



**Organization for Security and Co-operation in Europe
Permanent Council**

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**Spanish Chairmanship
Chairperson of the Security Committee**

At the request of the Chairperson of the Security Committee please find attached an overview of OSCE counter-terrorism related commitments as of 30 April 2007. The overview was prepared by the ATU and will be discussed at the next meeting of the Security Committee to be held on 14 May 2007.

Overview of OSCE counter-terrorism related commitments¹

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Overview prepared by the Action against Terrorism Unit (ATU).

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¹ Update as of 30 April 2007

Universal Anti-Terrorism Instruments (UATI)

Ministerial Council Bucharest 2001

— (...) The OSCE participating States will not yield to terrorist threats, but will combat them by all means in accordance with their international commitments (...) They will defend freedom and protect their citizens against acts of terrorism, fully respecting international law and human rights. They firmly reject identification of terrorism with any nationality or religion and reconfirm the norms, principles and values of the OSCE.

Participating States:

— Pledge themselves to apply efforts to become parties to all 12 United Nations conventions and protocols relating to terrorism, by 31 December, 2002

— Will commit themselves to implementing all the obligations they have assumed under relevant conventions and protocols relating to terrorism as well as the United Nations Convention against Transnational Organized Crime and its additional protocols, sharing information and methods in this regard and considering ways and means of co-operation in implementation at bilateral, OSCE-wide and sub-regional meetings.

— Will, within the framework of the United Nations Convention on the Suppression of Financing of Terrorism and UNSCR 1373 (2001), take action to prevent and suppress the financing of terrorism, criminalize the wilful provision or collection of funds for terrorist purposes, and freeze terrorist assets also bearing in mind UNSCR 1267 (1999).

— Will, in accordance with their domestic legislation and obligations under international law, provide early response to requests for information by another participating State and relevant international organizations.

Ministerial Council Porto 2002

Decision No. 1 on Combating Terrorism

Decides that:

— All OSCE participating States, bodies and institutions shall continue on an urgent basis to implement and ensure the effectiveness of their Bucharest commitments;

— Reaffirms the commitment of all participating States to become parties as soon as possible to all 12 United Nations conventions and protocols related to terrorism and welcomes the steps undertaken by participating States that have already completed these procedures;

— Commit themselves to work towards the successful conclusion of negotiations on new universal instruments in this field, presently under way within the United Nations and confirms their readiness to consider, in co-ordination with the United Nations Security Council Counter-Terrorism Committee, requests for technical assistance and capacity building with a view to advancing the ratification and implementation of United Nations and other relevant instruments on terrorism;

Welcomes the decision in July 2002 (PC.DEC/487) that all participating States will complete the Financial Action Task Force (FATF) self-assessments on compliance with the Eight Special Recommendations on Terrorist Financing and notes with approval the OSCE's 88 per cent response rate to date. Commits to take steps towards speedy implementation of the Financial Action Task Force's Eight Special Recommendations on terrorist financing;

Ministerial Council (20 June/2005)

Ministerial Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism (13th UATI)

— We, the Ministers for Foreign Affairs of the OSCE participating States, pledge to apply all efforts to sign this International Convention on the day of its opening for signature at the United Nations Headquarters in New York on 14 September 2005.

— We encourage the implementation of all the necessary measures to ratify, accept, approve or otherwise become parties to this International Convention in the shortest possible time.

Ministerial Council Brussels 2006

Ministerial Statement on Supporting and Promoting the International Legal Framework against Terrorism

(...) We call on those OSCE participating States which have not yet done so to make every effort to become party without delay to the universal conventions and protocols against terrorism currently in force, and to implement them, in particular through criminalization of related offences in their national legislation.

We reiterate our call on the OSCE participating States to consider becoming parties to the International Convention for the Suppression of Acts of Nuclear Terrorism and the United Nations Convention against Transnational Organized Crime, as well as the United Nations Convention against Corruption, and support continuing efforts to adopt a comprehensive convention on international terrorism on terms that advance the international community's counter-terrorism objectives.(...)

(...) We will also continue to develop interaction and dialogue on the issues of supporting and promoting the international legal framework against terrorism with the Mediterranean and Asian Partners for Co-operation.

