



**United Kingdom  
Delegation**

To the Organisation for Security and  
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The United Kingdom Delegation to the Organisation for Security and Co-operation in Europe (OSCE) in Vienna presents its compliments to the Delegations of participating States to the Forum for Security and Co-operation (FSC) and to the Conflict Prevention Centre and has the honour to convey the United Kingdom's completed response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2009.

The United Kingdom Delegation avails itself of this opportunity to renew to the Delegations of participating States to the Forum for Security and Co-operation (FSC) and to the Conflict Prevention Centre the assurance of its highest consideration.

UNITED KINGDOM DELEGATION  
VIENNA

29 June 2009

To all Delegations/Permanent Missions to the OSCE  
To the Conflict Prevention Centre



## INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

### UK CODE OF CONDUCT QUESTIONNAIRE RETURN 2009

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;

<b>Convention</b>	<b>Signature</b>	<b>Ratification</b>
1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963	14 Sep 63	29 Nov 68
2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970	16 Dec 70	22 Dec 71
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971	23 Sep 71	25 Oct 73
4. 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	13 Dec 74	2 May 79
5. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979	18 Dec 79	22 Dec 82

6. Convention on the Physical Protection of Nuclear Material, signed at Vienna 3 March 1980	13 Jun 80	6 Sep 91
7. 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, signed at Montreal on 24 February 1988	26 Oct 88	15 Nov 90
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Concluded at Rome on 10 March 1988 Protocol to the above mentioned Convention for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf. Concluded at Rome on 10 March 1988	22 Sep 88	3 May 91
9. 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	22 Sep 88	3 May 91
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991	1 Mar 91	28 Apr 97
11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997	12 Jan 98	7 Mar 01
12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999	10 Jan 00	7 Mar 01
13. International Conventions for the Suppression of Acts of Nuclear Terrorism	14 Sept 05	To Be Confirmed

**(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;**

## UNITED KINGDOM ADHERENCE TO EUROPEAN CONVENTION ON TERRORISM

European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977	27 Jan 77	24 Jul 78
Council of Europe Convention on the Prevention of Terrorism	16 May 05	To Be Confirmed
Protocol amending the European Convention on the Suppression of Terrorism	15 May 03	To be Confirmed

- The Special European Council on 20 and 21 September 2001 agreed that counterterrorism should be a priority for the Union, both internally and in its relations with third countries. Heads of State and Government endorsed an EU Action Plan on 21 September 2001 to help member States step up the fight against global terrorism and to improve practical co-operation among member states. Measure which the EU has taken since September 2001 include:

- agreement on a Euro arrest warrant and fast-track extradition;
- agreement on common EU offences and penalties for terrorist activity
- conclusion of the EU/US Europol agreement
- agreement on measures to implement UNSCR 1390 and the provisions in UNSCR 1373 relating to the suppression of terrorist financing.

- During the UK Presidency of the EU in 2005, the EU agreed the Counter-Terrorism Strategy which sought to reflect the changing state of the terrorist threat and to bring a greater sense of coherence and prioritisation to the rapidly increasing number of work streams contained within the EU Counter-Terrorism Action Plan elaborated after 9/11. In addition, a Radicalisation and Recruitment Strategy and Action Plan have been developed, along with a corresponding Media Communications Strategy.

### **(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;**

Treaties do not automatically form part of UK law, and, therefore, before ratifying any treaty the UK must consider whether any amendment of domestic law is required to give effect to the obligations that it contains. This will involve an examination of whether the existing common law or statutory provisions are sufficient to implement the treaty in question, and, if not, legislation will be required to make the necessary amendments. The way in which the main provisions of the twelve international Counter-Terrorism Conventions and the European Convention for the Suppression of Terrorism are implemented, is set out below.<sup>1</sup>

<sup>1</sup> However it is important to note that the UK is made of three different law districts, namely (i) England and Wales, (ii) Scotland, and (iii) Northern Ireland. Whilst primary legislation that has been introduced specifically to implement treaty obligations will usually apply in all three law districts, aspects of substantive and procedural criminal law differ considerably in each. For the sake of brevity, this reply sets out the position in England and Wales. Implementation of the Conventions differs in a number of respects in Scotland and Northern Ireland.

