

INDEX

1. Letter from the Executive Board
2. About the Committee
3. About the Agenda
4. Case Studies
5. Legal Frameworks
6. QARMA

Letter from the Executive Board

Dear Delegates,

It is with great enthusiasm that we welcome you to this session of the United Nations Human Rights Council. As members of this esteemed committee, you will engage in a critical dialogue on one of the most pressing global issues of our time: “Deliberating on the Impact of Independent Counter-Terrorism Operations on Human Rights.” The world today is marked by an evolving security landscape, with terrorism posing a persistent and multi-faceted threat. However, in the name of combating terror, we have also witnessed an erosion of basic human rights, legal safeguards, and civil liberties.

Your responsibility as delegates will not only be to assess state-led counter-terrorism actions, but also to ensure that these efforts remain aligned with international human rights norms. We urge you to consider the delicate balance between national security and individual freedoms, and to approach this agenda with empathy, legal insight, and diplomatic rigor. We look forward to witnessing the solutions and cooperation you bring to this council.

Warm regards,

The Executive Board

United Nations Human Rights Council

About the Committee (Elaborated)

The United Nations Human Rights Council (UNHRC), created by the United Nations General Assembly through Resolution 60/251 on March 15, 2006, is the leading international forum for addressing and responding to human rights concerns. Comprising 47 member states elected for staggered three-year terms based on equitable geographic distribution, the Council is tasked with promoting and protecting human rights around the world. It meets at the Palais des Nations in Geneva and functions through regular and special sessions, often convened in response to urgent global issues.

The UNHRC holds a unique place within the international community: it is both a political and normative platform, functioning through a delicate interplay of state sovereignty, international law, and the evolving standards of global human rights. One of the Council's primary tools is the Universal Periodic Review (UPR), a mechanism that reviews the human rights records of all UN Member States every 4.5 years. It also mandates Special Procedures, comprising independent experts like Special Rapporteurs, who report and advise on thematic issues or country situations. These actors often provide the most granular documentation of human rights violations, particularly in conflict or counter-terrorism contexts.

Given its mandate, the UNHRC is an appropriate and critical forum to discuss how independent counter-terrorism operations, often carried out unilaterally by states, impact human rights domestically and internationally. As states seek to protect their populations from non-state armed groups, they sometimes adopt emergency measures—such as arbitrary detention, targeted killings, surveillance programs, and military interventions—that contravene international human rights and humanitarian norms.

The Council also interacts with other UN bodies such as the Office of the High Commissioner for Human Rights (OHCHR), the Human Rights Committee, and the UN Security Council's Counter-Terrorism Committee (CTC). While the Security Council often emphasizes state security, the UNHRC balances this focus with necessary attention to individual rights, offering a critical lens on whether anti-terrorism frameworks are misused to suppress political dissent, persecute minorities, or silence media.

By bringing together states from all regions and legal traditions, the UNHRC provides a space to develop a consensus on best practices, hold violators accountable, and promote the harmonization of counter-terrorism measures with international legal obligations. For this reason, delegates are urged to explore how the UNHRC can contribute not only to monitoring violations but also to shaping a global normative framework that safeguards both security and liberty.

The threat of terrorism, both domestic and transnational, has prompted states to develop a wide range of counter-terrorism strategies. These include military interventions, targeted operations, legal reforms, and surveillance technologies. However, when such operations are carried out independently, without international coordination or oversight, they often result in the erosion of human rights and the normalization of state impunity.

The agenda titled “Deliberating on the Impact of Independent Counter-Terrorism Operations on Human Rights” calls attention to the intersection of national security interests and international human rights obligations. It emphasizes the growing concern that, in the name of fighting terrorism, some states are using excessive force, emergency laws, and vague definitions of extremism to justify sweeping restrictions on civil liberties.

These operations typically involve:

- Surveillance and digital monitoring of citizens without due process.
- Arbitrary arrests and prolonged detention of individuals, often without charge.
- Use of military force in civilian areas, leading to high collateral damage.
- Profiling and targeting of ethnic and religious minorities.
- Suppression of dissent, particularly among political opponents, journalists, and human rights defenders.

