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**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**36th meeting
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**FIGHT AGAINST TERRORISM – INFORMATION ABOUT WORK
UNDERTAKEN IN THE COUNCIL OF EUROPE AND OTHER INTERNATIONAL BODIES**

Document prepared by the Secretariat of the CAHDI

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PART I: INFORMATION ABOUT WORK UNDERTAKEN IN THE COUNCIL OF EUROPE**1. Background information on the work of the Committee on Legal Affairs and Human Rights as regards terrorism and human rights issues****AS/Jur/Crime (2008) 02**

21 February 2008

ajcrimedoc02 2008

**Sub-Committee on Crime Problems and the Fight against Terrorism
*Committee on Legal Affairs and Human Rights*****Background information on the work of the Committee on Legal Affairs and Human Rights as regards terrorism and human rights issues****Document¹**

prepared by the Secretariat

Outline

- I. The Marty reports: Secret detentions and illegal transfers involving Council of Europe member states
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- IV. The United States of America and international law
- V. Respect for human rights in the fight against terrorism

¹ This document is published on PACE extranet website (restricted area for PACE Members) when it becomes available: <http://assembly.coe.int/extranet>. PACE IT Unit staff (it.unit@coe.int) remains at your disposal for any technical assistance.

I. The Marty reports: Secret detentions and illegal transfers involving Council of Europe member states

A. Summary of 2006 Marty report: Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states (Doc. 10957)

An analysis of the CIA “rendition” programme reveals a “spider’s web” across the world, of secret detentions and unlawful inter-state transfers. While the United States is without a doubt the creator of this network, secret detentions and inter-state transfers of detainees have occurred with the collaboration or tolerance of Council of Europe member states, who are duty-bound to comply with their obligations under the European Convention on Human Rights (ECHR) and the European Convention for the Prevention of Torture (CPT) to, *inter alia*, investigate serious allegations of human rights violations. The aim of this report is not to hold certain authorities “guilty”, but to ensure that the executive and legislative branches of member states thoroughly investigate unlawful activity that is incompatible with the fundamental principles of the Council of Europe, and that terrorism is vanquished without violating fundamental human rights.

[Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states, Report, 12 June 2006, Doc. 10957](#)

- [Alleged secret detentions and unlawful inter-state transfers of detainees involving the Council of Europe member states, 14 June 2006, Doc. 10957 Addendum](#)
- [Recommendation 1754 \(2006\) on alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe Member states](#)
- [Resolution 1507 \(2006\) on alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states](#)

B. Summary of 2007 Marty report: Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report (Doc. 11302 rev.)

It has now been established, with a high degree of probability, that CIA secret detention centres have been located for some years in Poland and Romania, and possibly in other Council of Europe member states. Information from a number of sources, including the analysis of reliable aircraft data, has permitted these places to be identified. These CIA secret detention centres are part of the High Value Detainees (“HVD”) programme, first publicly referred to by President Bush on 6 September 2006. The HVD programme was established by the CIA through the NATO framework, resulting in serious infringements of human rights. There is now a need to combat terrorism through means consistent with human rights and the rule of law. The Report also condemns of the fact that state secrecy and/or national security are invoked by certain countries to obstruct proceedings that attempt to ascertain the responsibilities of the respective authorities complying with the CIA programme. The existence of secret detention facilities is also noted in the Chechen Republic of the Russian Federation².

[Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report, 11 June 2007, Doc. 11302 rev.](#)

² The AS/Jur is to present an [Information Report](#) to the Assembly on “*Legal remedies for human rights violations in the North-Caucasus Region*” (Rapporteur, Mr Dick Marty). Expiry date for adoption in committee: 6 October 2008.

- [Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report, Appendix to the report, 19 June 2007, Doc. 11302 Addendum](#)
- [Resolution 1562 \(2007\) on secret detentions and illegal transfers of detainees involving Council of Europe member states: second report](#)
- [Recommendation 1801 \(2007\) on secret detentions and illegal transfers of detainees involving Council of Europe member states: second report\)](#)

II. **Summary of 2008 Marty: UN Security Council and EU blacklists (Doc. 11454 + Addendum)**

The term “blacklists” refers to the possibility whereby the UN or the EU may order sanctions targeting individuals or entities suspected of having links with terrorism. These sanctions include the freezing of assets and the prohibition of cross-border travel. While they are considered to be non-criminal, the sanctions can nevertheless have very drastic effects on the lives of those concerned; these effects are further augmented by the lack of due process afforded the sanctioned individuals. This report analyses the de-listing procedures and the means of appeal available to such individuals or entities, and examines whether or not the procedures are compatible with the guarantees of the ECHR. The Committee on Legal Affairs and Human Rights (AS/Jur) organised a “hearing” on this subject in Strasbourg on 28 June 2007; the participants included Mrs Maria Telalian Minister Counsellor, Greek Representation to the UN (New York), Professor Syméon Karagiannis (Strasbourg), Mr Vaughan CBE QC (London) and Mr Spitzer, Avocat (Paris).