## **Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963**

### Jurisdiction of State of Registration – Article 3

Section 92 of the Civil Aviation Act 1982 provides for the application of the criminal law to offences committed on board British-controlled aircraft in flight outside the UK. The definition of “British-controlled aircraft” is found in section 92(5), and goes somewhat wider than simply aircraft registered in the UK.

### Powers of the aircraft commander – Articles 5-10

Section 93 of the Civil Aviation Act 1982 sets out the powers of the commander of an aircraft, so as to give effect to these Articles of the Convention.

### Unlawful Seizure of Aircraft – Article 11

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967.

### Powers and duties of States - Articles 12-15

The necessary legislative enactment is unnecessary beyond the provision of section 93 of the Civil Aviation Act 1982. Powers of detention are primarily regulated under the Police and Criminal Evidence Act 1984. Powers of removal of aliens are regulated under immigration legislation.

### Article 16

It is accepted for the purposes the United Kingdom’s various general extradition arrangements with individual States that offences committed aboard aircraft are considered to be offences committed within the territory of the State of registration of such aircraft – Extradition Act 1989 sections 1(4) and Sch.1, para 14.

In addition extradition is permitted to contracting parties to the Tokyo Convention in respect of offences committed on board aircraft in flight by virtue of section 22 of the Extradition Act 1989 and the Extradition (Tokyo Convention) Order 1997 (SI no. 1997/1768).

### Article 18

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

## **The Hague Convention for the Suppression of Unlawful Seizure of Aircraft 1970**

### Article 1 – The Offence

Section 1 of the Aviation Security Act 1982 establishes the offence of hijacking in terms similar to the Convention. Under the general criminal law, accomplices to offences may themselves be prosecuted as principal offenders under section 8 of the Accessories and

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**Furthermore, legislation needs to be enacted in order to extend the conventions to the Crown Dependencies and Overseas Territories. The first five conventions detailed below have been extended to all of these territories; the process of extending the remaining seven is on-going.**

Abettors Act 1861. In addition section 6(2)(a) of the Aviation Security Act 1982 establishes ancillary offences in respect of persons in the UK who induce or assist the commission outside the UK of hijackings of military or police aircraft, or aircraft for which the place of take-off and landing is the same as that of the State of registration (matters excluded from the scope of the Convention under Article 3(2) and (3)).

#### Article 2 - Penalty

The offence of hijacking is punishable by life imprisonment (section 1(3) of the Aviation Security Act 1982).

#### Article 3 – Interpretation and exclusions

The interpretation of when an aircraft is considered to be in flight for the purposes of the Convention (Article 3(1)) is mirrored in section 38(3) of the Aviation Security Act 1982. The excluded matters in Articles 3(2) (military and police aircraft) and (3) (aircraft for which the place of take-off and landing is the same as that of the State of registration) are mirrored in section 1(2) of the Aviation Security Act 1982, except (i) where the hijackers of such planes are UK nationals or (ii) the hijacking occurs in the UK or (iii) the aircraft is registered in the UK or used in the service of the UK military or police.

#### Article 4 - Jurisdiction

Hijacking is an offence under section 1 of the Aviation Security Act 1982, whether it takes place in the UK or elsewhere. In accordance with section 8, proceedings in respect of these offences require the consent of the Attorney-General. Provision is also made for extraterritorial jurisdiction over a number of ancillary offences committed in connection with a hijacking, including homicides and various other offences against the person, as well as explosives offences (section 6(1) of the Aviation Security Act 1982).

#### Article 5 – Joint air transport operating organisations

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

#### Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 7 aut dedere aut iudicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of The Hague Convention in respect of offences under sections 1, 6(1) and 6(2)(a) of the Aviation Security Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Hijacking) Order 1997 (SI no. 1997/1763).

#### Article 9 – Preventive Measures

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967. However section 7 of the Aviation Security Act 1982 enables the police to take measures to prevent a person from embarking on an aircraft where they suspect he intends to commit hijacking offences.

#### Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 11 – Notifications

Specific legislative authority is not required in this respect.