Independent operations are most problematic when they occur without multilateral dialogue or regional consent, in violation of territorial sovereignty. A common example includes cross-border drone strikes, where states justify their actions as preventive counter-terrorism measures but fail to provide transparency or accountability.

Moreover, in regions such as South Asia, the Middle East, and North Africa, counter-terrorism has been used as a pretext for systemic repression. Authoritarian governments have passed broad counter-terror laws that criminalize peaceful assembly, restrict internet access, and shut down civil society organizations. These acts often go unchallenged in the international system because they are shielded by the “national security” narrative.

A central issue is the lack of uniformity in defining terrorism, which allows states to adopt definitions that suit political goals, resulting in the criminalization of minority ideologies or resistance movements. The absence of a comprehensive UN definition of terrorism has further complicated enforcement of consistent legal standards.

This agenda demands that delegates engage in a nuanced examination of:

1. How states define and operationalize counter-terrorism within their borders.
2. Whether such actions are proportionate, lawful, and non-discriminatory.
3. What safeguards exist—or must be created—to prevent abuses.
4. How the international community can create frameworks that prevent human rights violations under the guise of counter-terrorism.

In addition to political and legal considerations, the agenda has important ethical implications. Can states claim to be democratic and rights-respecting while engaging in secretive, often lethal operations that escape public and judicial scrutiny? Can counter-terrorism ever be “just” if it violates the very rights it seeks to defend?

Case Study: 2025 Pahalgam Attack (India)

On 22 April 2025, a well-coordinated terrorist ambush occurred in the Baisaran Meadows near Pahalgam, Jammu & Kashmir—an area known for its serene landscapes and as a pilgrimage waypoint on the Amarnath Yatra. The attack, perpetrated by gunmen suspected to belong to The Resistance Front (TRF)—an offshoot of Lashkar-e-Taiba—tragically killed 26 civilians, mostly tourists, and injured many others .

Modus Operandi & Context

Militants executed a cold-blooded strategy: they intercepted tourist vehicles, allegedly verifying passengers' religious identity, before opening fire at close range . They exploited the remote terrain to launch the assault swiftly and evade initial surveillance. Baisaran, despite being a route frequented by pilgrims, lacked perimeter security and proactive intelligence-patrol coordination .

This attack was the deadliest against civilians in Kashmir since the 2019 abolition of Article 370, ending Jammu & Kashmir's semi-autonomous status . It reignited debates over intelligence gaps and inadequate civilian safety even in designated tourist zones.

Immediate Response & Human Rights Concerns

In the aftermath:

- Mass detentions occurred: NIA obtained remand for two local suspects accused of providing shelter to militants, and hundreds were swept up during night raids. Detainees reported beatings, restricted legal access, and limited medical support .
- Media blackout & internet shutdowns: The region suffered communication blackouts spanning dozens of districts, curbing press freedom and public mobilization .
- Civil defence mock drills: Launched nationwide under Operation Abhyaas on 7 May, 2025, alerting all 244 districts, including Kashmir, to test readiness—but critics noted that militarizing tourist towns strained public mobility and cloaked dissent .

Diplomatic and Legal Repercussions

India swiftly executed a five-point retaliation:

1. Suspended the Indus Waters Treaty.
2. Closed Attari-Wagah border crossings.

3. Rescinded SAARC visa exemptions for Pakistanis.
4. Declared military advisors persona non grata.
5. Reduced high commission staff between India and Pakistan .

These actions signaled an aggressive diplomatic stance. Meanwhile, Pakistan closed its airspace to Indian carriers, formalizing a diplomatic and economic escalation .

