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**Status in the OSCE Area
of the Universal Anti-terrorism Conventions and Protocols as well
as Other International and Regional Legal Instruments Related to
Terrorism and Co-operation in Criminal Matters**

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Status in the OSCE Area of the Universal Anti-terrorism Conventions and Protocols as well as Other International and Regional Legal Instruments Related to Terrorism and Co-operation in Criminal Matters.

This document contains information on the status in the OSCE area of the 18 anti-terrorism Conventions and Protocols (16 of them in force, two of them -Beijing Instruments- still not in force). It includes the following sections and annexes:

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Annex I: Summary of all 18 Universal Anti-terrorism Instruments.

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The charts are based upon information available from the depositaries as specified in this document and are updated on a regular basis. Comments from the delegations should be addressed to the OSCE Transnational Threats Department/Action against Terrorism Unit:

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I. Introduction by the Head on Anti-terrorism Issues (Transnational Threats Department/Action against Terrorism Unit)

The international legal framework for the fight against terrorism is constituted by the Universal Anti-terrorism Instruments – UATI (United Nations Conventions, their Amendments and Protocols) – and relevant United Nations Security Council resolutions.

As of today, a total of 18 UATI have been adopted by UN Member States. Out of them, 16 are in force and two -adopted in Beijing in 2010- have not yet come into force.

Promoting this international legal framework can be considered as a genuine success story of the OSCE. In this regard, 53 of the 57 OSCE participating States are now party to all 12 Universal Anti-Terrorism Instruments (UATI) which were in force in 2001, when the OSCE adopted its Ministerial Council Decision 1/2001 (Bucharest Plan of Action for Combating Terrorism), in which participating States pledged to become parties of the Conventions and Protocols.

Moreover, today 6 participating States are party to all four instruments adopted in 2005. Out of these four instruments, the International Convention for the Suppression of Acts of Nuclear Terrorism has been ratified by 37 participating States.

The rate of ratification, in the OSCE area, of the 16 UATI **in force** today is 82,5%. In promoting the ratification and implementation of the international legal framework, the OSCE is collaborating with the United Nations Office on Drugs and Crime (UNODC), the United Nations Counter-Terrorism Committee Executive Directorate (CTED) and the United Nations Counter-Terrorism Implementation Task Force (CTITF).

However, being party to the UATI is not wholly sufficient. Criminal offences defined in the Conventions have to be adopted in the national relevant legislation, States must exercise effective jurisdiction over offenders under prescribed conditions, and provide for international co-operation mechanisms, enabling State Parties to facilitate law enforcement co-operation at formal and informal levels, and to either prosecute or extradite the alleged offender.

Beyond that, effective implementation of the instruments means that States have to make every effort to prevent terrorist attacks from happening. Legislation and regulations have to reflect a proactive and forward-looking approach, anticipating terrorist methods and tactics, criminalizing preparatory acts, recruiting and training, and thwarting terrorist movements and access to weapons and explosives.

The OSCE Consolidated Framework for the Fight against Terrorism (PC.DEC/1063) defined as a strategic area for OSCE counter-terrorism activities promoting the implementation of the international legal framework against terrorism, and enhancing international legal co-operation in criminal matters related to terrorism. Consequently, as the Head on Anti-Terrorism Issues within the OSCE's Transnational Threats Department, I would like to reiterate our readiness to support our participating States upon request in the ratification and implementation of these important instruments.

Thomas Wuchte

II. Status of the 16 Anti-terrorism UATI in Force

In the Bucharest Plan of Action for Combating Terrorism (2001) the participating States pledged themselves to become party to the 12 anti-terrorism conventions and protocols. In Athens the Ministerial Council (2009) called on OSCE participating States to consider becoming party to the four new Instruments adopted in 2005, and to fully implement their provisions. We will refer to these as the 16 UATI. The two new Instruments adopted in Beijing in 2010 will not be included in the status report as they have not come into force yet.

The current 57 participating States and the 16 UATI in force form a ratification matrix numbering 912 items. Out of those, as of 20 March 2013, 752 were ratified, acceded to, etc. (82,5 %) leaving 160 not ratified (17,5%).

As of 7 March 2013, six OSCE participating States (Austria, Latvia, Liechtenstein, Netherlands, Spain, and Switzerland) and one Partner for Co-operation (Algeria) are parties to all 16 UATI in force.

The OSCE TNTD/ATU regularly reviews the status of the universal anti-terrorism instruments in the OSCE area, circulates updates and informs about any relevant progress in Counter-Terrorism Network newsletters.

