



Keystone Model United Nations

*Rebuilding Trust in
A Fragmented world*

Committee III: SOCHUM— Ethical Implications of Measures in Counterterrorism from Post 9/11 to Present Day

Chair: Rachel Lin (Class of 2027)

PROBLEM STATEMENT

After the attacks that happened on September 11, 2001 in the United States, nations across the globe have intensified their focus on counterterrorism. Resulting policies include the USA PATRIOT Act, mass surveillance programs, drone strikes, and indefinite detention. Currently, there is a large range of counterterrorism measures including physical and digital surveillance, terrorist lists and sanctions, targeted killings, and enhanced interrogation techniques. However, these measures have raised serious ethical concerns regarding human rights and privacy; Many disproportionately impact the marginalized, restrict civil liberties, and undermine human rights, including the right to privacy, fair due process, and freedom from torture. In the Middle East, North Africa, and South Asia, drone warfare and military interventions have caused civilian casualties and worsened radicalization. Even more so, counterterrorism operations often lack transparency and accountability, resulting in far too many cases of abuse of power and violations of international law. As terrorism prevails, the international community must ensure that security does not come at the expense of fundamental human rights. SOCHUM addresses how the international community can balance the legitimate need of counterterrorism measures for national security with the fundamental and inalienable rights of all human beings.

In this committee, delegates will research and argue the extent to which governments should be able to monitor and control the digital platform, the appropriate range of these measures before they begin to encroach upon human rights, whether these practices are justified measures for national and international security or break international humanitarian law, and the accountability of governments for their past and present actions.

INTRODUCTION TO THE COMMITTEE

The Social, Humanitarian, and Cultural Committee (SOCHUM) is the Third Committee of the United Nations General Assembly (United Nations). SOCHUM discusses a range of social, humanitarian affairs and human rights issues, including the rights of children, women, refugees, and the disabled, as well as other issues relevant to the prevention of crimes, drug control, and the elimination of racism and racial discrimination, affecting people all over the world. SOCHUM works closely with bodies such as the Office of the High Commissioner for Human Rights (OHCHR) and the Human Rights Council to examine relevant topics and situations and draft resolutions that reflect the international community's stance on human rights issues. Finally, the committee discusses and addresses ongoing humanitarian crises, such as forced displacement, internally displaced persons, and refugee crises, including challenges in providing assistance and shelter, ensuring the safety of humanitarian aid pathways, and seeking lasting solutions. SOCHUM lacks direct authority to enforce international law and ensure the nations will take measures or follow through on promises made. Nevertheless, the committee has the ability to set agreed-upon international standards and recommend actions.

RESEARCH ON IMPORTANT CONCEPTS

Enhanced Interrogation Techniques

- Interrogation methods employed by the Central Intelligence Agency (CIA) and Defense Intelligence Agency (DIA) after 9/11 on suspected terrorists for the goal of extracting information. These techniques—include waterboarding, stress positions, sleep deprivation, and sensory isolation—are deemed to be torture or cruel and inhumane, and thereby prohibited under both US and international law (View: The Geneva Conventions and the UN Convention Against Torture).

Proportionality: Measure to Threat

- Proportionality, when in any situation, setting any policies, needs to be examined thoroughly and evaluated clearly. In this context, it means determining the extent that the measures can go to be relative—proportional—to the security threat.

Due Process and Fair Trial

- Due Process is a course of formal legal proceedings that must occur in order for an individual to be charged with deprivation of life, liberty, or property. The US

Constitution's Fourteenth Amendment ensures every individual with the right of Due Process and the Sixth Amendment, the right to a Fair Trial.

HISTORY & TIMELINE OF TOPIC

The Immediate Reaction following 9/11 were the USA PATRIOT Act (2001) and Guantánamo Bay Detention Camp. The USA PATRIOT Act (2001) allowed “internet service providers to disclose customer records voluntarily to the government in emergencies involving an immediate risk of death or serious physical injury and permits victims of hacking crimes to request law enforcement assistance in monitoring trespassers on their computers” (*USA PATRIOT Act*), opening the discussion of balancing national security and privacy concerns. The Guantánamo Bay Detention Camp is a United States military prison within Naval Station Guantanamo Bay that holds terrorist suspects and illegal enemy combatants (Amnesty International UK). Today, it is seen as a symbol of torture, rendition and indefinite detention without charge or trial.

In the Mid-2000s to Early 2010, the US launched a military led campaign, called the *Global War of Terror (GWOT)*, with the purpose of seeking out and stopping terrorists worldwide in response to 9/11. During this time, the US increased drone strikes in multiple countries, including Pakistan, Yemen, Somalia, Afghanistan, and Iraq, targeting potential terrorist suspects but ultimately resulting in significant civilian casualties (Human Rights Council). This led to legal arguments on whether drone warfare violates human rights and the extent of counterterrorism strategies.