Human Rights Implications

- Collective punishment: Deploying curfews, mass detentions, and border closures affected millions, with little evidence tying most citizens to the attack—raising grave Article 12-14 ICCPR concerns.
- Due Process Abuse: Many detainees were held without charge, denied lawyers, and subjected to paramilitary jurisdiction, bypassing civilian courts.
- Media Suppression: Blanket internet blackouts and restricted media access impinged on the right to information and freedom of expression (ICCPR Article 19).
- Tourism & Economic Harm: With tourism halted in 48 sites, Kashmiri livelihoods collapsed—an indirect human rights violation affecting economic and social rights.

Ongoing Fallout & International Reaction

- UN appeals for restraint echoed globally .
- Political figures in India, including Omar Abdullah and Rahul Gandhi, criticized policy lapses yet called for unity .
- In Pakistan, officials called for impartial investigations, and FATF condemned the funding of such attacks .
- Regional tensions peaked, leading to covert military response slates and heightened nuclear war fears .

Case Study: Operation Sindoor (India-Pakistan Conflict 2025)

On 7 May 2025, India launched Operation Sindoor, a military retaliation in response to the Pahalgam attack . The operation consisted of targeted strikes using:

- Rafale jets equipped with SCALP cruise missiles and AASM Hammer bombs.
- Israeli-built “Sky Striker” loitering munitions.
- Over 14 sorties conducted across Pakistan-administered Kashmir and Punjab, aimed solely at terrorist infrastructure; conventional military targets were reportedly avoided .

Scale & Nature

Lasting about 23 minutes, the strikes hit suspected training camps, weapon stores, and logistical nodes associated with LeT and TRF . Reports indicate India maintained precision to minimize civilian harm and avoid escalation.

Regional & Legal Fallout

- Pakistani airspace closures followed, disrupting Indian flights for 48 hours .
- Pakistani forces responded with artillery strikes at Poonch, J&K, causing civilian casualties and infrastructure damage before a 10 May ceasefire was declared .

Human Rights & Legal Analysis

- Under the UN Charter, self-defense is permissible if actions are necessary and proportionate. India framed Sindoor as limited, surgical, and aimed at avoiding full-scale war .
- Despite claims of precision, artillery exchanges in Poonch caused civilian deaths, raising discrimination and proportionality concerns under IHL.
- Transparency gaps: Lack of post-strike assessment and civilian harm verification diminished accountability.

Broader Consequences

- Led to a rare armed confrontation between two nuclear adversaries.

- Regional Indian neighbors (e.g., Bangladesh) reassessed security, with Bangladesh sending delegations to the UK for air-defence upgrades .
 - Globally, analysts warned the latent risk of nuclear escalation threatened regional stability and civilian safety .
-

Case Study: U.S. Drone Warfare in the “War on Terror”

Since 2004, the U.S. has employed drone strikes in nations like Pakistan, Yemen, Somalia, and elsewhere. While technologically advanced, the policy has drawn extensive scrutiny.

- Civilian casualties: Independent investigations (e.g., by UN Special Rapporteurs) show hundreds of casualties, including children, due to limited battlefield intelligence.
- Sovereignty violations: Many strikes occur without host-state consent, raising questions under international law.
- Lack of transparency: Classified targeting protocols, no post-strike public investigation, and no reparations mechanism for victims.

Licensing drone warfare as "surgical" or "counter-terrorist" often masks the asymmetry in accountability—victims lack judicial recourse while operators are shielded under domestic legal frameworks.

Case Study: The War on Terror and the Second Gulf War (Iraq, 2003)

Background and Prelude to Invasion

In the aftermath of the September 11, 2001 terrorist attacks, the United States launched its Global War on Terror (GWOT), targeting both state and non-state actors suspected of harboring or supporting terrorism. While initial operations focused on Afghanistan and the dismantling of al-Qaeda, attention soon shifted to Iraq, under the leadership of Saddam Hussein.

The Bush administration accused the Iraqi government of:

- Possessing weapons of mass destruction (WMDs).
- Supporting terrorist organizations, including alleged links to al-Qaeda.
- Violating United Nations Security Council (UNSC) resolutions post-Gulf War I.

