkans. The provisions of this mandate were so narrow which could not provide much information on the conduct of the parties and on how to deal with terrorism (Comras, 2010).

These incidents show the absence of ability on the part of the UN especially in the early days to draft counter terrorism and to deal with those issues. This left the nations themselves responsible to deal with terrorism during this time which made the draft of an international definition of terrorism unnecessary (Comras, 2010).

However, since 1960's, several international Conventions have developed to address specific acts of terrorism. These conventions followed the plane hijacking incidents during 1960's and 70's and also the Achille Lauro incident of 1985 (unodc.org, 2010). The Conventions addressed the specific acts of terrorism such as violence at international airports or at sea and were created by the ICAO. Such conventions gave the states more freedom in dealing with terrorism without being subjected to criticism (unodc.org, 2010).

These incidents show how the United Nations came up with counter terrorism policy; although the convention was not so successful at the beginning, it was a response to an international concern which was a specific act of terrorism.

2.2.2 Terrorism threatening international peace and security

After 1990's Cold War cessation, the United Nation also started to effectively use its security apparatus. For the first time in its history, the SC directly addressed terrorism issues. In 1992, the member states convened and called on the international community to seriously address the issues of terrorism acts (UNSC Resolution 748, 1992).

Since then, the council has imposed economic and diplomatic sanctions on states supporting terrorism and for the first time was directly got involved by considering terrorism a danger to the international peace and security (Díaz-Paniagua, 2008),

As stated earlier, the first sanction was imposed on Libya in 1992 due to its involvement in the Pan Am 103 and UTA 772 airplane bombings. The 731 Resolution of the UNSC Resolution demanded Libya to turn over those indicted for the Pan Am 103 bombings (Naert.2011) to which Libya did not comply and as a result was penalized with sanctions. The 731 Resolution was followed by 748 (1992) which led to weapon embargoes on Libya and then a final Resolution 883 in 1993. These resolutions involved asset freeze as well as oil export embargo.

These set of Resolutions shows that the international community have come to the conclusion that the State support of terrorism violated universally accepted norms, despite the ambiguity in the definition of the concept (Farrall, 2007). These sanctions brought the Libyan economy to its knees and Libya faced a rising inflation and unemployment levels as a result (COLLINS, 2004). However, the sanctions lasted only until 1998 when the members of the Organization of African Unity demanded a solution to the sanctions and did not want to comply with the resolution (Boulden & Weiss, 2004). Finally, Libya handed in two suspects for trial in The Hague and the sanctions were lifted in 1999. One of the suspects was sentenced to death (Brown, 2001).

These resolutions were not the only resolutions of their kind and were followed by other resolutions against other countries. Another case can be the 1044 Security Council resolution (1996) which was drafted against Sudan for not turning in three suspected involved in the failed murder attempt on former President of Egypt, Hosni Mubarak (Farrall, 2007).

These resolutions have not always taken place unanimously. For example, Russia's representative Sergey Lavrov stated that UN has not been able to come up with a clear plan and has only tried to punish some regimes on the basis of certain political goals and motives (UNSC Meeting 3660, April 26 1996)

However, the sanctions imposed against Sudan were weaker compared with those against Libya because of some disagreements among the member states as well as the political and humanitarian situation in Sudan at the time (Askari, 2003). Since the sanctions were not effective enough, the Security Council Resolution 1070 (1996) on an aviation ban was banned and a 90 day deadline was set for the country to comply with the international community. This never came however; the resolution did not reach a successful result due to the disagreement of some member states because of the humanitarian consequences in Sudan at that time. The role of Sudan in the incident was not resolved and the sanctions did not come to effect. Finally, the Sudanese government informed the SC that it had deported several people such as Osama bin Laden from the country. As a result, in 2001, The United Nation lifted its sanctions (Boulden & Weiss, 2004).

However, the use of sanctions to combat terrorism has been a controversial issue. In 1999, the SC drafted new resolutions against Taliban actions in Afghanistan to secure the surrender of Osama bin Laden. The robust and effective sanctions showed that the United Nation firmly stood against those groups who threatened the international peace and security (Boulden & Weiss, 2004).

SC Resolution 1267 (1999) imposed the initial sanctions against the Taliban in Afghanistan which was unanimously accepted by the member states. This could be one of the first significant resolution drafted to deal with not only with State sponsored terrorism, but also terrorism by individuals and groups. The 1267 Committee was appointed to monitor compliance of all the states which were obliged

to inform the steps taken in that regard. According to the sanctions, Taliban assets were frozen and they were not allowed to use any states for their aircraft departure or landing unless they hand in Osama bin Laden. Since they did not comply with the resolution, the sanctions came into effect in November 1999. The sanctions were further strengthened due to the lack of compliance by the group in 2000 by United Nations Security Council Resolution 1333 (2000) which included new arms embargo, freeze as well as flight ban to those associated with Al Qaeda. This Resolution appointed an additional committee of experts to monitor arms embargo and closure of terrorist camps. The sanctions obliged all the member states especially those bordering Afghanistan to be provided with local support teams which were never provided (Comras, 2010). Despite the robust nature of the sanctions they did not affect the Taliban regime that much.

A few reasons can be enumerated as to why the sanctions did not work. The First reason was that the Taliban regime did not work within the global economy and much of their income came from illegal trade of opium and heroin. The other reason was plentiful arms available in the region which made Taliban almost immune to outside influence (Boulden & Weiss, 2004).

These sanctions marked the beginning of an era in which the Security Council was more involved in counter terrorism issues and policies and urged the SC get directly involved in such issues although the UN Charter did not include such matters into its agenda.

These sanctions like the previous ones did not yield effective outcome because some of the states could not implement the resolutions effectively due to their lack of resources (Messmer & Yordan, 2010). And moreover, Taliban proved to be a non-state entity which did not operate as an international system.