[United Nations Security Council and European Union blacklists, Doc. 11454](#)

[United Nations Security Council and European Union blacklists, Addendum to Doc. 11454](#)

- [Resolution 1597 \(2008\) on United Nations and European Union blacklists](#), 23 January 2008
- [Recommandation 1824 \(2008\) on United Nations and European blacklists](#), 23 January 2008

III. **Summary of 2007 Pourgourides report: State of human rights and democracy in Europe (Doc. 11202)**

While there has been much progress in the Council of Europe member states in the fields of human rights, rule of law and democracy, there is still a gap between standards as articulated on paper and actual practice. Violations of human rights continue to occur in Europe, and xenophobia and intolerance are increasing. The fight against terrorism is increasingly being used as a pretext to undermine or reduce fundamental human rights. The most effective method of closing the gap is by adopting a zero-tolerance approach. The Council’s Committee of Ministers should take a series of concrete measures, give priority to the most serious human rights violations, eradicate impunity and monitor member states’ terrorism legislation and practice.

[State of human rights and democracy in Europe, Report, 28 March 2007, Doc. 11202](#)

- [Recommendation 1791 \(2007\) on the state of human rights and democracy in Europe](#)
- [Resolution 1547 \(2007\) on the state of human rights and democracy in Europe](#)

- Related: [Progress of the Assembly's monitoring procedure, Monitoring Committee Report, 30 March 2007, Doc. 11214](#)

IV. Summary of 2007 Lloyd report: The United States of America and international law (Doc. 11181)

While the United States continues to be committed to international law, the U.S. administration, especially since 11 September 2001 and during the “war on terror”, has disregarded key human rights and humanitarian norms. By unlawful detention and inter-state transfers, the continued application of the death penalty, and its attempts to undermine the International Criminal Court, the U.S. is not only tarnishing its reputation, but harming the cause of justice and the rule of law. The Report urges the U.S. to bring an end to the current unacceptable situation, and the Committee of Ministers is asked to remind the U.S. Government of its obligations as an observer state to the Council of Europe, and to seek more information from the US with respect to the above matters.

[The United States of America and international law, Report, 8 February 2007, Doc. 11181](#)

- [Resolution 1539 \(2007\) on the United States of America and international law, 16 March 2007](#)
- [Recommendation 1788 \(2007\) on the United States of America and international law, 16 March 2007](#)

V. Summary of 2006 Grebennikov introductory memorandum: Respect for human rights in the fight against terrorism (AS/Jur (2006) 29)

In the years since 11 September 2001, a new challenge has arisen in the field of international law: balancing the tension between states’ duty to protect their citizens against acts of terror and their obligation to respect human rights. There tends to be a temptation to respond to terrorism with measures valuing public security over human rights. This introductory memorandum examines a selection of anti-terrorism legislation, with the aim of examining their compliance with certain human rights instruments, especially the ECHR, as interpreted by the Strasbourg Court. The rapporteur is of the view that certain legislation does not appear to be in compliance with the Strasbourg Court’s case law and the ECHR itself.

[Respect for human rights in the fight against terrorism, Introductory memorandum, 12 December 2006, AS/Jur \(2006\) 29](#)