Furthermore, in co-operation with the United Nations Office on Drugs and Crime (UNODC), technical assistance is provided to participating States and Partners for Co-operation, upon their request. This assistance aims at enhancing capabilities to review existing legislation or draft new legislation necessary to ratify the UATI. In partnership with UNODC, the OSCE (TNTD/ATU, ODIHR and field operations) organizes workshops on the UATI and their implementation at the national and sub-regional level. Listed below are possible types of assistance that can be provided upon request:

- Expert review of existing anti-terrorism legislation;
- Technical assistance in ratification of conventions and protocols;
- Assistance in submission of reports to the United Nations Counter Terrorism Committee pursuant to the United Nations Security Council Resolution 1373 (2001);
- Assistance in drafting legislation in order to comply with international obligations related to anti-terrorism, including conventions, protocols and Security Council resolutions;
- Assistance in legal implementation of the universal anti-terrorism legal framework.

The information that follows is collated from depositary sources. Its accuracy relies on the data provided by the pertinent depositary bodies of each convention (i.e., the United Nations, the International Civil Aviation Organization, the International Maritime Organization, the International Atomic Energy Agency and the Council of Europe). Any corrections or additional information should be communicated to TNTD/ATU so that it could be included in the next update. For the purpose of examining the data provided by the depositary bodies, a list of the conventions and protocols, their depositaries, and the locations of the relevant documents on the Internet are listed in Annex I and Annex II.

Montenegro	P	P	P	P	P	P	P	P	P	-	P	P	-	-	-		11
Netherlands	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	16
Norway	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	13
Poland	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
Portugal	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	13
Rep. Moldova	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
Romania	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
Russian Fed.	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
San Marino	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	2
Serbia	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	14
Slovakia	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
Slovenia	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
Spain	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	16
Sweden	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	13
Switzerland	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	16
Tajikistan	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	12
The fYRoM	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
Turkey	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	14
Turkmenistan	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
Ukraine	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
UK	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14
USA	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	12
Uzbekistan	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	14

III. Significance of the Four Universal Anti-terrorism Instruments Concluded in 2005

The following four universal anti-terrorism instruments were concluded in 2005:

- International Convention for the Suppression of Acts of Nuclear Terrorism,
- Amendment to the Convention on the Physical Protection of Nuclear Material,
- Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation,
- Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

The OSCE participating States have adopted a number of commitments with regard to these instruments. In a Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism (MC.DOC/1/05) Ministers encouraged “the implementation of all the necessary measures to ratify, accept, approve or otherwise become parties to this International Convention in the shortest possible time”.

The OSCE TNTD/ATU, in cooperation with the UNODC, organized in April 2010 a one and a half-day *Workshop on the 2005 Universal Legal Instruments against Terrorism and the Implementation of their Provisions in National Legislation*. It aimed at promoting OSCE participating States becoming party to the four counter-terrorism instruments.

Up to now 37 participating States have become party to the International Convention for the Suppression of Acts of Nuclear Terrorism.

The Convention is the first UN Treaty designed to prevent terrorist attacks using weapons of mass destruction. It provides a legal basis for international co-operation in the investigation, prosecution and extradition of terrorists using radioactive or nuclear material.

In Athens the Ministerial Council called on OSCE participating States to consider becoming party to the 2005 Amendment and Protocols, and to fully implement their provisions:

- The Amendment to the Convention expands the scope of the Convention to the physical protection of nuclear material in domestic use, in storage and during transport, and of nuclear facilities used for peaceful purposes. It also contains provisions for enhanced inter-State co-operation vis-à-vis measures to locate and recover stolen or smuggled nuclear material.
- The Protocol to the Maritime Convention criminalizes the use of vessels to commit acts of terrorism, and the transport on board of materials for terrorist use and of persons who have committed an act of terrorism.
- Finally, the Protocol to the Fixed Platform Protocol adapts these changes to the context of fixed platforms on the continental shelf.

IV. Significance of the Beijing Convention and Protocol Adopted in 2010

On 10 September 2010, two new anti-terrorism instruments on the security of civil aviation were adopted at the Beijing International Law Conference organized under the auspices of the ICAO, the Beijing Convention (replacing the 1971 Montreal Convention) and the Beijing Protocol (amending the 1970 Hague Convention).

The Convention and the Protocol have not come into force yet. To date, 26 States have signed both instruments, among them 6 OSCE participating States (Cyprus, Czech Republic, France, Spain, the United Kingdom and the United States) and one Partner for Co-operation (the Republic of Korea).