### **The Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation 1971**

#### Article 1 – The Offences

The offences set out in Article 1(1) are reflected in the provisions of sections 2(1), 2(2), 3(1), and 3(3) of the Aviation Security Act 1982.

As regards attempts and accomplices for the purposes of Article 1(2), section 2(2) of the Aviation Security Act 1982 provides that it is an offence to place a device or substance on an aircraft which is likely to destroy or damage it. Additionally under the general criminal law, attempts to commit one of these offences are covered by the Criminal Attempts Act 1981, and accomplices to offences may themselves be prosecuted as principal offenders under section 8 of the Accessories and Abettors Act 1861.

Further, section 6(2)(b) of the Aviation Security Act 1982 establishes an ancillary offence in respect of persons in the UK who induce or assist the commission outside the UK of the destruction or sabotage of military or police aircraft, or the commission of violent acts which are likely to endanger the safety of such aircraft. Section 6(2)(c) establishes an ancillary offence in respect of persons in the UK who induce or assist the commission outside the UK of destruction or damage to property likely to endanger the safety of aircraft. Section 6(2)(c) also establishes an ancillary offence in relation to persons in the UK who induce or assist the commission outside the UK of the communication of false or misleading information which endangers or is likely to endanger the safety of aircraft in flight.

#### Article 2 Interpretation

The interpretation of when an aircraft is considered to be “in flight” or “in service” for the purposes of the Convention is mirrored in section 38(3) of the Aviation Security Act 1982.

#### Article 3 Penalties

Offences under Sections 2 and 3 of the Aviation Security Act 1982 are punishable by life imprisonment.

#### Article 4 – Exclusions

The UK legislation limits the exclusions in Article 4 of the Convention in certain respects.

#### Article 5 – Jurisdiction

The offences under section 2 of the Aviation Security Act 1982, (i.e. the destruction or damage to aircraft in service, acts of violence which endanger the safety of aircraft, and placing of a device or substance on board an aircraft likely to destroy or damage aircraft or endanger their safety) are offences in UK law, whether they are committed in the UK or elsewhere, whatever the nationality of the accused, and whatever the State in which the aircraft is registered (section 2(3)). In accordance with section 8, proceedings in respect of these offences require the consent of the Attorney-General.

For the offences under section 3 of the Aviation Security Act 1982 (i.e. the destruction or damage to property such as to endanger the safety of aircraft in flight, and the communication of false or misleading information such as to endanger the safety of aircraft in flight), the grounds of jurisdiction are set out in section 3(5) and reflect the grounds set out in Article 5(1) of the Convention.

#### Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 7 – aut dedere aut judicare

Specific legislative implementation of this provision in UK law, is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Montreal Convention in respect of offences under sections 2, 3, 6(2)(b) and 6(2)(c) of the Aviation Security Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Aviation Security) Order 1997 (SI no. 1997/1760).

#### Article 9 – Joint air transport operating organisations

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

#### Article 10 – Preventive measures

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967. However section 7 of the Aviation Security Act 1982 enables the police to take measures to prevent a person from embarking on an aircraft where they suspect he intends to commit hijacking offences.

#### Article 11 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Articles 12 and 13 - Notifications

Specific legislative authority is not required in this respect.

### **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents 1973**

Articles 1 and 2 – The Offences

Most of the offences set out in Article 2(1) are offences against the general criminal law in the UK, whether committed against internationally protected persons or not. Hence murder, manslaughter, culpable homicide, rape, assault occasioning actual bodily or causing injury, kidnapping, abduction, false imprisonment or plagiarism, as well as the various statutory offences under sections 18, 20-24, 28-30, and 56 of the Offences Against the Persons Act, and the offence of causing explosions with intent to endanger life under s.2 of the Explosive Substances Act 1883, are well-established offences when committed in the United Kingdom. Similarly criminal damage and arson are established statutory offences under the Criminal Damage Act 1971 when committed within the UK.

However section 1(1) of the Internationally Protected Persons Act 1978 provides for the application of the law extraterritorially when these offences are committed against an internationally protected person.