In the 2010s, problems of mass surveillance, racial religious discrimination, and humanitarian-aid repercussions arose. Programs with extensive governmental surveillance enlightened global privacy debates. The infamous PRISM Program (2013) allowed NSA, the world's largest surveillance organisation, to obtain targeted communications without having to request for permission (Greenwald and MacAskill). Additionally, Israel implemented strict security measures in Gaza which disproportionately affected the Arab Palestinian population under the justification of counterterrorism. Those measures worsened racial and religious

segregation while being framed as national security efforts, giving rise to debates on accountability and proportionality. Furthermore, sanctions implemented for counterterrorism froze bank transactions critical for aid delivery in Syria and Yemen, worsening the Yemen Crisis (Goderis and Versteeg).

From roughly 2014 to 2022, the rise of ISIS (The Islamic State of Iraq and Syria), a terrorist organization, renewed military intervention, extended security measurements, and increased surveillance and border control. The UN and other international bodies emphasize the need to uphold human rights while carrying out counterterrorism measurements. Some countries revised counterterrorism laws to better align with human rights, but challenges persist.

From 2021 to the present day, countries, including the US, reassessed counterterrorism measures and shifted the focus to domestic threats, reducing reliance on measures like drone strikes. Debates surrounding accountability aroused, focused on whether to hold governments accountable for past actions in counterterrorism efforts. The use of artificial intelligence (AI), technologies, and analytical databases as counterterrorism measures raised ethical questions about bias, transparency and oversight. There appeared to be bias in flagging: Algorithms to help locate potential terrorist risks in Europe and the US disproportionately flag Muslim communities.

PAST ACTIONS AND ORGANIZATIONS INVOLVED

- **UN Security Council Resolution 1373 (2001):** This resolution was adopted right after 9/11, mandating states to criminalize terrorism financing, increase intelligence sharing, and deny safe haven to terrorists. However, the resolution did not explicitly address any human rights protections, such as the right to a fair trial and due process, the right to privacy, and freedom from arbitrary detention. Ethical concerns were raised as there was no set limit or extend on governments' counterterrorism powers to prevent unethical use and abuse of such power.
- **UN Security Council's Counter-Terrorism Committee (CTC) and Counter-Terrorism Executive Directorate (CTED):** When the Security Council adopted

UNSCR 1373, the CTC was formed where all fifteen sitting council members were represented to monitor states' implementation of the resolution (*Security Council - Counter-Terrorism Committee (CTC) | Counter-Terrorism Committee Executive Directorate (CTED)*). The CTED was established to assist the CTC in carrying out formulated policy decisions and conducting expert assessments of the United Nations Member States.

- **UN Counter-Terrorism Strategy (2006):** This is a comprehensive framework of a guide for international cooperation created to combat terrorism built upon four pillars:
 1. “Measures to address the conditions conducive to the spread of terrorism.
 2. Measures to prevent and combat terrorism.
 3. Measures to build States’ capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard.
 4. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.”

The strategy is reviewed usually every two years, where member states’ can renew their commitment to preventing and countering terrorism, especially on emerging threats (“United Nations Global Counter-Terrorism Strategy”).

- **Special Rapporteur on Counter-terrorism (2005):** The Special Rapporteur was established in 2005 with the mandate to monitor whether nations are complying with international agreements and if their counter-terrorism measures are justified, investigate into cases of human right violations, offer expert advice on potential change and action, and submit reports to the UN (which then are publicized) (“Special Rapporteur on Counter-terrorism and Human Rights”).
- **Office of the High Commissioner for Human Rights (OHCHR) Reports:** These OHCHR Reports verifies evidence given from authorities, NGOs, victims, journalists, other UN agencies, and more, on human right violations, and then publish their findings, which are often the first official documentation of those committed violations. Those documents are then used by agencies with condemning or enforcing power, including the International Criminal Court (ICC) and Security Council and

General Assembly debates (“Reports - OHCHR and Business and Human Rights”) (“Reports of the Secretary-General and High Commissioner for Human Rights”).

- **North Atlantic Treaty Organization (NATO):** After the September 11 attacks, NATO invoked Article 5 of the Washington Treaty for the first time in history, declaring the attacks on the United States as an attack on all member states (*International Community Responds | National September 11 Memorial and Museum*).
- **European Union (EU):** On September 20th 2016, the EU established a legal framework of measures against all that is in the ‘EU terrorist list’, including ISIL/Da'esh and Al-Qaeda and any entity—group or individual—associated with them, in which they could have supplied, sold, or transferred military material to, recruited for, and incited violent actions of those two organizations. EU sanctions established against ISIL/Da'esh and Al-Qaeda are a travel ban, a freeze on assets, and prohibition on funding or providing economic resources to all those listed. The EU also targets those who support ISIL/Da'esh and Al-Qaeda with material physical resources/capital (“Sanctions against terrorism”).
- **Amnesty International (NGO):** This NGO investigates cases of human rights abuses in counter-terrorism contexts (drone strikes, detention, religious discrimination), then publishes reports on them, with the goal of accountability in mind. Additionally, there is an online database which has many documents on terrorism.
- **Human Rights Watch (NGO):** This NGO investigates and reports on cases of human right abuses, conducting regular systematic investigations and extensive research of media reports, international law, domestic legislation, academic reports, policy papers, and more, in hopes to aid the most vulnerable community. They also conduct interviews to multiply sides to gain all perspectives as part of their research. The purpose of these investigations and reports is to prove the existence and extent of human right abuses (“About Our Research”) (*Search Results | Human Rights Watch*).
- **Privacy International (NGO):** This NGO advocates against the use of and abuse coming from mass surveillance by governments and corporations, speaking on how mass surveillance programs like PRISM violate fundamental rights of privacy rights and freedom. They have case studies with statistical evidence and advocate for legal frameworks that align with human rights.