Human Rights

The Helsinki Final Act was the first international document that recognized the protection of human rights and fundamental freedoms as a matter of international concern. Since the historic changes of 1989, the states of Europe have taken the basic outline of the Helsinki Final Act and developed it into comprehensive set of norms and standards, in particular with respect to human rights. These basic rights, together with democracy and the rule of law, are the building blocks of what the OSCE terms the human dimension of security. At the 1990 Copenhagen Conference on the Human Dimension, OSCE states laid the groundwork for what would become the fundamental rule book for the entire OSCE region, the *acquis* of many of the world's developed democracies. Accordingly, the Helsinki framework has been further developed ever since and has become a comprehensive set of standards.

In the aftermath of 9/11, the Bucharest OSCE Ministerial Council of 2001 re-affirmed that *“the OSCE participating States will not yield to terrorist threats, but will combat them by all means in accordance with their international commitments. They will defend freedom and protect their citizens against acts of terrorism, fully respecting international law and human rights.”* The Charter on Preventing and Combating Terrorism also recognizes *“the need to address conditions that may foster and sustain terrorism, in particular by fully respecting*

democracy and the rule of law [...] by promoting human rights and tolerance *and by combating poverty.*” Accordingly, the OSCE Office for Democratic Institutions and Human Rights has consistently taken the approach that all human dimension commitments apply equally in the context of counter-terrorism.

Although UN bodies (including the UN Global Counter-terrorism Strategy and several Security Council resolutions) and OSCE decisions and commitments make it clear that the promotion and protection of human rights and the rule of law are essential components of any effective counter-terrorism policy, OSCE participating States have, at times, struggled with the full implementation of those commitments in the context of counter-terrorism. This was underlined by the ODIHR in its “*Common Responsibility: Commitments and Implementation*” report submitted to the OSCE Ministerial Council in Brussels in late 2006. In this report the ODIHR noted that some human dimension commitments have not been satisfactorily implemented within the context of counter-terrorism efforts in the OSCE region – notably through the use of secret detention, but also by circumventing the absolute prohibition of torture, the right to a fair trial, the right to an effective remedy, and more.

The human dimension commitments are available both in thematic and chronological format:

- OSCE/ODIHR, *OSCE Human Dimension Commitments*, Volume 1 (thematic compilation), 2nd Edition, Warsaw 2005;
- OSCE/ODIHR, *OSCE Human Dimension Commitments*, Volume 2 (Chronological compilation), 2nd Edition, Warsaw 2005.

Both publications can be found online at <http://www.osce.org/odihr/publications.html>.

While the details of all of the related commitments can be found in these compilations, their essence is to be found in a few basic principles: that respect for human rights and fundamental freedoms is at the heart of the OSCE’s concept of security; and that States are accountable to all of their citizens, and to one another, for ensuring that these rights and freedoms are indeed respected and protected. It is clear that all these principles as well as the OSCE human dimension commitments reflecting these principles apply equally in the context of counter-terrorism.

In addition, almost all OSCE decisions on practical issues related to the fight against terrorism, listed below, contain specific provisions to ensure that this fight is conducted with respect for the rule of law and in accordance with relevant obligations under international law, in particular international human rights, refugee and humanitarian law.

Travel Document Security

Ministerial Council Bucharest 2001/Decision No.1-Combating Terrorism

Preventive action against terrorism in the OSCE area

Preventing movement of terrorists:

— Participating States: Will prevent the movement of terrorist individuals or groups through effective border controls and controls on issuance of identity papers and travel documents, as well as through measures for ensuring the security of identity papers and travel documents and preventing their counterfeiting, forgery and fraudulent use.

Ministerial Council Maastricht 2003

Decision No. 7/03 on Travel Document

Decides:

- That all OSCE participating States should aim to comply fully with the recommended ICAO minimum security standards for the handling and issuance of passports as well as other travel documents by December 2004, pending the availability of the necessary technical and financial resources
- That all OSCE participating States should begin to issue machine-readable travel documents, if possible with digitized photographs, by December 2005, pending the availability of the necessary technical and financial resources;
- That all OSCE participating States should consider the possibility of providing travel documents with one or more biometric identifiers as soon as technically feasible and after the ICAO biometric standards are adopted;

Ministerial Council Sofia 2004

Decision No.4/04 on Reporting lost/stolen passports to Interpol's automated search facility/stolen travel document database (ASF-STD)

Decides that the OSCE participating States should rapidly report all instances of lost and stolen international travel documents², either individually personalized or blank (unassigned), to Interpol's Automated Search Facility/Stolen Travel Document Database (ASF-STD), in accordance with Interpol's data protection guidelines and agreements between Interpol and the participating States concerned.