The adoption of the Beijing Convention and Protocol is a significant development in international counter-terrorism and aviation law. These new instruments update the existing mechanisms in light of the September 11, 2001 terrorist attacks and the developments in counter-terrorism law in the past decades.

The Beijing Convention provides for key new offenses such as:

- using an aircraft as a weapon;
- using weapons of mass destruction or dangerous substances against, on, or from an aircraft; and
- transporting dangerous materials.

Both instruments also provide for:

- new ancillary offenses, expanded jurisdiction, and strengthened extradition and mutual assistance regimes;
- a “fugitives offense” which criminalizes any assistance to persons evading investigation, prosecution, or punishment, knowing that he or she has committed one of the offenses or is wanted for prosecution or to serve a sentence; and
- a “conspiracy” or “association de malfaiteurs” offense which criminalizes the planning of an offense in conjunction with others. This is the first time that such a provision in UN counter-terrorism convention is included, which is designed to allow enforcement officers to apprehend and prosecute offenders before terrorist attacks are carried out.

V. Status of Other International and Regional Legal Instruments Related to Terrorism and Co-operation in Criminal Matters

In line with the Forum for Security Co-operation decision (FSC.DEC/4/06) of 5 July 2006, TNTD/ATU participated in preparing an overview of participating States’ submissions on the OSCE Code of Conduct Questionnaire. Many States reflected their being party to regional instruments related to counter-terrorism and international co-operation in criminal matters. The latter are essential to legal co-operation in criminal matters to counter terrorism, which is required by UN Security Council resolutions 1373, 1540, 1566, and 1624, and which the OSCE committed to promote in the Ljubljana Ministerial decision (MC.DEC/4/05) and other adopted documents.

In addition to the aforementioned UATI, other international treaties also provide participating States with a legal framework to combat terrorism and particularly to co-operate in criminal matters against terrorism. The TNTD/ATU prepared an additional table below, which includes the UN Convention against Transnational Organized Crime and legal treaties concluded in the framework of the Council of Europe. Information presented in the table is collected from the submissions on the OSCE Code of Conduct Questionnaire and supplemented with information from depositary bodies. Any corrections or additional information should be communicated to TNTD/ATU so that it could be included in the next update.

Table 3

Status in the OSCE area of other international and regional legal instruments related to terrorism or co-operation in criminal matters

P = Party

CONVENTIONS AND PROTOCOLS	1. UN Convention Against Transnational Organized Crime (2000)	2. European Convention on the Suppression of Terrorism (1977) CETIS No: 090	3. Protocol amending the European Convention on the Suppression of Terrorism (2003) CETIS No: 190*	4. European Convention on Extradition (1957) CETIS No: 024	5. Additional Protocol to the European Convention on Extradition (1975) CETIS No: 086	6. Second Additional Protocol to the European Convention on Extradition (1978) CETIS No: 098	7. Third additional Protocol to the European Convention on Extradition (2009) CETIS No: 209	8. Fourth Additional Protocol to the European Convention on Extradition (2012)	9. European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETIS No: 030	10. Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETIS No: 099	11. Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETIS No: 182	12. European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETIS No: 073	13. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETIS No: 141	14. Council of Europe Convention on the Prevention of Terrorism (2005) CETIS No: 196	15. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETIS No: 198	16. Convention on Cybercrime (2001) CETIS No: 185
Albania	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Andorra	P	-	-	P	P	-	-	***	P	-	-	-	P	P	-	-
Armenia	P	P	P	P	P	P	-	***	P	P	P	P	P	-	P	P
Austria	P	P	***	P	-	P	-	***	P	P	-	P	P	P	-	P
Azerbaijan	P	P	P	P	P	P	-	***	P	P	-	-	P	-	-	P
Belarus	P	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Belgium	P	P	P	P	P	P	-	***	P	P	P	-	P	-	P	P
BiH	P	P	***	P	P	P	-	***	P	-	P	P	P	P	P	P
Bulgaria	P	P	P	P	P	P	-	***	P	P	P	P	P	P	P	P
Canada	P	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Croatia	P	P	P	P	P	P	-	***	P	P	P	-	P	P	P	P
Cyprus	P	P	P	P	P	P	-	***	P	P	P	P	P	P	P	P
Czech Rep.	-	P	***	P	P	P	-	***	P	P	P	P	P	-	-	-
Denmark	P	P	P	P	P	P	-	***	P	P	P	P	P	P	-	P
Estonia	P	P	P	P	P	P	-	***	P	P	P	P	P	P	-	P
Finland	P	P	P	P	-	P	-	***	P	P	-	-	P	P	-	P
France	P	P	P	P	-	-	-	***	P	P	P	-	P	P	-	P
Georgia	P	P	P	P	P	P	-	***	P	P	-	-	P	-	-	P
Germany	P	P	P	P	-	P	-	***	P	P	-	-	P	P	-	P
Greece	P	P	***	P	-	-	-	***	P	P	-	-	P	-	-	-
Holy See	P	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Hungary	P	P	***	P	P	P	-	***	P	P	-	-	P	P	P	P
Iceland	P	P	***	P	P	P	-	***	P	P	-	-	P	-	-	P
Ireland	P	P	***	P	-	-	-	***	P	P	P	-	P	-	-	-
Italy	P	P	***	P	-	P	-	***	P	P	-	-	P	-	-	P
Kazakhstan	P	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Kyrgyzstan	P	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Latvia	P	P	P	P	P	P	P	***	P	P	P	P	P	P	P	P
Liechtenstein	P	P	P	P	P	-	-	***	P	-	-	P	P	-	-	-
Lithuania	P	P	P	P	P	P	-	***	P	P	P	P	P	-	-	P
Luxembourg	P	P	P	P	P	-	-	***	P	P	P	-	P	P	-	P