2. Charts of signatures and ratifications of Council of Europe conventions

European Convention on the Suppression of Terrorism CETS No.: 090

Treaty open for signature by the member States of the Council of Europe

Opening for signature

Place: Strasbourg
Date : 27/1/1977

Entry into force

Conditions: 3 Ratifications.
Date : 4/8/1978

Status as of: 15/9/2008

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	4/4/2000	21/9/2000	22/12/2000							
Andorra	8/11/2001									
Armenia	8/11/2001	23/3/2004	24/6/2004							
Austria	27/1/1977	11/8/1977	4/8/1978							
Azerbaijan	7/11/2001	11/2/2004	12/5/2004		X	X				
Belgium	27/1/1977	31/10/1985	1/2/1986		X	X				
Bosnia and Herzegovina	17/3/2003	3/10/2003	4/1/2004							
Bulgaria	11/9/1997	17/2/1998	18/5/1998		X					
Croatia	7/11/2001	15/1/2003	16/4/2003		X					
Cyprus	27/1/1977	26/2/1979	27/5/1979		X	X				
Czech Republic	13/2/1992	15/4/1992	1/1/1993	17						
Denmark	27/1/1977	27/6/1978	28/9/1978		X			X		
Estonia	3/5/1996	27/3/1997	28/6/1997		X					
Finland	16/11/1989	9/2/1990	10/5/1990		X					
France	27/1/1977	21/9/1987	22/12/1987		X	X		X		
Georgia	11/5/2000	14/12/2000	15/3/2001			X				
Germany	27/1/1977	3/5/1978	4/8/1978			X		X		
Greece	27/1/1977	4/8/1988	5/11/1988		X					
Hungary	3/5/1996	6/5/1997	7/8/1997		X					
Iceland	27/1/1977	11/7/1980	12/10/1980		X					
Ireland	24/2/1986	21/2/1989	22/5/1989							
Italy	27/1/1977	28/2/1986	1/6/1986		X					
Latvia	8/9/1998	20/4/1999	21/7/1999							
Liechtenstein	22/1/1979	13/6/1979	14/9/1979							
Lithuania	7/6/1996	7/2/1997	8/5/1997							
Luxembourg	27/1/1977	11/9/1981	12/12/1981							
Malta	5/11/1986	19/3/1996	20/6/1996		X					
Moldova	4/5/1998	23/9/1999	24/12/1999							
Monaco	18/9/2007	18/9/2007	1/1/2008		X					
Montenegro	15/5/2003	15/5/2003	6/6/2006	56						
Netherlands	27/1/1977	18/4/1985	19/7/1985		X			X		
Norway	27/1/1977	10/1/1980	11/4/1980		X					
Poland	13/9/1995	30/1/1996	1/5/1996							
Portugal	27/1/1977	14/12/1981	15/3/1982		X					

Romania	30/6/1995	2/5/1997	3/8/1997								
Russia	7/5/1999	4/11/2000	5/2/2001			X					
San Marino	8/11/2001	17/4/2002	18/7/2002		X						
Serbia	15/5/2003	15/5/2003	16/8/2003	56	X						
Slovakia	13/2/1992	15/4/1992	1/1/1993	17							
Slovenia	28/3/2000	29/11/2000	1/3/2001								
Spain	27/4/1978	20/5/1980	21/8/1980								
Sweden	27/1/1977	15/9/1977	4/8/1978		X						
Switzerland	27/1/1977	19/5/1983	20/8/1983		X						
the former Yugoslav Republic of Macedonia	8/11/2001	29/11/2004	1/3/2005		X						
Turkey	27/1/1977	19/5/1981	20/8/1981								
Ukraine	8/6/2000	13/3/2002	14/6/2002								
United Kingdom	27/1/1977	24/7/1978	25/10/1978					X			

Total number of signatures not followed by ratifications:	1
Total number of ratifications/accessions:	46

Notes: (17) Dates of signature and ratification by the former Czech and Slovak Federal Republic.

(56) Dates of signature and ratification by the state union of Serbia and Montenegro.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Protocol amending the European Convention on the Suppression of Terrorism CETS No.: 190

Treaty open for signature by member States signatories to treaty ETS 90

Opening for signature

Place: Strasbourg
Date : 15/5/2003

Entry into force

Conditions: Ratification by Parties to treaty ETS 90
Date : //

Status as of: 15/9/2008

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	9/10/2003	15/11/2004								
Andorra	15/5/2003									
Armenia	15/5/2003	23/3/2004								
Austria	15/5/2003			13						
Azerbaijan	12/5/2004			13		X				
Belgium	15/5/2003	16/8/2007			X					
Bosnia and Herzegovina	4/2/2005			13						
Bulgaria	15/5/2003	26/2/2004								
Croatia	17/9/2003	10/5/2005								
Cyprus	15/5/2003	6/8/2004								
Czech Republic	27/11/2007			13		X				
Denmark	15/5/2003	14/4/2004						X		
Estonia	15/5/2003	26/5/2005								
Finland	15/5/2003	27/5/2005								
France	15/5/2003	9/1/2008								
Georgia	15/5/2003	8/12/2004								
Germany	15/5/2003			13						
Greece	15/5/2003			13	X					
Hungary	15/5/2003			13						
Iceland	15/5/2003			13						
Ireland	15/5/2003			13						
Italy	15/5/2003			13						
Latvia	5/5/2004	8/2/2005								
Liechtenstein	15/5/2003	8/2/2005								
Lithuania	15/11/2004	15/9/2005								
Luxembourg	11/6/2003	1/2/2005								
Malta	15/12/2004			13						
Moldova	15/5/2003	10/3/2005				X	X			
Monaco				13						
Montenegro	15/5/2003			13	X					
Netherlands	15/7/2003	27/7/2006			X			X		
Norway	24/9/2003 s	24/9/2003 s								
Poland	15/5/2003	10/11/2004								
Portugal	15/5/2003			13						