Ministerial Council Brussels 2006

Decision No. 6/06 on Further Measures to Prevent the Criminal Use of Lost/Stolen Passports and Other Travel Documents

- (...)1. Calls on participating States that are not yet doing so, to urgently start implementing Ministerial Council Decision No. 4/04;
2. Decides that all OSCE participating States will make every effort to provide national first-line law enforcement end-users with integrated real-time access to the Interpol ASF-SLTD by implementing, where appropriate, the Interpol technical platforms as soon as financially and technically possible;
3. Calls on OSCE participating States to make available to Interpol a 24/7 contact to confirm the status of documents in question and to resolve "hits" to the Interpol database at border checkpoints in a timely and correct manner; (...)

Legal Co-operation

Ministerial Council Ljubljana 2005

Decision No. 4/05 on Enhancing legal co-operation in criminal matters to counter terrorism

Decides that the participating States should co-operate actively and fully among themselves, in accordance with applicable rules under domestic and international law, in efforts to find

² Except for internal passports of Uzbekistan and the Russian Federation.

and to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts, on the basis of the principle to extradite or prosecute

Ministerial Council Brussels 2006

Ministerial Statement on Supporting and Promoting the International Legal Framework against Terrorism

(...) We call on participating States to consider becoming parties to regional and subregional legal instruments related to terrorism or legal co-operation in criminal matters adopted by organizations to which we belong, as well as — whenever appropriate to fill gaps in existing legal instruments — to conclude bilateral agreements on mutual legal assistance and extradition, in order to be able to co-operate fully, in accordance with the rules applicable under domestic and international law, in efforts to find and to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts, on the basis of the principle to extradite or prosecute.

We will continue exchanging information, including through the Permanent Council and the Forum for Security Co-operation, on progress achieved in becoming party to international, regional and bilateral legal instruments against terrorism and on legal co-operation in criminal matters, as well as on developments in the national legislation related to terrorism. (...)

Decision No. 5/06 on Combating Organised Crime

(...) 7. Urges participating States to enhance international legal co-operation in criminal matters, *inter alia*, through considering becoming parties to the UN Convention against Transnational Organized Crime (Palermo Convention), as appropriate the supplementing protocols thereto, the UN Convention against Corruption, and through implementing their obligations under these and other multilateral and bilateral legal co-operation instruments to which they are a party including through appropriate utilization of the relevant articles on mutual legal assistance and extradition; (...)

Container Security

Ministerial Council Sofia 2004

Decision No.9/04 on Enhancing Container Security

Decides:

— That OSCE participating States will act without delay in accordance with their domestic legislation, and necessary resources available, to enhance container security, based on best practices and on norms and standards to be agreed internationally

Ministerial Council Ljubljana 2005

Decision No.6/05 on Further measures to enhance container security

Decides:

— That all OSCE participating States should take measures recommended in the WCO Framework of Standards to Secure and Facilitate Global Trade as soon as possible. To this end participating States that have not already done so, are encouraged to sign and submit to

the WCO Secretary General the declaration regarding implementation of the Framework of Standards to Secure and Facilitate Global Trade³ as soon as possible

— That, in taking measures foreseen by the Framework of Standards to Secure and Facilitate Global Trade, the OSCE participating States will in particular aim to promptly incorporate into their national procedures and regulations the Seal Integrity Programme for Secure Container Shipments, contained in the Appendix to Annex 1 of the Framework;

— That all OSCE participating States will inform each other on the measures taken to implement the above commitment

Internet

Ministerial Council Brussels 2006

Decision No. 7/06 on Countering the Use of Internet for Terrorist Purposes

(...)Reaffirming our commitments under the United Nations Global Counter-Terrorism Strategy, in particular “to coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet” and “to use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard”,

(...) Taking into account different national approaches to defining “illegal” and “objectionable” content and different methods of dealing with illegal and objectionable content in cyberspace, such as the possible use of intelligence collected from Internet traffic and content to closing websites of terrorist organizations and their supporters, (...)