Malta	P	P	_*	P	P	P	-	_*	P	P	P	-	P	-	P	P
Monaco	P	P	***	P	P	P	-	_*	P	-	-	-	P	-	-	-
Mongolia	P	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Montenegro	P	P	P	P	P	P	-	_*	P	P	P	P	P	P	P	P
Netherlands	P	P	P	P	P	-	P	_*	P	P	P	P	P	P	P	P
Norway	P	P	P	P	P	P	-	_*	P	P	P	P	P	P	-	P
Poland	P	P	P	P	P	P	-	_*	P	P	P	-	P	P	P	-
Portugal	P	P	_*	P	P	P	-	_*	P	P	P	-	P	-	P	P
Rep. Moldova	P	P	P	P	P	P	-	_*	P	P	-	P	P	P	P	P
Romania	P	P	P	P	P	P	-	_*	P	P	P	P	P	P	P	P
Russian Fed.	P	P	P	P	P	P	-	_*	P	P	-	P	P	P	-	-
San Marino	P	P	_*	P	-	-	-	_*	P	-	-	-	P	-	P	-
Serbia	P	P	P	P	P	P	P	_*	P	P	P	P	P	P	P	P
Slovakia	P	P	P	P	P	P	-	_*	P	P	P	P	P	P	P	P
Slovenia	P	P	P	P	P	P	-	_*	P	P	-	-	P	P	P	P
Spain	P	P	_*	P	P	P	-	_*	P	P	-	P	P	P	P	P
Sweden	P	P	_*	P	P	P	-	_*	P	P	-	P	P	P	-	-
Switzerland	P	P	P	P	P	P	-	_*	P	-	P	-	P	-	-	P
Tajikistan	P	**	**	**	**	**	-	**	**	**	**	**	**	**	**	**
The fYRoM	P	P	P	P	P	P	-	_*	P	P	P	P	P	P	P	P
Turkey	P	P	P	P	-	P		_*	P	P	-	P	P	P	-	-
Turkmenistan	P	**	**	**	**	**		**	**	**	**	**	**	**	**	**
Ukraine	P	P	P	P	P	P		_*	P	P	P	P	P	P	P	P
UK	P	P	_*	P	-	P		_*	P	P	P	-	P	-	-	P
USA	P	**	**	**	**	**		**	**	**	**	**	**	**	**	P
Uzbekistan	P	**	**	**	**	**		**	**	**	**	**	**	**	**	**

* not yet in force; ** - the participating State is not a Member State of the Council of Europe; ***- ratification by this State is necessary for entry of the treaty into force

VI. Overview of Recent TNTD/ATU Activities in Support of Implementation of the International Legal Framework Against Terrorism, and Co-operation in Criminal Matters Related to Terrorism

National Legislative Workshop on Ratification and Implementation of Global Legal Framework against Terrorism

20 September 2012 (San Marino), TNTD/ATU, ODIHR and the UNODC's Terrorism Prevention Branch organized jointly this workshop, with the Ministry of Foreign Affairs of the Republic of San Marino. Experts and officials discussed issues pertaining to the ratification and implementation of the Universal Anti-Terrorism Instruments (UATI), to which San Marino is not yet party. A meeting with the leaders of San Marino's Parliamentary Groups took place to foster the approval of the corresponding laws.