The GA established an Ad Hoc Committee in 1996 through UNGA Resolution 51/210 (1996) to address new international conventions on terrorism. These conventions included the Suppression of Acts of Nuclear Terrorism, the International Convention for the Suppression of Terrorist Bombings, and the Suppression of the Financing of Terrorism. These conventions addressed the issues that had not previously been dealt with. Although the conventions have not gained enough

support so far, their development indicated that the United Nations took serious measures towards counter terrorism issues during the 1990's. The committee has lived to date and its mandate has been improved so far by the GA and since 2000 the committee has drafted a Comprehensive Convention on International Terrorism (UNGA Sixth Committee, 2000).

2.2.3 Counter terrorism policies after September 11th 2001

The September 11th 2001 attacks on the World Trade Center in the US changed the attitude along with the position of the UN with regard to terrorism prevention. At the time, United Nations Secretary General Kofi Annan equaled the terrorist attacks on some states with attacks on the entire humanity and called on all the member states to identify and punish those who had caused the acts (Kofi Annan, 2001, Para. 6).

2.3 The Security Council

The SC is one of the six main organs of the UN Charter which is assigned with the task of preserving international peace and security especially when peace and security is under threat. The United Nations has four main purposes:

1. To sustain worldwide peace and security.
2. To establish pleasant relations among the countries.
3. To collaborate in handling international problems and in encouraging respect for human rights.
4. To act as a center for coordinating the nations responsibilities against each other.

According to this charter, the SC is mainly in charge of sustaining peace and security and is composed of 15 Member nations each having one vote. Under the charter, the members are obliged to comply with Council decisions (Un.org, n.d.e).

The September 11th attacks prompted immediate response from the SC requiring States to take serious measures against terrorism. On 12th September 2001 the SC passed Resolution 1368 which acknowledged the basic right of individual or collective self-defense as a lawful response to terrorist actions. This was a significant development because the attacks necessitated actions as part of self-defense mechanism even though the identity of the perpetrators was unknown (Boulden & Weiss, 2004). Russia for example took advantage of this resolution by suppressing Chechen rebels in Georgia in 2012 (Unwire.org, 2002). The Resolution demanded the international community to take whatever necessary measures to ensure that no terrorists acts take place through working together and implementing the related conventions and SC resolutions (UNSC Resolution 1368. 2001, Para. 1).ww

Following this resolution, the Security Council passed Resolution 1373 in 2001 which received unanimous support from the member states (Comras, 2010). The Resolution included a number of obligations which all the member states have to comply with. It demanded that all the states not to support terrorist acts and not to provide them with shelter and even not to align with their supporters. The resolution also requires that member states cooperate together to prosecute and punish terrorists as well as hunt down terrorists and their supporters by improving effective border controls and through preventing the attainment of weapons and explosives by the terrorists, It also calls on nations to prevent the terrorists from gaining any financial support or help of any kind by freezing their assets and closing or imposing sanctions against their financial institutions (UNSC Resolution 1373, 2001).

This resolution share a number of common elements with the International Convention for the Suppression of the Financing of Terrorism 1999, however, Resolution 1373 asks all the states to comply with its articles (Boulden & Weiss, 2004). The Resolution itself is legislative although it is not drafted meticulously as an international Convention because a number of elements are not defined which makes the states interpret them freely based on their domestic issues leading to confusion sometimes as a result. For instance, the issue of financing can be interpreted as the criminalization of terrorist financing and some states may fund their financial organization because of their political goals while some other states may criminalize the same institution (Boulden & Weiss, 2004). This feature of the definition prevents uniformity of actions (Boulden & Weiss, 2004).

There is another problem with the resolution, and that is the lack of common criteria with regard to the terrorism definition, that is, each states has to interpret the definition in its own domestic way (Comras, 2010).

These existing problems have made the definition of terrorism even more problematic even after the events of September 11th because as mentioned earlier each nation has to interpret it its own way. Moreover, the obligations of the resolution are too costly for many nations to implement. A number of the nations are also the countries that are safe haven for terrorists (Boulden & Weiss, 2004).

In response to such problems, the UNSC established the Counter-Terrorism Committee to monitor and implement such resolutions (Un.org, n.d. f). The Committee makes sure that states follow the resolution and help the nations to implement the resolutions by giving necessary assistance and support. The committee is supported by its Executive Directorate which assesses preliminary implementation and the counter terrorism situation in each country, based on information received through international organizations and public sources (unodc.org, 2010).

However, the committee cannot monitor and carry out its mandate in all 193 member states (Boulden & Weiss, 2004). In fact it acts more like an information sharing and cooperative executive body, moreover, it is a matter of time before nations fully implement the resolution fully.

Finally, we need to point out that although the UNSC has played an active role especially after September 11th to combat terrorism, the SC has failed to offer a generally accepted definition of the term terrorism which has left the Council open to continued criticism.

2.4 The General Assembly

The next organ of the United Nations is the GA which is the main policymaking organ of the UN which is comprised of all 193 Members countries. This organ makes decision on key issues such as peace, security, budgetary matters, and acceptance of new member states. To ratify these decisions, the vote of a two-

thirds majority of member states is required, while for other less important decisions, the majority vote is required (Un.org, n.d. g).

This organ has actively discussed counter terrorism matters for more than two decades. It first got involved with such matters in 1996 after the establishment of an Ad Hoc Committee on international terrorism through Resolution 51/210. This Ad Hoc Committee has negotiated a Comprehensive Convention on International Terrorism since 2000 (Un.org, n.d. g).

In the next section, first the Comprehensive Convention on International Terrorism will be discussed, and then the Global Counter Terrorism Strategy and the Universal Legal Framework against Terrorism as the main contributions of the GA to the UN counter terrorism policy will be explained.

2.5 Comprehensive Convention on International Terrorism

The Ad Hoc Committee has been actively involved in negotiating a comprehensive convention on terrorism which has been precipitated since the September 11th attacks because since then the War on Terror has taken a new dimension. However, after about fifteen years since those discussions started, still we lack an internationally agreed upon comprehensive convention and definition of terrorism.

