

# TABLE OF CONTENTS

Preface	V
Acknowledgements	VII
Röling	IX
1. INTRODUCTION	1
1.1 Debate	1
1.2 New Balance	4
1.3 Cross-Border Aspects	5
1.4 SC Res. 1373	5
1.4.1 Threats to the Peace: Chapter VII	6
1.4.2 Contrary to Purposes and Principles: Chapter I	6
1.4.3 International Treaties	6
1.4.4 Cooperation	6
1.4.5 Obligations	7
1.4.6 Cross-Border Movements	8
1.4.7 New Committee	8
1.5 Reaffirmation of the relevance of international law and cooperation	8
1.6 Conclusion	10
2. DEFINITIONS	13
2.1 General/Semantics	13
2.2 Detailed/Specific	19
2.2.1 List of relevant Conventions	20
2.2.2 Definitions used	22
3. AUT DEDERE AUT JUDICARE	33
3.1 Jurisdiction	33
3.1.1 Introduction	33
3.1.2 References to jurisdiction in relevant international instruments	36

3.1.3	The Princeton Principles on Universal Jurisdiction	47
3.2	Accomplices	53
3.2.1	Introduction	53
3.2.2	References to accomplices in international instruments	54
3.3	Extradition	61
3.3.1	Introduction	61
3.3.2	References to extradition in relevant international instruments	65
3.4	Other forms of cooperation	79
3.4.1	Types of Cooperation	79
3.4.2	References to cooperation in relevant international instruments	80
3.5	Immunity	97
3.5.1	Introduction	97
3.5.2	The ICJ and Immunity	98
3.6	ICC and Terrorism	105
4.	THE UNITED NATIONS AND TERRORISM	111
4.1	General Assembly	113
4.1.1	From ‘understanding’ to straightforwardness and back (1989-2001)	113
4.1.1.1	‘Understanding’	113
4.1.1.2	‘Straightforward’, practical	115
4.1.1.3	‘And back’: the human rights angle	117
4.1.2	The General Assembly after September 2001	117
4.1.3	The Ad Hoc Committee	120
4.1.4	Some Concluding Remarks	121
4.1.5	The General Assembly annexes	122
4.1.5.1	GA Res. 44/29	122
4.1.5.2.A	GA Res. 49/60. Measures to eliminate international terrorism	126
4.1.5.2.B	Declaration on Measures to Eliminate International Terrorism, 1994	126
4.1.5.3.A	GA Res. 51/210. Measures to eliminate international terrorism 1996	130
4.1.5.3.B	Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism 1996	133
4.1.5.4	GA Res. 56/1. Condemnation of terrorist attacks in the United States of America, 2001	135
4.1.5.5	GA Res. 56/88. Measures to eliminate international terrorism, 2001	136
4.1.5.6	2002 Report Ad Hoc Committee	139
4.2	The Security Council	141
4.2.1	Survey	141

4.2.2	Analysis	143
4.2.3	The Counter-Terrorism Committee (CTC)	145
4.2.4	SC Resolutions relevant to terrorism	146
4.2.4.1	SC Resolution 1269 (1999)	147
4.2.4.2	SC Resolution 1368 (2001)	148
4.2.4.3	SC Resolution 1373 (2001)	149
4.2.4.4	SC Resolution 1377 (2001)	152
4.3	ECOSOC	155
4.3.1	Human Rights and Terrorism	155
4.3.2	The General Assembly	159
4.3.2.1	GA Res. 50/186 on Human Rights and Terrorism	159
4.3.2.2	GA Res. 56/160 on Human Rights and Terrorism	161
4.3.3	The Special Rapporteur	164
4.3.3.1	Terrorism and human rights	165
4.3.3.2	Terrorism and Human Rights	180
4.3.4	The (Sub-)Commission on Human Rights	213
4.3.4.1	Sub-Commission Resolution 2001/18: Terrorism and human rights	213
4.3.4.2	Commission Resolution 2002/... Human rights and terrorism	215
4.4	Trusteeship Council	221
4.4.1	Self-determination and terrorism	221
4.4.2	The TC Annexes	224
4.4.2.1	GA Res. 50/6, Declaration on the Occasion of the Fiftieth Anniversary of the United Nations	224
4.4.2.2	GA Res. 2625(XXV), Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations	225
4.5	The International Court of Justice	227
4.6	The Secretary-General	233
5.	INTERNATIONAL INSTRUMENTS: TEXTS	237
	Introduction	237
5.1	TC1: UN Conventions	253
	• TC1A: Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973	253
	• TC1B: International Convention against the Taking of Hostages, signed at New York on 18 December 1979	257

	• TC1C: International Convention for the Suppression of Terrorist Bombing (New York, 12 January 1998)	262
	• TC1D: Draft International Convention for the Suppression of Acts of Nuclear Terrorism, 22 October 1998	270
	• TC1E: International Convention for the Suppression of the Financing of Terrorism	280
	• TC1F: Draft Comprehensive Convention	290
5.2	TC2: Non-UN Conventions	305
	• TC2A: Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963	305
	• TC2B: Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970	311
	• TC2C: Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal 1971)	315
	• TC2D: Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980	319
	• TC2E: Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1971), supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988	327
	• TC2F: Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988	329
	• TC2G: Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988	336
	• TC2H: Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991	339
5.3	TC3: Regional Instruments	347
	• TC3A: Arab Convention on the Suppression of Terrorism, signed at a meeting held at the General Secretariat of the League of Arab States in Cairo on 22 April 1998	347
	• TC3B: Convention of the Organisation of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999	358
	• TC3C: European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977	370
	• TC3D: OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, concluded at Washington, D.C. on 2 February 1971	374

	<ul style="list-style-type: none"> <li>• TC3E: OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999</li> <li>• TC3F: SAARC Regional Convention on Suppression of Terrorism, signed at Kathmandu on 4 November 1987</li> <li>• TC3G: Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, done at Minsk on 4 June 1999</li> </ul>	376 385 388
6.	EUROPE	395
6.1	Introduction	395
6.2	European Parliament 5 September 2001	401
6.3	The Commission	411
6.3.1	Proposal for a Council framework Decision on combating terrorism (presented by the Commission late September; 'delivered' on 15 October 2001)	411
6.3.2	Proposal for a Council framework Decision on combating terrorism 2001/0217 (CNS) (Text)	418
6.3.3	Council Common Position of 27 December 2001 on combating terrorism	424
6.3.4	Proposal for a Council Regulation, March 2002	427
7.	CROSS-BORDER ASPECTS	433
7.1	Arms control	433
7.2	Migratory movements	435
7.2.1	The UN	435
7.2.2	IOM	437
7.2.3	Refugee Law	437
7.2.3.1	The Refugee Convention	437
7.2.3.2	Article 1F	438
7.2.3.3	UNHCR	440
7.2.3.4	The EU	441
7.3	Annex IOM: International Terrorism – a Migration Issue?	441
7.4	Annex UNHCR: Addressing security concerns without undermining refugee protection	453
7.5	Annex EU/EC	459
7.5.1	Common Position: European Council, 27 December 2001	459

---

7.5.2	Commission Working Document, 5 December 2001: the relationship between safeguarding internal security and complying with international protection obligations and instruments	460 460
8.	CONCLUSIONS	479