Despite the lack of conclusive evidence, the United States, alongside the United Kingdom and other coalition partners, launched a military invasion of Iraq on 20 March 2003, bypassing a UN mandate authorizing the use of force. This unilateral action came despite the fact that UN weapons inspectors, led by Hans Blix and Mohamed ElBaradei, were still in Iraq and had not found evidence of active WMD programs.

The invasion marked the beginning of the Second Gulf War, a highly controversial conflict that would reshape global discourse around the legality of preemptive war and the human cost of independent counter-terrorism action.

Key Events and Military Operations

The military campaign, known as Operation Iraqi Freedom, involved:

- Extensive aerial bombardment of Baghdad and other urban centers (the "Shock and Awe" campaign).
- Rapid ground offensives leading to the collapse of the Ba'athist regime within weeks.
- The capture of Saddam Hussein in December 2003.

However, the post-invasion phase—marked by:

- Widespread looting,
- Collapse of public services,
- Disbanding of the Iraqi army and civil bureaucracy, led to a power vacuum that fueled a deadly insurgency and sectarian conflict.

The rise of ISIS, ethnic cleansing, and civilian militias directly stemmed from the chaos of post-invasion Iraq, demonstrating the long-term blowback of a counter-terrorism operation that lacked post-conflict planning.

Human Rights Violations

The Iraq War offers one of the most significant examples of how independent counter-terrorism interventions can cause systemic and sustained human rights abuses.

1. Civilian Casualties and Infrastructure Destruction

- By conservative estimates, over 200,000 civilians were killed directly due to violence, with millions more displaced.
- Civilian infrastructure—hospitals, water plants, power grids, schools—was bombed either mistakenly or to force compliance.
- Widespread collateral damage was often dismissed under the rubric of “military necessity,” contradicting International Humanitarian Law (IHL) principles of distinction and proportionality.

2. Torture and Detainee Abuse

The most infamous example was the Abu Ghraib Prison scandal (2004), where:

- Photographs revealed U.S. personnel torturing, sexually humiliating, and beating detainees.
- Many detainees were never formally charged, held under indefinite administrative detention.
- The International Committee of the Red Cross (ICRC) and Human Rights Watch condemned the U.S. for violating the Geneva Conventions.

Further reports emerged of detainees being:

- Rendered to black sites across the globe,
- Subjected to waterboarding, sleep deprivation, and stress positions.

These actions violated:

- The UN Convention Against Torture (CAT),
- Article 7 and 9 of the ICCPR (prohibition against torture and arbitrary detention),

- And customary international law obligations.

3. Targeted Killings and Use of Private Military Contractors

- The U.S. military and private security firms (notably Blackwater) were involved in extrajudicial killings.
- In the 2007 Nisour Square massacre, Blackwater contractors opened fire on Iraqi civilians, killing 17 and injuring dozens.
- These actions were often shielded from accountability, due to vague rules of engagement and legal grey areas.

Legal Controversies and International Criticism

The 2003 invasion lacked explicit UNSC authorization, making it widely regarded as a violation of the UN Charter (Article 2(4)), which prohibits the use of force except in self-defense or with Security Council approval.

Key legal and political criticisms included:

- Kofi Annan, UN Secretary-General, declared the invasion “illegal” in 2004.
- International jurists and scholars decried the war as a precedent for preemptive self-defense based on uncertain intelligence—undermining global legal order.
- The Chilcot Inquiry (UK, 2016) confirmed that:
 - Intelligence on WMDs was “presented with a certainty that was not justified.”
 - Peaceful options had not been exhausted.
 - Post-war planning was “wholly inadequate.”

Additionally, the failure to hold key leaders accountable reinforced a culture of impunity for powerful states engaging in unilateral counter-terrorism operations.

Impact on Human Rights in Iraq and Beyond

Domestic Fallout in Iraq

- The Iraqi state was fragmented, unable to provide security or services.
- Sectarianism surged as Shi'a, Sunni, and Kurdish groups vied for control.
- Human rights abuses by both insurgents and government-backed militias became endemic.