The committee has reached a draft definition of terrorism after modifying and changing the definitions through discussions with different member states. The current definition of the terrorism of the Ad Hoc Committee as outlined within draft Article 2 is as follows:

“Any person commits an offence within the meaning of the present Convention if that person, by any means, unlawfully and intentionally, causes: (a) Death or serious bodily injury to any person; or (b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or to the environment; or (c) Damage to property, places, facilities or systems referred to in paragraph 1 (b) of the present article resulting or likely

to result in major economic loss; when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act” (GA Resolution 51/210, 8-12 April 1996).

This definition is also reflected in the draft Article 3 in which rights, obligations and duties of countries and individuals under international law have been recognized while the activities of armed forces during conflict have not been included in this definition. The two articles are quite similar in their definitional elements.

One of these obstacles is as mentioned earlier ‘the right to self-determination’ within the definition. The Comprehensive Convention negotiations state that any definition of terrorism has to distinguish between acts of terrorism and the lawful struggle of peoples under foreign occupation in the exercise of the Right to Self-Determination. This inclusion was put forward by the Organization of the Islamic Conference although there was opposition on the side of the western powers and India (Díaz-Paniagua, 2008).

The issue was raised again during the Ad Hoc Committee negotiations in 2013 in which the representative of Egypt, speaking on behalf of the Organization of the Islamic Conference, emphasized a new dimension of the definition by highlighting the main roots of terrorism such as unlawful use of force and denial of self-determination right of the people who live under foreign occupation. The representative stressed the need to differentiate between terrorism, and the genuine right of individuals to battle against foreign occupation (Un.org, 1996 h).

In addition to the Self Determination debate, the negotiators noted that terrorism should not be associated with any specific belief, faith, race, culture, society or group. It seems that there is not going to be a agreement on the definition of terrorism in a near future and throughout the Ad Hoc Committee and GA Working Group meetings, this has been raised again and again. The Ad Hoc committee has done a lot to find a common understanding of terrorism, but it has not been able so far (Friedrichs, 2006).

2.6 Global Counter Terrorism Strategy

The first main instrument developed by the GA after September 11th 2001 was the Global Counter Terrorism Strategy. This strategy addressed issues such as threats, challenges, changes, the roots of terrorism in a more comprehensive manner in 2004 (UN department of public information, 2004).

Following this report, especially on the anniversary of the Madrid train bombings, the UNSG Kofi Annan outlined the five main elements of such a strategy as follows:

1. Preventing groups from resorting to terrorism as a tool to reach their aims;
2. Deny terrorists any means to launch attacks;
3. Preventing the states from sponsoring terrorists;
4. Developing state capability to deter terrorism;
5. Protecting human rights against any means of terrorism (un.org, 2005).

This speech marked the beginning of an era of in which all the members clearly agreed on condemnation of terrorism in any manner, by any individual or groups, and for any purposes. The state members also tried to come up with a Comprehensive Convention on rooting out international terrorism by providing a common definition within the Ad Hoc Committee. They also demanded the GA to further develop the elements of a Global Strategy so that appropriate counter terrorism measures could be taken (un.org, n.d. i).

In a report released by the SG on a Global Counter-Terrorism Strategy, the previously mentioned five elements were redefined and more measures were added which were specifically associated with the improvement of the United Nations, to be capable of dealing with the threat of international terrorism (un.org, n.d. i). Based on the report, on the 11th May 2006 the GA came up with the United Nations Global Counter Terrorism Strategy on the 8th September 2006.

This strategy consists of a comprehensive Resolution and an annexed plan of action which condemns terrorism its entirety and is discussed in most of the World Summit and Secretary General's meetings (Un.org, n.d. j).

Further, the strategy contains four pillars of action. The first one deals with the circumstances leading to the spread of terrorism. To which United Nations need to negotiate on a mutual dialogue through encouraging common tolerance and understanding among states, cultures, religions and different ethnic groups of people. The second pillar deals with necessary measures to prevent terrorism through which States need to cooperate with each other in preventing terrorist activities as well as prosecuting the perpetrators. The third pillar addresses the improvement of States' as well as the United Nations' capacity in terrorism prevention. Finally, the fourth pillar outlines measures which call for deference of human rights and the rule of law (Un.org, n.d. j).

Since its establishment, the framework has undergone various revisions. On its first review on the 8th September 2010, the member states condemned international terrorism and demanded that states implement the strategy. The second revision also took place in 2012 with similar success (Un.org, 2010. k).

It is important that all 193 nations approve the strategy so that United Nations counter terrorism policy could receive the necessary legitimacy. Such approval also paves the way for the United Nations to cooperate with regional organizations and sectors to have a synthesized international approach to prevent and combat terrorism (United Nations, 42nd Conference, 2007).

Although the strategy has received enough attention and support, there is still a huge gap between international rhetoric and what the states domestically practice. Therefore, it does not have the authoritative status of an international Treaty. Moreover, it does not offer an independent definition of international terrorism.

Furthermore, the approach of the strategy is not suitable for all the regions and it is said that it is been suitable for northern hemisphere while most of the casualties of terrorism take place in the southern hemisphere. The countries from the southern hemisphere seem to lack the financial resources to prevent and combat terrorism.

Therefore, the strategy shows a lack of understanding of the culture differences of the member states (United Nations, 42nd Conference, 2007).

As a result, it seems that there still to have a long way to be able to implement such strategies, although this does not degrade the role of the GA. Importantly, the strategy can be considered as the first international agreement on comprehensive matters of counter terrorism through which the member states realized that in order to combat terrorism member states have to cooperate with each other.

2.7 Universal Legal Framework against Terrorism

The strategy also benefits from another necessary GA initiative. The strategy also demands that all the nations make sure to implement the Conventions and Resolutions contained in the Universal Legal Framework against Terrorism (Un.org, 2010). In this thesis, this Framework plays a very important role because it offers the only definition of international terrorism in force which is included in one of its Conventions.