POSSIBLE SOLUTIONS

- Develop an UN Ethical Code of Conduct in Counterterrorism that aligns with the Universal Declaration of Human Rights (UDHR).
- Targeted sanctions at specific countries, organizations, businesses, or individuals who refuse to cooperate with established guidelines to limit causation to unintended consequences, such as civilian harm.
- Implement judicial safeguards, such as fair trial and lawyer accessibility, in order to protect the human rights of suspects of terrorism and prevent sentencing and harm to potentially innocent entities.
- Formulate guidelines for ethical use of technology, including those of AI and databases for both private and public sectors.
- Create independent bodies to oversee surveillance programs. These bodies can perform regular inspections in order to ensure data isn't being collected and used unethically. A separate determining council can be established alongside for any cases of unethical behavior these independent bodies found.
- Set up independent bodies to monitor whether countries are not utilizing terrorism as a justification to benefit their means nor discriminating against different groups. A separate determining council can be established alongside for any cases of unethical behavior these independent bodies found.
- Advocate for international cooperation between member states to work together, provide each other with mutual support, and share resources and data and work together to combat terrorism and encourage the implementation of data protection laws.

BLOCS

United States, Canada: These nations stress the importance of upholding human rights while countering terrorism. They will advocate for transparency, accountability, adherence to international law.

Russia, China, Iran: These nations stress the importance of state sovereignty and strongly believe that national security should be prioritized over individual rights.

Nigeria, Kenya, Pakistan: These nations are currently facing direct threats from terrorist groups. They will seek international support to enhance internal counterterrorism abilities.

Sweden, Norway, Switzerland: These nations are neutral states that acknowledge the importance of human rights and ethical considerations in counterterrorism. They will advocate for measures that do not violate human rights and ethics.

Indonesia, Malaysia, Egypt: These nations stress the importance of and need to distinguish between legitimate resistance movements and terrorism as they believe there is a fundamental difference between the two.

WORK CITED

“About Our Research.” *Human Rights Watch*, 12 Nov. 2021, www.hrw.org/about/about-us/about-our-research.

Amnesty International UK. “Guantánamo Bay: Decades of Injustice.” *Amnesty International UK*, 26 Jan. 2026, www.amnesty.org.uk/guantanamo-bay-human-rights.

Goderis, Benedikt, and Mila Versteeg. “Human Rights Violations After 9/11 and the Role of Constitutional Constraints.” *The Journal of Legal Studies*, vol. 41, no. 1, Jan. 2012, pp. 131–64. <https://doi.org/10.1086/663766>.

Greenwald, Glenn, and Ewen MacAskill. “NSA Prism Program Taps in to User Data of Apple, Google and Others.” *The Guardian*, 29 Dec. 2017, www.theguardian.com/world/2013/jun/06/us-tech-giants-nsa-data.

Human Rights Council. *Extrajudicial, Summary or Arbitrary Executions - Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*. A/HRC/44/38, United

Nations Human Rights Council, 29 June 2020, www.statewatch.org/media/1216/un-sr-extrajudicial-kilings-drones-report-29-6-20.pdf.

“Reports of the Secretary-General and High Commissioner for Human Rights.” *OHCHR*,
www.ohchr.org/en/reports-secretary-general-and-high-commissioner-human-rights.

“Sanctions against terrorism.” *European Council*,
www.consilium.europa.eu/en/policies/sanctions-against-terrorism.

Search Results | Human Rights Watch. www.hrw.org/sitesearch?search=terrorism.

Security Council - Counter-Terrorism Committee (CTC) | Counter-Terrorism Committee Executive Directorate (CTED). www.un.org/securitycouncil/ctc.

---. www.un.org/securitycouncil/ctc.

“Special Rapporteur on Counter-terrorism and Human Rights.” *OHCHR*,
www.ohchr.org/en/special-procedures/sr-terrorism.

United Nations. *UN General Assembly - Third Committee - Social, Humanitarian and Cultural*.
www.un.org/en/ga/third/68/index.shtml.

“United Nations Global Counter-Terrorism Strategy.” *Office of Counter-Terrorism*,
www.un.org/counterterrorism/un-global-counter-terrorism-strategy.

USA PATRIOT Act. 16 Oct. 2007, georgewbush-whitehouse.archives.gov/infocus/patriotact.