International Precedent

- The Iraq War normalized the idea that counter-terrorism justifies regime change, eroding state sovereignty norms.
- Other states—Russia in Chechnya, China in Xinjiang, Egypt under Sisi—began framing internal repression as counter-terrorism, often invoking the Iraq model.
- U.S. credibility as a defender of human rights was significantly damaged.

Relevant Legal Frameworks: Conventions, Resolutions, Bodies, and Peacekeeping Missions in the Fight Against Terrorism and the Protection of Human Rights

Terrorism presents a unique challenge to the international legal system because it straddles the realms of criminal law, international humanitarian law, and human rights law. In response to this complex threat, the United Nations and its Member States have adopted a wide array of conventions, treaties, legal norms, and institutional mechanisms. However, while the legal machinery to counter terrorism is vast, ensuring that it operates in compliance with human rights standards remains an evolving challenge.

Below is an in-depth examination of the most critical legal frameworks and mechanisms relevant to the agenda “Deliberating on the Impact of Independent Counter-Terrorism Operations on Human Rights.”

I. International Conventions and Treaties

1. International Covenant on Civil and Political Rights (ICCPR, 1966)

The ICCPR guarantees fundamental civil liberties such as:

- The right to life (Article 6),
- Freedom from torture (Article 7),
- Right to liberty and security (Article 9),
- Right to a fair trial (Article 14),
- Freedom of expression, religion, and assembly.

Many of these rights are non-derogable, even during states of emergency. Yet, independent counter-terrorism operations—especially involving secret detentions, extraordinary renditions, and military tribunals—often violate these rights.

Importance: The ICCPR is a cornerstone document for evaluating whether a counter-terrorism operation violates human rights. It is monitored by the Human Rights Committee, which issues General Comments and adjudicates individual complaints.

2. Convention Against Torture (CAT, 1984)

CAT explicitly prohibits torture and cruel, inhuman, or degrading treatment under all circumstances, including war and counter-terrorism.

Importance: Many detainees in counter-terrorism operations report being subjected to torture during interrogations. CAT offers a legal yardstick for evaluating such practices and calls on states to investigate and punish perpetrators.

Key Mechanism: The Committee Against Torture reviews periodic reports from state parties and has issued critical findings on states like the U.S., Pakistan, Egypt, and Israel regarding detention practices.

3. Geneva Conventions (Especially Common Article 3, 1949)

Applicable during non-international armed conflicts, Common Article 3 sets the minimum standards for humane treatment of individuals not taking active part in hostilities, including detained fighters or suspected terrorists.

Importance: While traditionally applied to state conflicts, these provisions are now often invoked in counter-terrorism contexts. They prohibit summary executions, torture, and collective punishment.

4. 13 Sectoral UN Conventions on Terrorism

These treaties cover specific manifestations of terrorism, such as:

- The 1997 International Convention for the Suppression of Terrorist Bombings
- The 1999 Convention for the Suppression of the Financing of Terrorism
- The 2005 International Convention for the Suppression of Acts of Nuclear Terrorism

Importance: These instruments provide juridical mechanisms to criminalize terrorism-related acts and promote cross-border cooperation, but they often lack provisions mandating human rights compliance during enforcement.

II. UN General Assembly and Security Council Resolutions

1. UN Global Counter-Terrorism Strategy (A/RES/60/288, 2006)

This is the first comprehensive framework adopted by all Member States, reaffirming that “measures to combat terrorism must comply with international law, including human rights law.”

The strategy is built on four pillars:

1. Addressing the conditions conducive to terrorism.
2. Preventing and combating terrorism.
3. Building states’ capacity and strengthening the UN’s role.
4. Ensuring respect for human rights and the rule of law.

Importance: Though non-binding, it forms the normative backbone for all UN counter-terrorism work. It underscores the dual goals of security and rights protection.

2. UNSC Resolution 1373 (2001)

Adopted post-9/11 under Chapter VII of the UN Charter, this resolution:

- Obliges all states to criminalize terrorism financing,
- Freeze assets of terrorists,
- Deny safe havens to those involved in terrorism.