The Universal Legal Framework against Terrorism is a set of globally accepted instruments including a number of legally binding standards which States need to follow to root out terrorism. The Framework includes s terrorism several related issues and has developed since 1963. It includes a set of elements that intend to increase international cooperation and protect the rule of law. These elements are of two different groups: six UNSC Resolutions (1267, 1999; 1373, 2001; 1456, 2003; 1540, 2004; 1566, 2004; 1624, 2005).

The scope of the 18 Conventions is subject to interpretation that is they are intended to prosecute the acts of non-State agents without discussing directly the State terrorism. Since its adoption in 1999, it has demanded that all member states to condemn terrorism in all its entirety by whoever committed (Un.org, 1999). This seems to indicate that an act of State terrorism is prosecuted without considering the status of the perpetrator. Moreover, there are a number of provisions that require the Convention protect the rights of countries and people under international law which is actually the purpose of the UN, IHL and other relevant Conventions. Further, some

of the provisions exempt some State agents from prosecution which is why the scope is still open to interpretation (Un.org, 2010).

However, common mechanism in the Conventions is the element of jurisdiction or the principle of extradite or prosecute. Under this principle, the perpetrators are either persecuted in their own states or are extradited to a third country for trial (Un.org, 2010).

The State should also persecute the terrorists if it does not extradite them so that terrorists do not terrorize and commit acts of terrorism. To operate effectively, this principle needs to be operated together with the other accompanying jurisdictional mechanisms in the Convention. To this end it is also very important that information be exchanged swiftly between the states (Un.org, 2010).

These 18 Conventions need to be ratified by the member states, however, some states have not been willing to implement them for example a landlocked country may not see the relevance of the 18 conventions for their country because for such a country implementing maritime obligations is meaningless. The monitoring bodies and organizations demand that all states follow the international cooperation elements of each Convention because a landlocked country may commit a maritime crime outside its borders. Therefore, the United Nations emphasizes that all Conventions are relevant and need to be followed by the member states (Un.org, 2010).

As a result, states need to be provided with the monitoring capability and technical assistance to be able to implement such framework which is outlined in the Global Counter-Terrorism Strategy in paragraph III-7 of the Plan of Action (Un.org, n.d. 1).

The next category is six Security Council Resolutions which complement the Conventions. As stated earlier, these Resolutions need to be followed by all United Nations Member States. The resolutions condemn the international terrorism and demand that some mechanisms need to be put in place for international cooperation though each Resolution does not provide much detail on the implementation procedure. This problem points to the important role of the Universal Framework which ensures that all United Nations counter terrorism instruments to be seen and

reinforced together. However, such reinforcement could have further been improved if a definition of international terrorism was included in the framework.

Moreover, the Framework needs to be implemented nationally which requires stable national institutions and appropriate policies to allow for full international cooperation. That is, state policies and regulations play a pivotal role in the implementation of each Convention or Resolution and prosecution of crime. If states do not cooperate with each other implementation of Conventions and Regulations will be impossible because there is no international organization for such purpose. Although the International Criminal Court persecutes many crimes such as war crimes and genocide, terrorism due to its nature and ambiguity of definition is not an issue to be dealt with in such a court (Cohen, 2012). As a result, international law plays a guiding role rather an adjudicator role in counter terrorism issues which leads to lack of uniformity and differing implementation procedures (Cohen, 2012).

It is noteworthy that the Universal Framework is an important instrument playing a pivotal role in the organization of the UN counter terrorism Conventions and Resolutions. It reflects the historical roots of the UN counter terrorism policy and acts as a reference where states can refer to on the topic and implementation of terrorism and counter terrorism policies. Furthermore, it plays an important role in international cohesion on the Comprehensive Conventions definition within the Ad Hoc Committee.

2.8 UN Conventions on Terrorism

Since now, the UN has adopted 13 major conventions to address terrorism. The first convention, the Aircraft Convention, was adopted on 14 September 1963 in Tokyo in Japan. This convention offered a number of solutions for in-flight terrorist acts and the persecution procedure. In 1970- 71, two more similar conventions were adopted. These conventions were modified later in 1988 to include terrorism at an international aviation scale because the previous conventions were mostly related to domestic airports and flights (Gorman, 2015).

The Diplomatic Agents Convention was another convention that the UN adopted in its effort to prosecute those who threaten, attempt, or carry out actions an

internationally protected person. The Hostages Convention is the fifth UN convention against the Taking of Hostages which stipulates that it is not lawful to

detain another person in order to compel a third, party, namely a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage. (Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, 1974, art. 1)

The UN adopted this Convention to make it unlawful for the people or organizations or even states to use innocent individuals as bargaining chips in return for certain demands.

The Nuclear Materials Convention is also another convention that the UN adopted 1980 to make the possession, transportation, or application of nuclear materials causing death or injury a criminal offense. The 1991 Plastic Explosives Convention is an extension of the Nuclear Materials Convention which deals specifically with detonation of these items aboard aircraft (Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, 1974.art. 1).

The Maritime Convention and its protocol is another convention adopted in 1988 by the UN in an effort to address maritime terrorism both against ships and fixed offshore platforms (Un.org, 1992).

The Terrorist Bombing Convention is another recent convention that the UN adopted in 1997 stating that it is a crime to organize, direct or carry out bombings or any other explosives in public places with the aim of killing, injuring or destructing a public or individual property to require a government or an international organization to do or not to do anything. This convention asks the member states to prosecute the perpetrators or criminal offenders through appropriate penalties. It puts the responsibility of prosecution upon the member states themselves not upon the Security Council.

The Terrorist Financing Convention is the next convention that the UN adopted in 1999 for the Suppression of the Financing of Terrorism in order for the member

states to prevent the financing of terrorist directly or indirectly. Like the Bombing Convention, this convention also puts the responsibility upon the states themselves to prevent terrorists from financing. Since March 2004, 132 states have signed this convention but of which only 112 have ratified and accepted the process. This leaves 80 member states not yet accountable for preventing the financing of terrorist.

The UN Global Counter- Terrorism Strategy (The Nuclear Terrorism Convention) is a recent convention that was adopted by the UN on 8 September 2006. This strategy offers a plan of action that demands that member states build their capacity to prevent terrorism of any kind. The strategy addresses a number of issues such as buying and selling drugs, unlawful arms trade, money laundering, and smuggling of nuclear or any other potentially deadly materials. The convention also involves cooperation of member states on issues of border and customs control.