Roundtable on Universal Anti-Terrorism Instruments (UATI)

28 February 2013 (Bishkek), the OSCE Centre in Bishkek and the Anti-Terrorist Centre (ATC) of the Kyrgyz State Committee of National Security, supported by TNTD/ATU and UNODC, organized a one-day roundtable on the ratification and implementation of UATI that Kyrgyzstan is not yet party to, focussing in particular on Instruments related to the security of nuclear material and maritime navigation. 40 representatives from ministries and relevant national authorities discussed with international experts the status of the ratification of the instruments and the recommendations presented by an international expert during the roundtable on further legislative implementation. The roundtable supported the Government in pushing forward a draft law on the ratification of the Convention on the Physical Protection of Nuclear Material (1980) that will be submitted to the Parliament soon.

Roundtable in Bishkek on the Terrorist Bombings Convention

1 March 2013 (Bishkek), TNTD/ATU, the OSCE Centre in Bishkek, supported by ATC and UNODC, organized a one-day roundtable on '*Good Practices to Enhance Implementation of Preventive Aspects of the Terrorist Bombings Convention.*' 35 representatives from government and business community as well as international experts discussed ways to enhance co-operation between public and private entities to improve the control of explosive substances and its precursors and to prevent terrorists' access. Participants agreed that there is much room for improvement in this field in Kyrgyzstan. As follow-up ATC will put forward proposals and recommendations stemming from this roundtable to be analysed by an inter-ministerial working group, which will be supported by the OSCE upon request.

Roundtable in Pristina on the Terrorist Bombings Convention

13 March 2013 (Pristina), TNTD/ATU and the OSCE Mission in Kosovo, in co-operation with the UNODC organized this one-day roundtable on "*Good Practices to Enhance Implementation of Preventive Aspects of the Terrorist Bombings Convention*". 28 experts took part in this roundtable, from legislative bodies, law enforcement, agriculture, trade, industry, and mining sectors (public and private), international organizations (UNODC, OSCE and UNDP) and international experts. Discussions focused on the implementation of the -recently adopted in Kosovo- Law on Civil Use of Explosives, which is being done in co-operation with KFOR. It was recognized by the participants that more co-ordination and information sharing and awareness raising are necessary by the key stakeholders (among and between official institutions and private industry), particularly in relation to the implementation of the relevant regulations.

Supporting Counter-Terrorism Committee Executive Directorate Country Visit to the Republic of Serbia (Belgrade, 18-22 March 2013).

18-22 March 2013 (Belgrade), TNTD/ATU participated in the CTED team that visited the Republic of Serbia to monitor the implementation of the UN Security Council resolution 1373 (2001) which

contains provisions aimed at criminalizing terrorist offenses and enhancing international co-operation.

VII. Status of TNTD/ATU Projects Related to the International Anti-terrorism Legal Framework and Co-operation in Criminal Matters Related to Terrorism

The work of TNTD/ATU concerning participating States and Partners for Co-operations ratification and implementation of the counter-terrorism international legal framework has been supported by two ExB -extra-budgetary- projects:

- Project Number 1100613- Promoting the International Legal Framework against Terrorism, supported by Australia, Liechtenstein and Spain. As of 20/03/2013 funds stand at 46,608 Euro.

- Project Number 1100389- Co-operation in Criminal Matters Related to Terrorism supported by Germany, Ireland, Liechtenstein, Spain, Sweden and the United States of America. This project has been finished and relevant reports have been sent to donors.

A Programme on “*Support to the Implementation of the International Anti-terrorism Legal Framework and the Use of its Tools for Co-operation in Criminal Matters*” (OSCE Project No. 1101240) has been uploaded in IRMA. Its objective is to continue assisting participating States, upon their request, in implementing more tailored projects on specific elements of the international anti-terrorism legal framework, strengthening and improving the efficiency of their judicial and law enforcement systems in dealing with terrorist offences. Its estimated budget is EUR 250,000 and it will replace the former projects 1100613 and 1100389.

Additional funding is required to allow the TNTD/ATU to remain fully operational vis-à-vis this Programme. Currently, the TNTD/ATU is joining efforts with UNODC, OSCE field operations and other Units in the Secretariat, particularly within TNTD, in order to partner its funds and be able to continue activities in this area, which is considered one of the strategic areas by the OSCE Consolidated Framework for the Fight against Terrorism. States wishing to contribute to this programme should send their pledges to the indicated Programme number 1101240.