Importance: While groundbreaking for mandating anti-terrorism legislation, it does not define terrorism and contains no reference to human rights, making it susceptible to misuse by authoritarian regimes to justify repression.

3. UNSC Resolution 1624 (2005)

This resolution specifically addresses incitement to terrorism, while calling on states to respect freedom of expression and religion.

Importance: It attempts to balance counter-extremism with human rights, particularly in contexts of online speech and religious profiling.

4. HRC Resolution 37/27 (2018): Human Rights and Terrorism

Passed by the Human Rights Council, it calls for states to:

- Refrain from using counter-terrorism laws to target civil society or dissent.
- Ensure judicial oversight, transparency, and redress mechanisms.

Importance: It offers the most direct UN-level endorsement of placing human rights at the center of counter-terrorism strategies.

III. UN Bodies and Special Mechanisms

1. United Nations Office of Counter-Terrorism (UNOCT, 2017)

UNOCT is tasked with:

- Coordinating global counter-terrorism capacity-building.
- Promoting rights-based counter-terrorism strategies.
- Engaging with civil society.

Importance: UNOCT is the principal body for ensuring that counter-terrorism efforts align with the UN Global Counter-Terrorism Strategy. However, its lack of enforcement authority limits its power to intervene in abuses.

2. Counter-Terrorism Committee (CTC) and the Executive Directorate (CTED)

Created by Resolution 1373, the CTC monitors state implementation of counter-terrorism laws. The CTED provides legal and technical expertise.

Importance: These bodies evaluate national counter-terrorism laws, but historically have focused more on security compliance than human rights.

3. Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism

Established by the UNHRC in 2005, the Special Rapporteur has:

- Investigated and reported on detention, torture, surveillance, and drone warfare.
- Conducted country visits to evaluate national frameworks.
- Issued annual thematic reports on legal standards and abuses.

Importance: This is arguably the most critical UN mechanism for placing a human rights lens on counter-terrorism. The Rapporteur's recommendations have influenced reforms in over a dozen countries.

IV. Peacekeeping Missions with Counter-Terrorism Mandates

Although UN peacekeeping operations traditionally avoid counter-terrorism, some missions indirectly support counter-terrorism goals through capacity building and civilian protection.

1. MINUSMA (Mali)

- Supports the Malian government in stabilizing regions affected by Islamist insurgents.
- Has struggled to maintain human rights compliance due to the volatile environment.

2. MONUSCO (DRC)

- Protects civilians from armed groups, including those designated as terrorist entities.
- Incorporates human rights officers to monitor and report on abuses.

Importance: These missions highlight the UN's dilemma: how to assist in stabilizing conflict zones without directly engaging in state-led counter-terrorism activities that might involve rights violations.

V. Regional and International Cooperation Agreements

1. Financial Action Task Force (FATF)

An inter-governmental body that sets standards to combat money laundering and terrorist financing.

Importance: While not a UN body, FATF plays a key role in pressuring countries to tighten legal frameworks. However, countries have used FATF “greylisting” as a tool for political retaliation.

2. GCTF (Global Counter-Terrorism Forum)

An informal international platform aimed at enhancing counter-terrorism coordination and best practices, including rights-based approaches.

Questions a Resolution Must Answer

1. How can states balance national security interests with their human rights obligations under international law during counter-terrorism operations?
 2. What mechanisms can be created or strengthened to ensure accountability and transparency in independent counter-terrorism actions?
 3. To what extent should international bodies, including the UNHRC, be allowed to investigate or intervene in state-level counter-terrorism measures?
 4. How can member states address the disproportionate impact of counter-terrorism laws and operations on specific communities, including ethnic and religious minorities?
 5. Should new global standards or frameworks be introduced to regulate surveillance, detention, and use of force in counter-terrorism efforts?
 6. What role can international judicial institutions and special rapporteurs play in monitoring human rights violations linked to these operations?
-