Since the end of 2001, the states have shown more willingness to accept and implement the 13 Conventions and fourteen countries have ratified 12 Treaties. All the member states have accepted the Nuclear Terrorism Convention (un.org, 2001).

CHAPTER THREE: FINDINGS

Introduction

The United Nations is an international organization which has played a very important role in reducing conflict and seeking for global peace. As we mentioned earlier, the important question for UN is its role in handling conflict and its peace keeping mission. According to article 1 of the Charter, the UN has to ensure international peace and security through nonviolent means and in line with the International law and the code of justice.

Beside these nonviolent means of resolving conflicts, the UN can also take action especially when international peace is threatened and when there is an act of aggression (Un.org, n.d. m).

The goal of this chapter is to examine the role of the UN in handling the crisis in Iraq especially after the rise of the (ISIL) or the (ISIS). This is a unique case worthy of further investigation.

3.1 The Role and Purpose of the United Nations

As we stated in chapter one and two, the UN consists of some organs which are committed to perform certain duties. The SC is to handle crises. GA is responsible for main legislative, financial, and decision making issues, while Economic and Social Council makes sure that the quality of life worldwide is promoted. On the other hand, International Court of Justice adjudicates international legal cases and the UN Secretariat as the main decision-making organ of the UN usually run by one person is responsible for designating the secretary-general (Barash & Webel, 2002).

The UN has to ensure peace and security around the world and make sure that nations have a friendly relation among themselves. It also brings all the nations at a table to discuss community problems and resolve problems such as illiteracy, and more importantly terrorism which has only been on agenda for a short time. This has been due to the changes in the nature and manner of terrorism especially after 2001.

At the moment, 193 nations are members of the UN and they decide on a number of issues. The most important mission or activity of the UN is peace keeping. Nowadays, the UN carry out peace keeping missions in the world especially in conflict zones such as Africa and Middle East (un.org, n.d. n).

Further, the UN tries to establish peace, prevent conflict and adopts resolutions and conventions on a variety of issues such as the preservation of environment, handling refugee crisis and saving those trapped in natural disasters. Moreover, it also tries to encourage equality, individual rights, gender equality and community development. But our aim here is to investigate the role of the UN in protection of human rights and prevention of terrorism or terroristic acts (un.org, n.d. o).

Furthermore, through the GA, the UN has acted as an organization to discuss international and national problems and issues of their member states. The UN has acted as a conflict resolver through the use of a third party involvement in some cases (un.org, n.d. o).

3.1.1 The Role of the Security Council (SC)

The SC composing of 5 permanent members and 10 others rotating ones is the law enforcing organ of the UN with its binding recommendation and resolutions which have to be followed by the member states as stated in article 25 of the Charter. The SC usually estimates the damage to international peace and human rights in disaster areas before making a assessment. Usually, a problem or issue can be put forward by either a member state or the GA or the Secretary General. The SC first reviews its involvement in such cases. At first, a peaceful mechanism is offered; however, in some cases states do not abide by the UN decision due to their sovereignty or due to what they consider to be interference to their internal affairs. According to Chapter VII of the Charter, Article 39, the SC can evaluate any damage to peace and security and as a result take peaceful and diplomatic measures such as commercial sanctions and arm embargoes (article 41). However, according to article 42, forceful measures can only be taken in case of emergency and only by the Security Council.

Despite its main role in maintaining peace and security, the Security Council is not the only UN organ to solve the problems. Two other UN organs, the GA and the Secretary General can also intervene in resolving problems and ensuring global peace.

3.1.2 The Role of the General Assembly

The GA is a relatively less law enforcing body than the Security Council and acts as a forum for the member states (un.org, n.d. p).

Additionally, the GA's recommendations require a two-third majority votes to be effective. Moreover, it is making recommendations on nonviolent resolution of disagreements and do not approve of using force as is the case with the Security Council. Furthermore, according to article 12 of Charter, it cannot intervene or make suggestions in military conflicts unless the SC requires such recommendation.

3.1.3 The Secretary General

The UN secretary general is considered to be the managerial organ of the organization acting as a third party in most of the crisis in the world.

Although the UN main organs such as SC, GA, and the Secretariat are directly involved in everyday activities of the organization, the International Court of Justice also has an important role by forming a fourth constituent of handling conflict (Un.org, n.d. q).

3.1.4 The International Court of Justice (ICJ)

The international court of justice started in 1945 as the chief judicial body of the UN under the UN Charter. It is an institution that settles disputes peacefully all around the world. However, the Court is not recognized by all the member states and only 63 of the 193 UN members agree upon the obligatory authority of the court and

130 nations (84%) would rather be cautious considering the non-compulsory clause declaration which limits the authority of the court (Powell & Mitchell, 2007).

3.2 The Islamic State (IS) or Islamic State of Iraq and the Levant (ISIL/ISIS)

The Islamic State (IS) or Islamic State of Iraq and the Levant (ISIL/ISIS) is a Sunni Islamist rebellious and terrorist group that has conquered a vast territory in north-western Iraq and north-eastern Syria since 2013 (Pike, n.d.). Ever since, the group has threatened the securities of both countries and has excessively violated human rights which has led to increased attention from the international community.

In this section, we will outline the origin of the group and its affiliated groups, atrocities committed by the group, and UN humanitarian aid efforts as well as role in Iraq especially in Kurdistan Independent Region.