A separate project to organize a Regional Expert Workshop on “*Implementation of the Universal Legal Instruments against Terrorism*” (OSCE Project No 1101242) budgeted in 57,000 Euro is fully funded by France, Spain and Switzerland. Its objective is to further institutionalize OSCE co-operation with the Mediterranean partners, facilitating a first-step in a greater dialogue that is planned to the development of more tailored projects on combating terrorism based on feedback from each Mediterranean Partner. The workshop will take place in Malaga (Spain) next 17-18 September.

Annex I

Summary¹ of the Universal Conventions² and Protocols Dealing with Terrorism, Provided by the UN Counter-Terrorism Executive Directorate. (CNTR + click on the instrument's names for full texts).

a) RELATED TO AVIATION SECURITY:

1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft

(*Aircraft Convention*). Deposited with the Secretary-General of the International Civil Aviation Organization (ICAO). Information on status provided by ICAO, available on web site: http://www.icao.int/secretariat/legal/List%20of%20Parties/Tokyo_EN.pdf

- Applies to acts affecting in-flight safety;
- Authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft; and
- Requires States Parties to take custody of offenders and to return control of the aircraft to the lawful commander.

1970 Convention for the Suppression of Unlawful Seizure of Aircraft (*Unlawful Seizure*

Convention) Deposited with the Governments of the Russian Federation, the United Kingdom and the United States. Information on status provided by ICAO, available on web site: http://www.icao.int/secretariat/legal/List%20of%20Parties/Hague_EN.pdf

- Makes it an offence for any person on board an aircraft in flight to "unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft" or to attempt to do so;
- Requires parties to the convention to make hijackings punishable by "severe penalties"
- Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution; and
- Requires parties to assist each other in connection with criminal proceedings brought under the Convention.

2010 Protocol Supplementary to the Convention for the Suppression of Unlawful

Seizure of Aircraft. Signed in Beijing and deposited with the Secretary-General of the International Civil Aviation Organization (ICAO). Information on status provided by ICAO, available on web site: http://www.icao.int/secretariat/legal/List%20of%20Parties/Beijing_Prot_EN.pdf

- Supplements the *Convention for the Suppression of Unlawful Seizure of Aircraft* by expanding its scope to cover different forms of aircraft hijackings, including through modern technological means; and it incorporates provisions relating to a threat or conspiracy to commit an offence.

1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil

Aviation (*New Civil Aviation Convention*) Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America. Information on status provided by ICAO, available on web site: http://www.icao.int/secretariat/legal/List%20of%20Parties/Mtl71_EN.pdf

¹ For the purpose of facilitating linkages and interrelations, the UATI have been grouped by subject: a) **Aviation** b) **Maritime** c) **Nuclear** d) **Protected persons and hostages** e) **Bombings and Explosives** and f) **Financing**

² The initial 12 Universal Anti-Terrorism Instruments are indicated in **bold**

- Makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of the aircraft; to place an explosive device on an aircraft; to attempt such acts; or to be an accomplice of a person who performs or attempts to perform such acts;
- Requires parties to the Convention to make offences punishable by "severe penalties"; and
- Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution.

1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (*Airport Protocol*) Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America and with the Secretary-General of the International Civil Aviation Organization. Information on status provided by ICAO, available on web site: http://www.icao.int/secretariat/legal/List%20of%20Parties/VIA_EN.pdf

- Extends the provisions of the Civil Aviation Convention (see No. 3 above) to encompass terrorist acts at airports serving international civil aviation.

2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (*New civil aviation convention, -Beijing Convention- replacing the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*). Deposited with the Secretary-General of the International Civil Aviation Organization. Information on status provided by ICAO, available on web site: http://www.icao.int/secretariat/legal/List%20of%20Parties/Beijing_Conv_EN.pdf

- Criminalizes the act of using civil aircraft as a weapon to cause death, injury or damage;
- Criminalizes the act of using civil aircraft to discharge biological, chemical and nuclear (BCN) weapons or similar substances to cause death, injury or damage, or the act of using such substances to attack civil aircraft;
- Criminalizes the act of unlawful transport of BCN weapons or certain related material;
- A cyber attack on air navigation facilities constitutes an offence;
- A threat to commit an offence may be an offence by itself, if the threat is credible; and
- Conspiracy to commit an offence, or its equivalence, is punishable.

b) RELATED TO MARITIME SECURITY:

1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (*Maritime Convention*) Deposited with the Secretary-General of the International Maritime Organization (IMO). Information on status provided by IMO, available on web site: <http://www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx>

- Establishes a legal regime applicable to acts against international maritime navigation like the regimes established for international aviation; and
- Makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of

the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.