(...) 1. Decides to intensify action by the OSCE and its participating States, notably by enhancing international co-operation on countering the use of the Internet for terrorist purposes;

2. Calls on participating States to consider taking all appropriate measures to protect vital critical information infrastructures and networks against the threat of cyber attacks;

3. Calls on participating States to consider becoming party to and to implement their obligations under the existing international and regional legal instruments, including the Council of Europe’s Conventions on Cybercrime (2001) and on the Prevention of Terrorism (2005);

4. Encourages participating States to join the G8 24/7 Computer Crime Network and to nominate an appropriate unit/contact person for this network for the purpose of streamlining international law enforcement co-operation on combating the criminal misuse of cyberspace and in criminal cases that involve electronic evidence, as appropriate;

5. Calls on participating States, when requested to deal with content that is illegal under their national legislation and is hosted within their jurisdiction, to take all appropriate action against such content and to co-operate with other interested States, in accordance with their national legislation and the rule of law, and in line with their international obligations, including international human rights law;

6. Invites participating States to increase their monitoring of websites of terrorist/violent extremist organizations and their supporters and to invigorate their exchange of information in the OSCE and other relevant fora on the use of the Internet for terrorist purposes and

³ The declaration regarding implementation of the Framework of Standards to Secure and Facilitate Global Trade, signed by the director general of the customs administration, records a State’s intention to begin the process of implementing the Framework. It also records the fact that in implementing the Framework the administration may require capacity-building assistance.

measures taken to counter it, in line with national legislation, while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression, and the rule of law. Duplication of efforts with ongoing activities in other international fora should be avoided;

7. Recommends participating States to explore the possibility of more active engagement of civil society institutions and the private sector in preventing and countering the use of the Internet for terrorist purposes;

Permanent Council Decisions

Decision No.487 (11July/2002) on Financial Action Task Force (FATF) self assessments on terrorist financing

Decides that:

— The OSCE participating States will complete the Financial Action Task Force's (FATF) self-assessment questionnaire on compliance with the eight special recommendations on terrorist financing and provide the results to the FATF as soon as possible and no later than 1 September 2002.

Decision No.617 (1July/2004) on Further measures to suppress terrorist financing

Decides that:

— OSCE participating States should review the adequacy of their laws and regulations that relate to entities, in particular non-profit organizations and charities, that can be abused for the financing of terrorism;

— Requests OSCE participating States to ensure that legitimate activities of non-profit organizations and charities are not restricted and that they cannot be misused by terrorist organizations posing as legitimate entities, exploited as conduits for terrorist financing, or for concealing the clandestine diversion of funds intended for legitimate purposes to terrorist organizations;

Permanent Council Decision No.618 (1July/2004) on Solidarity with victims of terrorism

— Invites the participating States to explore the possibility of introducing or enhancing appropriate measures, subject to domestic legislation, for support, including financial assistance, to victims of terrorism and their families;

— Encourages the participating States to co-operate with relevant institutions of civil society in expressing solidarity with and providing support for the victims of terrorism and their families;

Permanent Council Decision No.683 (7July/2005) on Countering the threat of radioactive sources

Decides that:

— OSCE participating States should fully support and endorse the IAEA's efforts to enhance the safety and security of high-risk radioactive sources;

— In order to do so, participating States should strengthen co-operation among themselves and with the IAEA;

— To this end, the OSCE participating States that have not already done so should write to the IAEA Director General with respect to the Code of Conduct and the Guidance on the Import and Export of Radioactive Sources, as envisaged by IAEA General Conference Resolutions GC(47)/RES/7 and GC(48)/RES/10.

Other Decisions

OSCE Strategy Document for the Economic and Environmental Dimension (MC(11).JOUR/2/2003)

Adopted at the Ministerial Council Meeting in Maastricht in December 2003

2.1.11. We are committed to a strong international framework for the prevention and resolution of financial crisis, and support the activities of the International Monetary Fund (IMF) to enhance its surveillance. Underlining the need for financial stability, we commit ourselves to promote and apply high quality accounting standards. We will continue to develop, implement and enforce financial legislation and regulations on combating money laundering and corruption and criminalizing the financing of terrorism.