Romania	15/5/2003	29/11/2004									
Russia	15/5/2003	4/10/2006			X						
San Marino	15/5/2003			13							
Serbia	15/5/2003			13							
Slovakia	7/4/2005	7/12/2005									
Slovenia	15/7/2003	11/5/2004									
Spain	9/10/2003			13	X						
Sweden	15/5/2003			13							
Switzerland	15/5/2003	7/9/2006									
the former Yugoslav Republic of Macedonia	15/5/2003	14/11/2005									
Turkey	15/7/2003	20/5/2005									
Ukraine	15/5/2003	21/12/2006			X						
United Kingdom	15/5/2003			13							

Total number of signatures not followed by ratifications:	19
Total number of ratifications/accessions:	27

Notes:(13) State whose ratification is necessary for the entry into force of the Protocol.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Norway	9/4/2008										
Poland	16/5/2005	3/4/2008	1/8/2008								
Portugal	16/5/2005										
Romania	16/5/2005	21/2/2007	1/6/2007								
Russia	17/11/2005	19/5/2006	1/6/2007			X					
San Marino	14/11/2006										
Serbia	16/5/2005			55							
Slovakia	19/5/2006	29/1/2007	1/6/2007								
Slovenia	19/5/2006										
Spain	16/5/2005										
Sweden	16/5/2005										
Switzerland											
the former Yugoslav Republic of Macedonia	21/11/2006										
Turkey	19/1/2006					X					
Ukraine	16/5/2005	21/12/2006	1/6/2007		X	X					
United Kingdom	16/5/2005										

Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada										
Holy See										
Japan										
Mexico										
United States										

International Organisations

Organisations	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
European Community										

Total number of signatures not followed by ratifications:	28
Total number of ratifications/accessions:	14

Notes:(55) Date of signature by the state union of Serbia and Montenegro.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

**Council of Europe Convention on Laundering, Search, Seizure and Confiscation of
the Proceeds from Crime and on the Financing of Terrorism
CETS No.: 198**

Treaty open for signature by the member States, the non-member States which have participated in its elaboration and by the European Community, and for accession by other non-member States

Opening for signature

Place: Warsaw
Date : 16/5/2005

Entry into force

Conditions: 6 Ratifications including 4 Member States.
Date : 1/5/2008

Status as of: 15/9/2008

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	22/12/2005	6/2/2007	1/5/2008							
Andorra										
Armenia	17/11/2005	2/6/2008	1/10/2008			X	X			
Austria	16/5/2005									
Azerbaijan										
Belgium	16/5/2005									
Bosnia and Herzegovina	19/1/2006	11/1/2008	1/5/2008							
Bulgaria	22/11/2006									
Croatia	29/4/2008									
Cyprus	16/5/2005									
Czech Republic										
Denmark										
Estonia										
Finland	16/12/2005									
France										
Georgia										
Germany										
Greece	12/10/2006									
Hungary										
Iceland	16/5/2005									
Ireland										
Italy	8/6/2005									
Latvia	19/5/2006									
Liechtenstein										
Lithuania										
Luxembourg	16/5/2005									
Malta	16/5/2005	30/1/2008	1/5/2008			X	X			
Moldova	16/5/2005	18/9/2007	1/5/2008		X	X	X	X		
Monaco										
Montenegro	16/5/2005			55						
Netherlands	17/11/2005	13/8/2008	1/12/2008			X	X	X		

Norway											
Poland	16/5/2005	8/8/2007	1/5/2008			X	X				
Portugal	16/5/2005										
Romania	16/5/2005	21/2/2007	1/5/2008			X	X				
Russia											
San Marino	14/11/2006										
Serbia	16/5/2005			55							
Slovakia	12/11/2007										
Slovenia	28/3/2007										
Spain											
Sweden	16/5/2005										
Switzerland											
the former Yugoslav Republic of Macedonia	17/11/2005										
Turkey	28/3/2007					X	X				
Ukraine	29/11/2005										
United Kingdom											

Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada										
Holy See										
Japan										
Mexico										
United States										

International Organisations

Organisations	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
European Community										

Total number of signatures not followed by ratifications:	21
Total number of ratifications/accessions:	8

Notes:(55) Date of signature by the state union of Serbia and Montenegro.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source : Treaty Office on <http://conventions.coe.int>

PART II: INFORMATION ABOUT WORK UNDERTAKEN IN THE UNITED NATIONS

1. Security Council Resolution 1822 (2008)

United Nations

S/RES/1822 (2008)