Section 1(2) of the 1978 Act also provides that attempts to commit one of those acts, or aiding or abetting others to do so, whether the attempt or aiding or abetting took place in the UK or not is an offence. Similarly section 1(3) creates the offence of threatening to commit one of the offences, or attempting, aiding or abetting such threat.

Article 3 – Jurisdiction

The offences under section 1 of the Internationally Protected Persons Act are offences for the purposes of UK law whether they are committed within the UK or not. However in relation to offences under the Act (i.e. essentially those involving the assertion of extraterritorial jurisdiction, proceedings require the consent of the Attorney-General (section 2 of the 1978 Act).

Articles 4 and 5 - Preventive measures and co-operation

No specific legislative measures are necessary beyond the usual police powers and the arrangements for co-operation in this respect.

Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 7 aut dedere aut judicare

Specific legislative implementation of this provision in UK law, is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under sections 1(1)(a), 1(1)(b) and 1(3) of the Internationally Protected Persons Act 1978, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Internationally Protected Persons) Order 1997 (SI no. 1997/1764).

#### Article 9 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must also meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

#### Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 11 – Notification

Specific legislative authority is not required in this respect.

### **The International Convention against the Taking of Hostages 1979**

#### Article 1- The Offence

The offence of “hostage-taking” is established in UK law by section 1 (1) of the Taking of Hostages Act 1982 in similar terms to Article 1(1) of the Convention. As regards attempts and accomplices (Article 1(2)), under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861.

#### Article 2 - Penalty

The offence of hostage taking is punishable by life imprisonment (section 1(2) of the Taking of Hostages Act 1982).

#### Article 3

No specific legislative enactment is required in this respect.

#### Article 4 - Preventive measures and co-operation

No specific legislative measures are necessary in this respect beyond the usual police powers and the arrangements for co-operation in this respect.

#### Article 5 - Jurisdiction

Hostage taking is an offence under section 1 of the Taking of Hostages Act 1982, whether it takes place in the UK or elsewhere. By section 2 of that Act, proceedings require the consent of the Attorney-General.

#### Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 7 – Notification

Specific legislative authority is not required in this respect.

#### Article 8 aut dedere aut judicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Articles 9 and 10 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under the Taking of Hostages Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Taking of Hostages) Order 1997 (SI no. 1997/1767).

#### Article 11 - Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Articles 12-15

No legislative enactment is required in these respects.

### **The Convention on the Physical Protection of Nuclear Material 1979**

#### Article 7 - The Offences

Most of the offences set out in Article 7 are offences against the general criminal law in the UK, whether committed in relation to nuclear material or not. Hence murder, manslaughter, culpable homicide, assaults as well statutory offences under sections 18 and 20 the Offences Against the Persons Act, and section 1 of the Criminal Damage Act 1971, are well-established offences when committed in the UK law. Similarly theft, embezzlement, robbery, burglary, aggravated burglary, fraud and extortion are established offences when committed within the UK.

However section 1(1) of the Nuclear Materials Act 1983 provides for the application of the criminal law extraterritorially when these offences are committed outside the UK in relation to or by means of nuclear material.

Section 2 of the 1983 Act also provides that preparatory acts and threats to obtain nuclear material in relation to these offences shall themselves be offences (in accordance Article 1(1) (e) and (g) of the Convention). In addition under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861.

Penalties vary in according to the different crimes charged. An indication of the gravity with which these crimes are viewed in UK law can be seen from section 2(5) of the 1983 Act which provides for a maximum sentence of 14 years, in relation to the offences concerning preparatory acts and threats in section 2.

#### Article 8 – Jurisdiction

The offences under sections 1 and 2 of the Nuclear Material (Offences) Act 1983 are offences for the purposes of UK law whether they are committed within the UK or not. However in certain cases, essentially involving the assertion of extraterritorial jurisdiction, the consent of the Attorney-General is required in relation to prosecutions (section 2 of the 1978 Act).

#### Article 9 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 10 - aut dedere aut judicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under sections 1(1) and 2 of the Nuclear Material (Offences) Act 1983, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Protection of Nuclear Material) Order 1997 (SI no. 1997/1765).