3.2.1 Background

The question of the successor ('caliph' in Arabic) of the Prophet Muhammad after his death (632 AD) led to a fierce dispute and feud among his relatives. Despite the support of some of his friends for his cousin and son-in-law Ali, the majority voted for Abou Bakr because they thought he was a better choice for the position. After years of skirmish in 661 AD Ali was assassinated. In 680 AD his son who was the grandson of Muhammad as well was decapitated by the caliph's supporters. After that incident, Muslim were divided in two branches of the Sunnis those who supported the caliphs succeeding Muhammad and the Shiites those who believe the in Ali and his sons. Sunnis are in majority and Shiites only make up 10-13% of Muslim population. In many parts of the world, the two groups live peacefully but their religious divergences have led to skirmishes during the past centuries. However, among the Sunnis, Salafis seems to be the most extremists. A fraction of this group believes that they have to confront those who believe in other versions of Islam. This fraction is considered to be Salafi jihadists or Jihadi Salafis (Pichon, 2015).

Among Salafi jihadists, ISIS or ISIL was an offshoot of Al-Qaeda, known as 'Al-Qaeda in Iraq' which was established in 2004 to fight against the US invasion and

the Shiite-led government that it brought to power. The group's ideological and organizational roots took shape by the late Abu Musab al Zarqawi in Iraq between the years 2002 and 2006. After his death by the U.S. forces in June 2006, Al-Qaeda leaders formed a coalition which was referred to as the Islamic State of Iraq (ISI). A year before US withdrawal from Iraq in 2010, two of the group top leaders was killed. However, this did not weaken the group and under new direction of Ibrahim Awad Ibrahim al Badri al Samarra'i (Abu Bakr al Baghdadi), ISI rebuilt its forces and continued its operations. Ever since the group has committed countless atrocities of human rights violation in Iraq as well as Syria. Since 2006, the relationship between ISIL and Al Qaeda leaders has not been clear. Once the Islamic State leaders stated that their group has not been affiliated with Al Qaeda, they declared themselves as an Islamic state rather than an organization which makes the group different from the Al Qaeda organization. In 2013, Abu Bakr al Baghdadi decided to unite his members in Iraq with those of the Syria-based Jabhat al Nusra which was rejected by the Jabhat al Nusra and Al Qaeda leaders leading to increasing tensions among Sunni extremists in the region (Pichon, 2015).

ISIS is an unusual group with its own conception and position and is no longer affiliated with Al-Qaida. It only pledges allegiance to Baghdadi, its leader, ISIS is believed to be an ideology than an organization. Besides, although it is an radical organization, they believe in seeking atonement for regimes and rulers who have a different ideology or faith (Khashoggi, 2014).

ISIS seems to have a complex network of funding resources by generating and receiving income from various sources. A huge part of its income comes from unlawful black marketing and illegal activities such as theft, abduction, blackmailing, arms and drug trafficking. According to the US-based Council on Foreign Relations, the group has been able to yield more than \$8 million from cities and towns in Iraq. It has also access to some oil fields and sells pirated oil (Petersen, 2014). It is also being sponsored by some unidentified individuals in the Gulf States (Trackingterrorism.org, n.d.).

The costly operations that the group does across Iraq and Syria and other countries allude to the massive resources that the group has at its disposal. The main targets of this group are Shias, Kurds and Christians although it targets Western facilities and

government institutions in these countries as well. There is no exact Information on its human resources, however, according to the Economist's (2014) estimation, there are estimated to be more than seven thousand fighters working for the group (The Economist, 2014).

It seems that ISIS's popularity is declining in the regions of Iraq and Syria due to its savage offensives against the local people and groups. It has also targeted other rebel groups such as the Islamic Front in Syria and Jabhat Al-Nusra. Moreover, the group has terrorised civil and human rights activists and journalists with cruel methods.

3.2.2 Human rights violation committed by ISIS in north Iraq (Kurdistan Region and Neynewa province)

What follows summarizes the incidents received and verified by the Human Rights Office of United Nations Assistance Mission in Iraq (UNAMI) together with the Office of the High Commissioner for Human Rights (OHCHR), under their relevant obligations between the periods of 11 December 2014 to 30 April 2015 (UNAMI & OHCHR, 2015). Countless number of human rights abuses and IHL has been reported arising out of the conflict between the Iraqi Security Forces and ISIS along with the crimes committed either in these countries or outside of these countries. The researcher has categorized the mostly reported incidents and the ones verified with the UNAMI. The reports have been gathered through evidences obtained directly from the victims, witnesses of violations and manipulations of international human rights law and/or violations of IHL and survivors as well as interviews with internally displaced people in KR and other areas of Iraq. The report also covers the governmental and non-governmental agencies which have cooperated with the UN office in Iraq and KR (ohchr.org, 2015).

3.2.2.1 Civilian casualties

UNAMI reported 44,136 civilian fatalities, 14,947 dead and 29,189 injured, between 1 January 2014 to the end of April 2015 because of the non-international

armed fight between the government forces and ISIL in Iraq. The casualties involved civilians, officials, police forces as well as ISIL fighters (ohchr.org, 2014).

3.2.2.2 Civilian displacement

The conflict has also led to massive displacement of civilians. A total of 2,834,676 people of which 1.3 million children had displaced between January 2014 through 25 April 2015 in Iraq (ohchr.org, 2014), comprising of an estimated 1.3 million children (reliefweb.int, 2015). The areas with most displacement were Ninewa and Anbar, with 1,047,789 and 901,560 displaced, respectively. These people have either fled to other areas in Iraq or other countries (reliefweb.int, 2015).

3.2.2.3 Killings and abductions

ISIL has committed extensive killings in its areas of control and other conflict areas. They have targeted people of other religions and faiths, members of police, state officials and people who were against their ideologies and all those who stood against them. They have also perpetrated countless number of abductions and have killed, tortured, and imprisoned individuals from other Islamic groups and tribal men and leaders. UNAMI and OHCHR has received verified reports of the killing of civilians especially people who opposed or supposed to oppose its ideology. There are countless verified reports of which only two incidents are reported below. For example on 15 December 2014, the group murdered 11 individuals inside one of the Tikrit sport centres, in Salah al-Din area. On 20 December 2014, the group also kidnapped around 40 civilians from Albu Afan village, Dhuloeiya sub-district, Salah al-Din and killed 28 of them later while the fate of the other 20 is not known (ohchr.org, 2015).