[2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation](#) Deposited with the Secretary-General of the International Maritime Organization (IMO). Information on status provided by IMO, available on web site: <http://www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx>

- Criminalizes the use of a ship as a device to further an act of terrorism;
- Criminalizes the transport on board a ship various materials knowing that they are intended to be used to cause, or in a threat to cause, death or serious injury or damage to further an act of terrorism;
- Criminalizes the transporting on board a ship of persons who have committed an act of terrorism; and
- Introduces procedures for governing the boarding of a ship believed to have committed an offence under the Convention.

[1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf](#) (*Fixed Platform Protocol*) Deposited with the Secretary-General of the International Maritime Organization (IMO). Information on status provided by IMO, available on web site: <http://www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx>

- Establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation.

[2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf](#) Deposited with the Secretary-General of the International Maritime Organization (IMO). Information on status provided by IMO, available on web site: <http://www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx>

- Adapts the changes to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to the context of fixed platforms located on the continental shelf.

c) NUCLEAR:

[1979 Convention on the Physical Protection of Nuclear Material](#) (*Nuclear Material Convention*). Deposited with the International Atomic Energy Agency (IAEA). The information on status provided by IAEA is available on web site: http://www.iaea.org/Publications/Documents/Conventions/cppnm_status.pdf

- Criminalizes the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial property damage.

[2005 Amendment to the Convention on the Physical Protection of Nuclear Material](#) Deposited with the International Atomic Energy Agency (IAEA). The information on status provided by IAEA is available on web site: http://www.iaea.org/Publications/Documents/Conventions/cppnm_amend_status.pdf

- Makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport; and
- Provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.

2005 International Convention for the Suppression of Acts of Nuclear Terrorism

(*Nuclear Terrorism Convention*) Deposited with the Secretary-General of the United Nations.

Information on status provided by UN, available on web

site: http://treaties.un.org/Pages/ViewDetailsIII.aspx?&src=IND&mtmsg_no=XVIII-15&chapter=18&Temp=mtmsg3&lang=en

- Covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors;
- Covers threats and attempts to commit such crimes or to participate in them, as an accomplice;
- Stipulates that offenders shall be either extradited or prosecuted;
- Encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings; and
- Deals with both crisis situations (assisting States to solve the situation) and post-crisis situations (rendering nuclear material safe through the International Atomic Energy Agency (IAEA)).

d) PROTECTED PERSONS AND HOSTAGES:

1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (*Diplomatic agents Convention*).

Deposited with the Secretary-General of the United Nations. Information on status provided by UN, available on web

site: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-7&chapter=18&lang=en

- Defines an "internationally protected person" as a Head of State, Minister for Foreign Affairs, representative or official of a State or international organization who is entitled to special protection in a foreign State, and his/her family; and
- Requires parties to criminalize and make punishable "by appropriate penalties which take into account their grave nature" the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act "constituting participation as an accomplice".

1979 International Convention against the Taking of Hostages (*Hostages Convention*)

Deposited with the Secretary-General of the United Nations. Information on status provided by UN, available on web site: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-5&chapter=18&lang=en

- Provides that "any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention".

e) *EXPLOSIVES AND BOMBINGS:*

1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection

(Plastic Explosives Convention) Deposited with the Secretary-General of the International Civil Aviation Organization. Information on status provided by ICAO, available on web site: http://www.icao.int/secretariat/legal/List%20of%20Parties/MEX_EN.pdf

- Designed to control and limit the use of unmarked and undetectable plastic explosives (negotiated in the aftermath of the 1988 Pan Am flight 103 bombing);
- Parties are obligated in their respective territories to ensure effective control over "unmarked" plastic explosives; and
- Generally speaking, each party must, inter alia, take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry into force of the Convention; ensure that all stocks of unmarked explosives not held by the military or police are destroyed, consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police are destroyed, consumed, marked or rendered permanently ineffective within fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date of entry into force of the Convention for that State.