Security Council

Distr.: General
30 June 2008**Resolution 1822 (2008)****Adopted by the Security Council at its 5928th meeting, on
30 June 2008***The Security Council,*

Recalling its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), and 1735 (2006), and the relevant statements of its President,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and *reiterating* its unequivocal condemnation of Al-Qaida, Usama bin Laden, the Taliban, and other individuals, groups, undertakings, and entities associated with them, for ongoing and multiple criminal terrorist acts aimed at causing the death of innocent civilians and other victims, destruction of property and greatly undermining stability,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee, and humanitarian law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort,

Welcoming the adoption by the General Assembly of the United Nations Global Counter-Terrorism Strategy (A/60/288) of 8 September 2006 and the creation of the Counter-Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system,

Reiterating its deep concern about the increased violent and terrorist activities in Afghanistan of the Taliban and Al-Qaida and other individuals, groups, undertakings and entities associated with them,

Recalling its resolution 1817 (2008) and *reiterating* its support for the fight against illicit production and trafficking of drugs from and chemical precursors to Afghanistan, in neighbouring countries, countries on trafficking routes, drug destination countries and precursors producing countries,



Expressing its deep concern about criminal misuse of the Internet by Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings, and entities associated with them, in furtherance of terrorist acts,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate, and incapacitate the terrorist threat,

Emphasizing that sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security, and stressing in this regard the need for robust implementation of the measures in paragraph 1 of this resolution as a significant tool in combating terrorist activity,

Urging all Member States, international bodies, and regional organizations to allocate sufficient resources to meet the ongoing and direct threat posed by Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings, and entities associated with them, including by participating actively in identifying which individuals, groups, undertakings and entities should be subject to the measures referred to in paragraph 1 of this resolution,

Reiterating that dialogue between the Committee established pursuant to resolution 1267 (1999) ("the Committee") and Member States is vital to the full implementation of the measures,

Taking note of challenges to measures implemented by Member States in accordance with the measures referred to in paragraph 1 of this resolution and *recognizing* continuing efforts of Member States and the Committee to ensure that fair and clear procedures exist for placing individuals, groups, undertakings, and entities on the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (the "Consolidated List") and for removing them, as well as for granting humanitarian exemptions,

Reiterating that the measures referred to in paragraph 1 of this resolution, are preventative in nature and are not reliant upon criminal standards set out under national law,

Emphasizing the obligation placed upon all Member States to implement, in full, resolution 1373 (2001), including with regard to the Taliban or Al-Qaida, and any individuals, groups, undertakings or entities associated with Al-Qaida, Usama bin Laden or the Taliban, who have participated in financing, planning, facilitating, recruiting for, preparing, perpetrating, or otherwise supporting terrorist activities or acts, as well as to facilitate the implementation of counter-terrorism obligations in accordance with relevant Security Council resolutions,

Welcoming the establishment by the Secretary-General pursuant to resolution 1730 (2006) of the Focal Point within the Secretariat to receive delisting requests, and *taking note* with appreciation of the ongoing cooperation between the Focal Point and the Committee,

Welcoming the continuing cooperation of the Committee and INTERPOL, in particular on the development of Special Notices, which assists Member States in their implementation of the measures, and recognizing the role of the Analytical

Support and Sanctions Implementation Monitoring Team (“the Monitoring Team”) in this regard.

Welcoming the continuing cooperation of the Committee with the United Nations Office on Drugs and Crime, in particular on technical assistance and capacity-building, to assist Member States in implementing their obligations under this and other relevant resolutions and international instruments,

Noting with concern the continued threat posed to international peace and security by Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, and *reaffirming* its resolve to address all aspects of that threat,

Acting under Chapter VII of the Charter of the United Nations,

Measures

1. *Decides* that all States shall take the measures as previously imposed by paragraph 4(b) of resolution 1267 (1999), paragraph 8(c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings, and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (the “Consolidated List”):

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons’ benefit, or by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale, or transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities;

2. *Reaffirms* that acts or activities indicating that an individual, group, undertaking, or entity is “associated with” Al-Qaida, Usama bin Laden or the Taliban include:

(a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) supplying, selling or transferring arms and related materiel to;

- (c) recruiting for; or
- (d) otherwise supporting acts or activities of;

Al-Qaida, Usama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof;

3. *Further reaffirms* that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida, Usama bin Laden or the Taliban shall be eligible for designation;

4. *Confirms* that the requirements in paragraph 1(a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida, Usama bin Laden, and the Taliban and other individuals, groups, undertakings, or entities associated with them;

5. *Encourages* Member States to continue their efforts to act vigorously and decisively to cut the flow of funds and other financial assets and economic resources to Al-Qaida, Usama bin Laden and the Taliban and other individuals, group, undertakings and entities associated with them;

6. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

7. *Reaffirms* the provisions regarding available exemptions to the measures in paragraph 1(a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and *reminds* Member States to use the procedures for exemptions as set out in the Committee's guidelines;

8. *Reiterates* the obligation of all Member States to implement and enforce the measures set out in paragraph 1 above, and *urges* all States to redouble their efforts in this regard;

Listing

9. *Encourages* all Member States to submit to the Committee for inclusion on the Consolidated List names of individuals, groups, undertakings, and entities participating, by any means, in the financing or support of acts or activities of Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings, and entities associated with them, as described in paragraph 2 of resolution 1617 (2005) and reaffirmed in paragraph 2 above;

10. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation, production, and trafficking of narcotic drugs originating in Afghanistan, and their precursors;

11. *Reiterates* its call for continued cooperation between the Committee and the Government of Afghanistan and the United Nations Assistance Mission in Afghanistan (UNAMA), including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban as described in paragraph 30 of resolution 1806 (2008);

12. *Reaffirms* that, when proposing names to the Committee for inclusion on the Consolidated List, Member States shall act in accordance with paragraph 5 of resolution 1735 (2006) and provide a detailed statement of case, and *decides further* that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for development of the summary described in paragraph 13 below or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States;

13. *Directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, after a name is added to the Consolidated List, to make accessible on the Committee's website a narrative summary of reasons for listing for the corresponding entry or entries on the Consolidated List, and *further directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website narrative summaries of reasons for listing for entries that were added to the Consolidated List before the date of adoption of this resolution;

14. *Calls upon* Member States, when proposing names to the Committee for inclusion on the Consolidated List to use the cover sheet in annex I of resolution 1735 (2006) and requests that they provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the positive identification of individuals, groups, undertakings, and entities by Member States, and directs the Committee to update the cover sheet in line with the provisions outlined in paragraphs 12 and 13 above;

15. *Decides* that the Secretariat shall, after publication but within one week after a name is added to the Consolidated List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals; the country of which the person is a national (to the extent this information is known) in accordance with paragraph 10 of resolution 1735 (2006);

16. *Underlines* the need for the prompt update of the Consolidated List on the Committee's website;

17. *Demands* that Member States receiving notification as in paragraph 15 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the listed individual or entity of the designation and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee's website, a description of the effects of designation, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, and the provisions of resolution 1452 (2002) regarding available exemptions;

18. *Encourages* Member States receiving notification as in paragraph 15 above to inform the Committee on steps they have taken to implement the measures set out in paragraph 1 above, and on the measures taken in accordance with paragraph 17 above, and further encourages Member States to use the tools provided on the Committee's website to provide this information;

Delisting

19. *Welcomes* the establishment within the Secretariat of the Focal Point, pursuant to resolution 1730 (2006), that provides listed individuals, groups, undertakings or entities with the option to submit a petition for de-listing directly to the Focal Point;

20. *Urges* designating States and States of citizenship and residence to review de-listing petitions received through the Focal Point, in accordance with the procedures outlined in the annex to resolution 1730 (2006), in a timely manner and to indicate whether they support or oppose the request in order to facilitate the Committee's review;

21. *Directs* the Committee to continue to work, in accordance with its guidelines, to consider petitions for the removal from the Consolidated List of members and/or associates of the Al-Qaida, Usama bin Laden, the Taliban who no longer meet the criteria established in the relevant resolutions;

22. *Directs* the Committee to consider an annual review of the names on the Consolidated List of individuals reported to be deceased, in which the names are circulated to the relevant states pursuant to the procedures set forth in the Committee guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate;

23. *Decides* that the Secretariat shall, within one week after a name is removed from the Consolidated List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and *demand*s that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

Review and maintenance of the Consolidated List

24. *Encourages* all Member States, in particular designating states and states of residence or nationality, to submit to the Committee additional identifying and other information, along with supporting documentation, on listed individuals, groups, undertakings, and entities, including updates on the operating status of listed entities, groups and undertakings, the movement, incarceration or death of listed individuals and other significant events, as such information becomes available;

25. *Directs* the Committee to conduct a review of all names on the Consolidated List at the date of adoption of this resolution by 30 June 2010 in which the relevant names are circulated to the designating states and states of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate;

26. *Further directs* the Committee, upon completion of the review described in paragraph 25 above, to conduct an annual review of all names on the Consolidated List that have not been reviewed in three or more years, in which the relevant names are circulated to the designating states and states of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee

guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate;

Measures implementation

27. *Reiterates* the importance of all States identifying, and if necessary introducing, adequate procedures to implement fully all aspects of the measures described in paragraph 1 above;