Moreover, the group has carried out killings, torture, and inhuman treatment after making decisions in its unlawful courts. These courts are not recognized officially and do not respect basic principles of human rights. These courts ruled that five Yezidi females in al-Ghizlani camp be executed on 20 December. They were

sentenced to death by hanging. According to the report the reason for their death sentence is not exactly known (ohchr.org, 2015).

Further, the group has also killed its members who refused to fight. For example, on 21st of December, the group killed 45 members belonging to the group in central Mosul because they fled the battle field while fighting with the Peshmerga forces in Sinjar and Tal Afar districts (ohchr.org, 2015).

Also, the group has also carried out extensive abductions in Iraq including ordinary people and officials for various reasons; for example, it kidnapped six members of local Councils of al-Zab area on 31 December (ohchr.org, 2015).

It is worth noting that the group has also caused extensive physical and property damage by its conduct of operations. These are also human rights violations which will be reported in the next sections.

3.2.2.4 Destruction of civilian infrastructure or properties

The group has also targeted civilian areas and properties without considering the civilian lives. They have used civilians as shield to protect their fighters. Their terroristic acts have also constituted grave abuses of IHL and war crimes by targeting the civilian areas and public properties and infrastructure. For example, on 12 December, a suicide attacker in a Shi'a mosque led to the death of seven civilians (ohchr.org, 2015).

3.2.2.5 Destruction of religious and cultural places

The group has also intentionally destroyed and looted ancient historical sites. By destroying ancient sites and churches, shrines, graves, and even mosques. For example, destruction of Sultan Wais Sunni Mosque in Faruq area of western Mosul and Sunni Ajeel al-Yawer Mosque as well as setting fire to hundreds of books from the Mosul University's central library are some of the heinous acts committed by the group (ohchr.org, 2015).

3.2.2.6 The use of chlorine gas

Several unattested reports have been received that the group has used chlorine gas in attacks. These reports have been made in areas of Duloeiyah in Salah al-Din and Anbar during December 2014. The settlers of these areas left their homes after receiving a message by ISIL that they were going to use chemical agents in these areas. Approximately 190 persons have been reported with similar symptoms in The Samarra Hospital (un.org, n.d. i).

3.2.2.7 Attacks against ethnic and religious communities

As stated earlier, ISIL has repeatedly targeted members of different ethnic and religious communities by violating their basic human rights and committing abuses. It seems that their targeting of minorities and ethnic and religious communities is part of their systematic policy and ideology. The group has committed such violations under the name of self-declared Islamic Caliphate and coercively trying to carry out ethnic cleansing and converting them into their own religion (Plot and Allah Plots, 2015).

3.2.2.8 Attacks on women and children

ISIL has also targeted children and women and have used them as sex slaves. The reports received from women and children who had escaped ISIL captivity by the UN representatives in Iraq pointed to the fact that ISIL took advantage of children and women by recruiting them and even for fundraising purposes by selling the women. UNAMI has also received reports that people in the group captivity have experienced shocking incidents such as sexual and physical violence (ohchr.org, 2015).

3.2.2.9 Denial of other fundamental rights and freedoms

Civilians under ISIL jurisdiction have been and are subjected to various cruel and inhuman treatment and punishment if they fail to comply with the ISIL ideology

or regulations. The rules and regulations apply to all aspects of the civilian lives such as traveling methods, dressing codes, and celebration. According to the reports received by UNAMI, the men are obliged to wear beards and women are required to wear certain clothes and are to comply with the employment and movement rules and regulations. Women are also required to cover all their bodies and are not allowed to move in the street without the company of a male person (ohchr.org, 2015).

Finally it is also worth mentioning that UNAMI has also received reports that Iraqi security forces as well as unidentified forces have also committed violations and abuses which will not be discussed here because this thesis is mostly concerned with human rights damages and abuses perpetrated by the ISIL forces and does not include those of others.

3.3 Measures taken by The UN Security Council (UNSC) against ISIL/Da'esh

Despite China and Russia's refusal to engage in the US-led coalition, the UNSC adopted some resolutions against ISIL as well as the Nusra Front by designating the groups as terrorist organizations under resolution 1267 (1999). The two adopted resolutions, 2170 (2014) and 2178 (2014) in 2014 enlisted the groups such as ISIL/Da'esh, Al Nusra Front and their affiliated groups as terrorist organizations threatening international peace and security and urged the states to take the necessary measures by suppressing the flow of foreign fighters, controlling and cutting their finances, and countering incitement to terrorism. The second resolution mostly dealt with the threats of foreign fighters. Moreover, the UNSC also issued a statement in September 2014 by calling for a sovereign Iraqi government being supported by other nations to fight against ISIL. Further, Resolution 2199 (12 February 2015) was adopted by the UNSC which dealt with issues of financing and sources funding the groups such as cultural heritage trafficking and looting, ransom payments and donations to the group by other groups or individuals, as well as illegal oil exporting. The UN has also repeatedly denounced the group's destruction of historical sites and cultural artifacts as crimes against humanity and human civilization (europarl.europa.eu, 2015).

3.3.1 Military campaign against the group

About more than sixty states have joined the international coalition against ISIL, a number of countries have conducted air strikes against the group in Iraq and Syria. Although Russia has also recently started its military campaign against the group, US has carried out most of the air-strikes based on individual and collective self-defense included in Article 51 of the UN Charter and the permission of the Iraqi government. The Iraqi government called for help and support against ISIL/Da'esh in 2014 and permitted the US to carry out airstrike against the group with the aim of gaining its territory loss and border control. In response to such request, US has carried out various strikes against the group headquarters and bases in Syria and Iraq through cooperation with the UN, though a number of individuals have questioned such strikes. However, since such attacks have been also carried out by some other regional Sunni Arab countries such as Saudi Arabia and Qatar as well as Turkey, it has offered some legitimacy to US air-strikes (europarl.europa.eu, 2015).

