

## **Human rights and the fight against terrorism. European Court of Human Rights in the 21<sup>st</sup> century**

### **SUMMARY**

On September 11th, 2001, the biggest terrorist attack so far was carried out, which consisted of a series of four coordinated attacks using hijacked passenger planes on the territory of the United States. The attacks were carried out by the terrorist group al-Qaeda led by Saudi Osama bin Laden. The total of 2,973 people were killed in the terrorist attacks and 26 were declared missing. Since then, the recent war on international terrorism has begun, in particular Islamic terrorism which led to the destruction of 50-year-old history of the fight for human rights protection. After the attacks on the World Trade Center and Pentagon, Central Intelligence Agency and military intelligence were ordered to train a new generation of investigators whose job was to obtain the most important information from the members of the terrorist organizations captured in the Middle East who, because of the ideology, religion or politics, would not have testified under the use of the techniques applied previously. Therefore, CIA set up the high-value detainees program that allowed for using the so-called enhanced interrogation techniques, i.e. torture. During these few years the European allies of the United States, such as Poland, Lithuania and Romania, being the members of the Council of Europe and the signatories of the Convention, participated in this procedure. The consequences of the above were the cases brought before the European Court of Human Rights by Zayn Al-Abidin Muhammad Husayn (aka Abu Zubaydah) and Abd Al Rahim Hussayn Muhammad Al Nashiri. The judgment thereto constitutes a summary of operations of both American and European intelligence services between 2001 and 2011. In the article, the author recalls the recent history of the so-called war with Islamic terror, summarizes its consequences and cites the theses of the European Court of Human Rights from the above-mentioned judgment regarding the cases of Al Nashiri and Abu Zubaydah, while trying to find the answer to the question on how to fight terrorism in the 21st century without violating human rights.

**KEYWORDS:** human rights, terrorism, the European Court of Human Rights, prohibition of torture