28. *Encourages* the Committee to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Consolidated List and for removing them as well as for granting humanitarian exemptions, and directs the Committee to keep its guidelines under active review in support of these objectives;

29. *Directs* the Committee, as a matter of priority, to review its guidelines with respect to the provisions of this resolution, in particular paragraphs 6, 12, 13, 17, 22, and 26 above;

30. *Encourages* Member States to send representatives to meet the Committee for more in-depth discussion of relevant issues and welcomes voluntary briefings from interested Member States on their efforts to implement the measures referred to in paragraph 1 above, including particular challenges that hinder full implementation of the measures;

31. *Requests* the Committee to report to the Council on its findings regarding Member States' implementation efforts, and identify and recommend steps necessary to improve implementation;

32. *Directs* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 above and to determine the appropriate course of action on each case, and *requests* the Chairman, in periodic reports to the Council pursuant to paragraph 38 below, to provide progress reports on the Committee's work on this issue;

33. *Urges* all Member States, in their implementation of the measures set out in paragraph 1 above, to ensure that fraudulent, counterfeit, stolen, and lost passports and other travel documents are invalidated and removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

34. *Encourages* Member States to share, in accordance with their domestic laws and practices, with the private sector information in their national databases related to fraudulent, counterfeit, stolen, and lost identity or travel documents pertaining to their own jurisdictions, and, if a listed party is found to be using a false identity including to secure credit or fraudulent travel documents, to provide the Committee with information in this regard;

Coordination and outreach

35. *Reiterates* the need to enhance ongoing cooperation among the Committee, the Counter Terrorism Committee (CTC), and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on technical

assistance, on relations with international and regional organizations and agencies and on other issues of relevance to all three committees, and *expresses its intention* to provide guidance to the committees on areas of common interest in order better to coordinate their efforts;

36. *Encourages* the Monitoring Team, and the United Nations Office on Drugs and Crime, to continue their joint activities, in cooperation with CTED and 1540 Committee experts to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including through organizing subregional workshops;

37. *Requests* the Committee to consider, where and when appropriate, visits to selected countries by the Chairman and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), and 1735 (2006);

38. *Requests* the Committee to report orally, through its Chairman, at least every 180 days to the Council on the overall work of the Committee and the Monitoring Team, and, as appropriate, in conjunction with the reports by the Chairmen of the CTC and the Committee established pursuant to resolution 1540 (2004), including briefings for all interested Member States;

Monitoring Team

39. *Decides*, in order to assist the Committee in the fulfilment of its mandate, to extend the mandate of the current New York-based Monitoring Team, appointed by the Secretary-General pursuant to paragraph 20 of resolution 1617 (2005), for a further period of 18 months, under the direction of the Committee with the responsibilities outlined in Annex 1, and requests the Secretary-General to make the necessary arrangements to this effect;

Reviews

40. *Decides* to review the measures described in paragraph 1 above with a view to their possible further strengthening in 18 months, or sooner if necessary;

41. *Decides* to remain actively seized of the matter.

Annex I

In accordance with paragraph 39 of this resolution, the Monitoring Team shall operate under the direction of the Committee established pursuant to resolution 1267 (1999) and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 28 February 2009 and the second by 31 July 2009, on implementation by States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To analyse reports submitted pursuant to paragraph 6 of resolution 1455 (2003), the checklists submitted pursuant to paragraph 10 of resolution 1617 (2005), and other information submitted by Member States to the Committee as instructed by the Committee;

(c) To assist the Committee in following-up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(d) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities, envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with the CTC's Executive Directorate ("CTED") and the 1540 Committee's group of experts to avoid duplication and reinforce synergies;

(e) To work closely and share information with CTED and the 1540 Committee's group of experts to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees;

(f) To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy including within the Counter-Terrorism Implementation Task Force established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

(g) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(h) To present to the Committee recommendations, which could be used by member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Consolidated List;

(i) To assist the Committee in compiling publicly releasable information referred to in paragraph 13;

(j) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

(k) To encourage Member States to submit names and additional identifying information for inclusion on the Consolidated List, as instructed by the Committee;

(l) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the Consolidated List as updated and accurate as possible;

(m) To study and report to the Committee on the changing nature of the threat of Al-Qaida and the Taliban and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee;

(n) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 1(a) of this resolution as it pertains to preventing the criminal misuse of the Internet by Al-Qaida, Usama bin Laden, and the Taliban and other individuals, groups, undertakings and entities associated with them; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(o) To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this Annex;

(p) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(q) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(r) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(s) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

(t) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

(u) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(v) Any other responsibility identified by the Committee.