RECOMMENDATIONS

The conflict and acts of terrorism have seriously affected lives of a large number of people in the area. According to UNAMI, since 2013, more than tens of thousands of civilians have been either killed or wounded and over three million Iraqis have been displaced and sought refuge in neighbouring or even European countries. A large number of the displaced people live in poor and unprivileged locations and conditions and have been subjected to and even are subjected to violence and abuse. Even government of Iraq has treated them with discrimination and have not received the required assistance as a result. Even those who have returned to their territories retaken from ISIS are also experiencing the same problems and lack even in some places the basic supplies of water and electricity. They are still living in the shadow of death and insecurity.

UNAMI is very much concerned over the plight of around 3,500 women, girls and some men of ethnic and religious communities predominantly from the Yezidi community in ISIL captivity, although some of them were released. The group disregard and disrespect of civilian lives and their basic human rights is another issue of great concern. The group terroristic activities have also led to human rights violations and have also committed various war crimes, crimes against humanity, and certainly genocide in some cases (ohchr.org, 2015).

Iraq Security forces have also committed human rights violations in several cases and groups affiliated with them also have reported to carry out reprisal attacks against those perceived to support the ISIL group. In such a climate, Iraqi people have no option but to follow the following recommendations:

1. All the forces and groups in conflict have to comply with the IHL and international human rights law. These groups have to protect the civilians and make sure that the rights of the civilians especially women and children are not violated.
2. Any violations of human rights against the civilians must be ceased immediately.
3. The groups and parties in conflict must take the necessary measures to create a corridor or passage for civilians who are displaced to safe areas. They must

also allow humanitarian aids and international bodies reach the affected areas and provide durable solutions for all displaced populations.

4. Iraqi government must also bring all the military forces and militias fighting against ISIL under its control and make sure that no human rights violation take place.
5. Iraqi government must also provide the necessary means to move the displaced people into safe areas where the amenities are provided for them.
6. The government must also hand in the control of the areas liberated from ISIL control responsibility to the locals and provide the basic humanitarian needs of civilian residents.
7. Moreover, Iraqi government must make sure that those who have survived the human rights violations and sexual and gender-based violence, receive ample social and psychological aid and support.
8. Further, they must investigate any cases which violations or abuses of international human rights law have taken place and make sure that justice is done.
9. Besides, the Iraq government must take the necessary measures to identify all those reported to be missing, excavate the mass graves, detect the identity of the dead or those killed, and keep the evidence of crimes to track the identification of perpetrators. They also must do a comprehensive research on the mass graves, the people killed, and all the other necessary details required for execution of the perpetrators.
10. Furthermore, Iraqi government must amend the Iraqi Criminal Law by allowing the national court to investigate international crimes committed in Iraq.
11. The international community such as the UNSC and the Human Rights Council should also cooperate with Iraqi government and ensure that criminals are brought to justice.
12. Last but not the least, the UN should also work with Iraqi government and provide the necessary know-how to the Iraqis so that they can themselves be able to fight with any national or international threats such as ISIL.

CONCLUSION

Describing the role of the UN as an organization which retains peace and security is a very difficult task. After the Cold War, the scholars and researchers started questioning the role and the utility of the UN in maintaining peace and security and protecting human rights.

However, these days the UN has a difficult job in the Middle East due to the civil war in Iraq and Syria as well as the flux of refugees escaping violence and seeking a place by taking a perilous journey across Africa and Mediterranean Sea into Europe. The UN is facing numerous challenges such as armed conflicts, human rights violations and abuses, refugee crisis, and lack of resources. These issues have severely endangered peace and security in the region and have created an unprecedented crisis in the entire world especially after the rise of the terrorist group, ISIL.

The available evidence indicates that ISIL or ISIS has lost its popularity in its ruling areas and has also increasingly become weak. It has also been hated by native and local forces due to its severe application of Sharia law and colonialist attitude that disregards local and minority cultures, its motives and its unknown sponsors. If this group intends to survive, it has to reach a temporary truce with other groups and local forces and authorities.

However, although the group has committed various and countless atrocities as well as human rights violation and abuses, ISIS is not the only devil in the region considering the other players in the region because a number of players are involved in the conflict in the area. The annihilation of ISIS will not end the ideology war that has started in the region because one cannot bomb an ideology rather it has to offer a better ideology instead. ISIS ideology has also seen several ebbs and flows and the resentment and hatred towards the group in the region may also not last long if no better solution is offered.

Hence UN can play a very important role in helping the region by bringing back the security and peace that once this region enjoyed. However, it seems that UN has not been effective in this regard because since the fight broke out in Syria and then in Iraq no cessation has been seen. The violence is still escalating and tension is

high. Despite the thoroughness of the UN Charter rules, the violence and conflict have not been restrained. The UN therefore can be criticized on several fronts not being able to play an effective role in solving the ongoing conflict in the region.

At first as we stated in previous chapters, UN has not been able to offer a generally accepted definition of terrorism and the rise of ISIL even made the previous definition quite fuzzy and ambiguous due to its operation in two different countries and due to its ambiguous and complex nature.

UN has not also been independent because a minority, the SC, imposes its views and decisions on the majority which is General Assembly. The veto right held by only five main members of SC is not democratic because the veto right is sometimes used by the rival powers to reject certain decision made by other members. A number of nations such as Japan, Germany and third world countries have repeatedly criticized the UNSC as a result.

Moreover, in terms of military, the UN lacks standing army soldiers or a UN contingent group to act immediately. Sending the blue helmets to conflict areas require the willingness of the great powers. For example, in 2013, the US could gain the support of the congress to strike against Bashar Al-Assad for his use of chemical weapons; however the other main powers such as Russia and Britain do not ratify the resolution. Or for example, In Rwanda in 1994, United Nations peacekeeping force failed to stop the genocide massacres. Even the image of blue helmets has been tarnished by allegations of sexual abuses, arm trafficking, gold and ivory smuggling in Africa.

Besides, the UN is facing financial challenges because it has to spend huge amount of money on its missions and operations while many countries fail to pay their due. The US is considered to be the largest donor to the UN budget of the organization which in turn can easily impose its positions. The UN can hardly pay the expenses of the third world countries.

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