

# Press Release

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## At the Council of Europe: The role of judges in protecting the rule of law and human rights in the context of terrorism

Strasbourg, 10.11.2006 – The Consultative Council of European Judges (CCJE), a Council of Europe advisory body, has just adopted an opinion on the role of judges in protecting the rule of law and human rights in the context of terrorism.

The main points of the opinion are as follows:

- While terrorism creates a special situation justifying temporary and specific measures which limit certain rights because of the exceptional danger it poses, these measures must be determined by the law, be necessary and be proportionate to the aims of a democratic society.
- Terrorism cases should not be referred to special courts or heard under conditions which infringe individuals' right to a fair trial.
- The courts should, at all stages of investigations, ensure that restrictions of individual rights are limited to those strictly necessary for the protection of the interests of society, reject evidence obtained under torture or through inhuman or degrading treatment and be able to refuse other evidence obtained illegally.
- Detention measures must be provided for by law and be subject to judicial supervision, and judges should declare unlawful any detention measures that are secret, unlimited in duration or do not involve appearance before a court established according to the law, and make sure that those detained are not subjected to torture or other inhuman or degrading treatment.
- Judges must also ensure that a balance is struck between the need to protect the witnesses and victims of acts of terrorism and the rights of those charged with the relevant offences.
- While states may take administrative measures to prevent acts of terrorism, a balance must be struck between the obligation to protect people against terrorist acts and the obligation to safeguard human rights, in particular through effective access to judicial review of the administrative measures.

### Note to editors

The opinion was drawn up in response to a request by the Third Summit of Heads of State and Government inviting European states to ensure the effective protection of human rights while intensifying efforts to combat terrorism.

The Consultative Council of European Judges (CCJE) is an advisory body of the Council of Europe on issues related to the independence, impartiality and competence of judges.

More information available at [www.coe.int/ccje](http://www.coe.int/ccje)

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