2. The United Nations Global Counter-Terrorism Strategy

5 September 2008



United Nations

General Assembly

GA/10738

Department of Public Information • News and Media Division • New York

Sixty-second General Assembly

Plenary

119th & 120th Meetings (AM & PM)

GENERAL ASSEMBLY CONCLUDES TWO-DAY DEBATE BY RENEWING COMMITMENT TO STRENGTHEN INTERNATIONAL COOPERATION IN PREVENTING, COMBATING TERRORISM

Consensus Resolution Calls for Implementation of Global Counter-Terror Strategy

Following a two-day debate, the General Assembly today renewed its unwavering commitment to strengthen international cooperation to prevent and combat terrorism, and, recalling its pivotal role in following up on implementation of the United Nations Global Counter-Terrorism Strategy, called on Member States and the Organization to accelerate their efforts to implement it in all its aspects.

Adopted on 8 September 2006, the Strategy united, for the first time, all 192 United Nations Member States behind a common strategic framework. They agreed to take a concrete set of measures to address terrorism in all its aspects, and, by that action, to convey the same critical message: terrorism is never justifiable, whether on political, philosophical, ideological, racial, ethnic, religious or any other grounds.

In the Strategy, Member States also committed themselves to review its implementation in two years' time. The just-concluded Meeting was the first major assessment of their efforts to implement the Strategy's four pillars: to address the conditions conducive to the spread of terrorism; to prevent and combat terrorism; to build State capacity to prevent and combat terrorism, and to strengthen the role of the United Nations in that regard; and to ensure respect for the human rights of all as well as the rule of law as the fundamental basis for the fight against terrorism.

By today's consensus resolution, adopted as orally amended, Member States reaffirmed the Global Strategy and its four pillars, as well as their own primary responsibility to implement it. By other terms, the Assembly called on States that had not yet done so to consider becoming parties to existing international anti-terrorism instruments, and to make every effort to conclude a comprehensive convention on international terrorism. It took note of the measures adopted by Member States and by international, regional and subregional organizations, within the framework of the Global Strategy, all of which strengthened international cooperation to fight terrorism.

At the same time, the Assembly reaffirmed the need to enhance international cooperation in countering terrorism, recalling in that regard the role of the United Nations system in promoting international cooperation and capacity-building as one of the Strategy's elements.

The Assembly decided, by other terms, to interact with the Counter-Terrorism Implementation Task Force on a regular basis. (The Task Force was established by the Secretary-General in July 2005 to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system). It asked the Secretary-General to report to the next Assembly session on progress towards implementation of the Strategy. His report could contain suggestions for future implementation by the United Nations system and for implementation of the present text.

Like yesterday, speakers today affirmed the central role that the United Nations, in particular the General Assembly, as the only body with universal representation, had to play in the coordination of international cooperation to combat terrorism, and voiced support for institutionalizing the Counter-Terrorism Implementation Task Force, stipulating that it should have more interaction with the Assembly in order to profit from Member States' guidance.

Echoing other speakers' sentiments, the representative of Slovenia said that full respect for values such as democracy, human rights and the rule of law constituted the most effective tool in countering terrorism in the long run. Ukraine's representative added that, beyond the immediate aspect of combating terrorism, every country should also try to resolve its root causes. Extreme poverty, unjust social systems, corruption, the violation of human rights and discrimination could easily be cited among those, as could regional conflicts.

Speakers also stressed that terrorism could not be linked to any specific religion, culture or ethnic groups, and that there must be a clear distinction between terrorist acts and the legitimate struggle for the right to self-determination. They called on Member States to urgently conclude negotiations on the comprehensive convention on terrorism, and to arrive at a definition of terrorism.

Delegates also underscored the importance of helping developing countries build capacity. The representative of the Maldives underlined the need for such assistance by saying that some of today's terrorist organizations and transnational crime syndicates had far greater resources at their disposal than did some small sovereign Member States of the United Nations. Regional and subregional cooperation was stressed in that regard.

The representatives of Iran and Afghanistan drew attention to the important role of drug trafficking as a major source of finance for some terrorist groups in their region. Iran had lost some 4,000 law-enforcement personnel in the fight against drug traffickers, and urged the international community to pay more attention to that issue.

Also speaking today were the representatives of Italy, India, Russian Federation, Colombia, Kazakhstan, Austria, Brazil, Senegal, Slovakia, Republic of Korea, Nigeria, Argentina, Nicaragua, Palau, South Africa, Libya, Malaysia, Syria, Kenya, Thailand, Indonesia, Sri Lanka, Albania, United Republic of Tanzania, Panama, El Salvador and Lebanon.

The General Assembly will meet again at a date and time to be announced.