1997 International Convention for the Suppression of Terrorist Bombings *(Terrorist Bombing Convention)* Deposited with the Secretary-General of the United Nations. Information on status provided by UN, available on web

site: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-9&chapter=18&lang=en

- Prohibits any person(s) from intentionally delivering, placing, discharging, or detonating an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility with the intent to cause death or serious bodily injury, or with the intent to cause extensive destruction of such a place, facility, or system, resulting in or likely to result in major economic loss;
- Mandates to cooperate in the prevention of such offenses by prohibiting in their territories illegal activities of persons, groups, and organizations that encourage, instigate, organize, knowingly finance, or engage in the perpetration of such offenses. Further cooperation is required through the exchanging of accurate and verified information; and
- Encourages to research and development regarding methods of detection of explosives, consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, exchange of information on preventive measures, cooperation, and transfer of technology, equipment, and related materials.

f) *FINANCING:*

1999 International Convention for the Suppression of the Financing of Terrorism

(Terrorist Financing Convention) Deposited with the Secretary-General of the United Nations.

Information on status provided by UN, available on web

site: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-11&chapter=18&lang=en

- Requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or gun running;
- Commits States to hold those who finance terrorism criminally, civilly or administratively liable for such acts; and
- Provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other States on a case-by-case basis. Bank secrecy is no longer adequate justification for refusing to cooperate.

Annex II

Summary of other legal instruments related to terrorism or co-operation in criminal matters (CNTR + click on the instrument's names for full texts)

[2000 United Nations Convention Against Transnational Organized Crime](#). Deposited with the Secretary-General of the United Nations. Information on status provided by UN, available on web site: http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en

- Provides States Parties for strengthened international cooperation to prevent and fight transnational organized crime;
- Criminalizes participation in an organized criminal group, money laundering, corruption and obstruction to justice; and
- Provides for new frameworks for extradition, mutual legal assistance and law enforcement cooperation.

[1977 European Convention on the Suppression of Terrorism](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Provides for an easing of extradition of persons having committed acts of terrorism; it makes it an offence for the purposes of extradition an act of particular gravity, including those within the *Unlawful Seizure Convention* and the *Civil Aviation Convention*, attacks against internationally protected persons, kidnapping and taking of hostages, and the use of bombs, grenades or rockets.

[2003 Protocol amending the European Convention on the Suppression of Terrorism](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site:

<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Expands the list of offences to cover all the offences contained in the UN anti-terrorist Convention and Protocols; it incorporates provisions authorizing the refusal to extradite to a country where there is a risk of applying a death sentence or of being subject to torture.

[1957 European Convention on Extradition](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Provides for the extradition of persons sought for criminal proceedings or for the carrying out of a sentence, excluding all political offences.

[1975 Additional Protocol to the European Convention on Extradition](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Expands the scope of offences for which the extradition of a person is barred by excluding war crimes and crimes against humanity.

[1978 Second Additional Protocol to the European Convention on Extradition](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Adds fiscal offences to the list of offences for which a person may be extradited under the Convention.

[2009 Third Additional Protocol to the European Convention on Extradition. CETS 209](#) deposited with the Secretary General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- The Protocol supplements the Convention in certain respects in order to simplify and accelerate the extradition procedure when the person sought consents to extradition.

[2012 Fourth Additional Protocol to the European Convention on Extradition CETS](#) deposited with the Secretary General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- It amends the provisions related to the issues of lapse of time, requests and supporting documents, rule of speciality, transit, re-extradition to a third State and channels and means of communication.

[1959 European Convention on Mutual Assistance in Criminal Matters](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Establishes rules toward enhanced mutual assistance between and among States Parties for the aim of collecting evidence or communicating evidence in criminal proceedings.

[1978 Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Extends international cooperation to the provision of documents relating to the enforcement of a sentence and similar measures.

[2001 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Updates the range of situations in which mutual assistance may be requested and makes the provision of assistance easier.

[1972 European Convention on the Transfer of Proceedings in Criminal Matters](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Allows States Parties to request that criminal proceedings be initiated on their behalf in any other State Party which is a signatory of the Convention.

[1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Provides for enhanced international cooperation and mutual assistance in investigating crime and tracking down, seizing and confiscating proceeds from crime.

[2005 Council of Europe Convention on the Prevention of Terrorism](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Defines as criminal offences certain acts that may lead to the undertaking of terrorist acts, in particular public provocation, recruitment and training; and
- Provides for strengthened national and international cooperation on the prevention of terrorism through national prevention policies and modification of existing extradition and mutual assistance arrangements.

[2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Creates preventive and repressive measures to avoid that terrorism is financed through money laundering from criminal activity or through legitimate activities.

[2001 Convention on Cybercrime](#). Deposited with the Secretary-General of the Council of Europe. Information on status provided by COE, available on web site: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

- Pursues a common criminal policy aimed at the protection of citizens against cybercrime through the adoption of appropriate legislation and the promotion of international cooperation.