Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will after a time, give way to its dictates. The violent destruction of life and property incident to war, the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty to resort for repose and security to institutions which have a tendency to destroy their civil and political rights. To be more safe, they at length become willing to run the risk of being less free.

Alexander Hamilton

Terrorism seems to be the single worst intruder into 21st century mankind’s enjoyment of human rights and fundamental freedoms. It could very well also be considered the most notorious saboteur of the foundations of modern human rights law. This study aimed at offering some insights into these issues. In this final section, the author wraps up some answers with the hope that you, the reader, will acknowledge as a humble achievement this small step, worked out with thought and hard labor, and will consider it good enough as it can fairly be expected of one effort, and will pardon what is left for you and others to accomplish.

There is no doubt that terrorism is an old phenomenon, but one that, after September 11, has secured the spotlight of the international community’s center stage. As discussed above, there are at least sixteen conventions related to the prevention and suppression of terrorism, most of them with different subject matters, but still headed in the same direction. This is telling the story that the world community has been dealing with this issue for quite some time. There is also the slow and sometimes

*Salus populi suprema lex*

*Cicero, De Legibus*, Book III, Part III, Sub. VIII, liberally translated as: “The welfare of the people shall be the supreme law.”

1 The Federalist (Jacob E. Cooke ed., 1961) No. 8, at 45.

2 Adopted from a statement of Aristotle: “Mine is the first step and therefore a small one, though worked out with much thought and hard labor. You, my readers, or hearers of my lectures, if you think I have done as much as can fairly be expected of an initial start…will acknowledge what I have achieved and will pardon what I have left for others to accomplish.” Cf. Roza Pati, The Miami Declaration of Principles on Human Trafficking: Its Genesis and Purpose, 1 Intercultural Hum. Rts. L. Rev. 5, 9 (2006).
stalling process of the UN Ad Hoc Committee on a comprehensive convention on terrorism. However, the modalities that are being worked out on issues like the definition of terrorism, extradition, the transfer of criminal proceedings and prisoners, the seizure and forfeiture of assets, the recognition of foreign penal judgments, mutual assistance etc., in a “piece-meal subject-matter approach,” as Professor Bassiouni calls it, would not solve the issue of proper prosecution of the crime of terrorism, if there were no clarity as to the process due the accused of such acts, in the new light of the unique circumstances of the 21st century phenomenon of international terrorism.

While working to combat global terrorism, the newly opened massive front of prosecution of acts committed in its pursuit is what needs to receive particular attention. For starters, it might be appropriate to seek to define “international terrorism” and not merely “terrorism,” to define the “due process” owed terrorist suspects, and

3 The Ad Hoc Committee established by General Assembly Resolution 51/210, December 17, 1996, is still in its process of negotiating to try to achieve a compromise solution on the text of a draft comprehensive counter-terrorism convention. In its February 25-26 and March 6, 2008 session, the Ad Hoc Committee recommended to the Sixth Committee that a working group be established in order to finalize the draft convention on international terrorism, as well as planning on convening a high-level conference under the auspices of the United Nations. As it has come to be seen, states find it difficult to agree on a text that would produce binding and comprehensive counter-terrorism law; they find it much easier to adopt without a vote resolutions that address the same issue. Consequently, some scholars would argue that maybe it is more imperative to “enhance compliance with existing ‘sectoral’ treaties” than coming up with a new treaty. See Andrea Gioia, The UN Conventions on the Prevention and Suppression of International Terrorism, in INTERNATIONAL COOPERATION IN COUNTER-TERRORISM: THE UNITED NATIONS AND REGIONAL ORGANIZATIONS IN THE FIGHT AGAINST TERRORISM 3, 21 (Giuseppe Nesi ed., 2006).


5 Many a time, international fora offer more than one option for prosecuting a case under the same set of facts. See Yuval Shany, THE COMPETING JURISDICTIONS OF INTERNATIONAL COURTS AND TRIBUNALS (2003).

6 It is not enough to be guided by the simplistic understanding of such a conduct as merely “prohibited by an international convention,” as Professor Bassiouni defines it. BASSIOUNI, supra note 5, at 8.

7 Some scholars take the stand that defining “terrorism” is not only be a “politically unfeasible undertaking,” but also be a pointless effort. See BASSIOUNI, at 8, also quoting R.R. Baxter, A Sceptical Look at the Concept of Terrorism, 7 Akron L.J. 380 (1974); and M.