#### Article 12 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must also meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

#### Article 13 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

### **Protocol for the Suppression of Unlawful Acts of Violence at Airports 1988**

This supplementary Protocol to the 1971 Montreal Convention is given effect in UK law under section 1 of the Aviation and Maritime Security Act 1990. The offences set out in Article 1 of the Protocol are given effect in UK law by sections 1(1) and 1(2) of the 1990 Act. Offences are punishable by life imprisonment (section 1(5)). Extraterritorial jurisdiction is provided for under Section 1(3), but the consent of the Attorney-General is required for the institution of proceedings (section 1(7)). Extradition is provided for as per the 1971 Montreal Convention.

## **The Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988**

### Article 3 – The Offences

The offences set out in Article 3(1) of the Convention are implemented in UK law in the following sections of the Aviation and Maritime Security Act 1990:

- section 9 - hijacking of ships;
- section 11(1)(c) - acts of violence such as to endanger a ship;
- section 11(1)(a) and (b) - destruction of and damage likely to endanger the safety of ships;
- section 11(2) - placing on board of a device or substance likely to destroy or damage a ship;
- section 12(1) - destruction or damage of maritime navigational facilities;
- section 12(3) - communication of false information endangering safety of ships;
- section 14 - violent acts ancillary to the commission of the offences in sections 9, 11, and 12.

As regards attempts and accomplices (Articles 3(2)(a) and (b)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. In accordance with Article 3(2)(c), threats are made offences by section 13 of the Aviation and Maritime Security Act 1990.

### Article 5 – The penalties

The offences contained in sections 9, 11, 12 and 13 of the Aviation and Maritime Security Act 1990 are all punishable by life imprisonment (see sections 9(3), 11(6), 12(7) and 13(5) respectively).

### Article 6 – Jurisdiction

The offences under sections 9, 11, 12, 13 and 14 of the Aviation and Maritime Security Act 1990 are offences for the purposes of UK law whether they are committed within the UK or not. However the consent of the Attorney-General is required in relation to prosecutions (section 16).

### Article 7 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

### Article 10 - aut dedere aut judicare and fair treatment

Specific legislative implementation of Article 10(1) in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it. There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

#### Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 9, 11,12, or 13 of the Aviation and Maritime Security Act 1990, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Safety of Maritime Navigation) Order 1997 (SI no. 1997/1766).

#### Article 12 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 13 - Preventive measures and co-operation

No specific legislative measures are necessary in this respect beyond the usual police powers and the arrangements for co-operation in this respect.

#### Articles 14 -15 - Notifications

No legislative enactment is required in these respects.

### **Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf**

#### Article 2 – The Offences

The offences set out in Article 2(1) of the Convention are implemented in UK law in the following sections of the Aviation and Maritime Security Act 1990:

- section 10 - seizure of platforms;
- section 11(1)(c) - acts of violence such as to endanger the safety of a platform;
- section 11(1)(a) and (b) - destruction of and damage likely to endanger the safety of a platform;
- section 11(2) - placing on board of a device or substance likely to destroy or damage a platform;
- section 14 - violent acts ancillary to the commission of the offences in sections 10 and 11.

As regards attempts and accomplices (Articles 2(2)(a) and (b)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Threats under Article 2(2)(c) are made offences by section 13 of the Aviation and Maritime Security Act 1990.

#### Article 5 – The penalties

The offences contained in sections 10, 11, and 13 of the Aviation and Maritime Security Act 1990 are all punishable by life imprisonment (see sections 10(2), 11(6), and 13(5) respectively).

#### Article 6 – Jurisdiction

The offences under sections 10, 11, 13 and 14 of the Aviation and Maritime Security Act

1990 are offences for the purposes of UK law whether they are committed within the UK or not. However the consent of the Attorney-General is required in relation to prosecutions (section 16).

In other respects the Protocol is implemented in UK law as per the 1988 Rome Convention.

### **The Convention on the Marking of Plastic Explosives for the Purposes of Detection 1991**

The Convention is implemented in UK law by *the Marking of Plastic Explosives for Detection Regulations 1996* (SI No. 890/1996), made under enabling powers in the Health and Safety at Work Act 1974. The Regulations prohibit the manufacture of unmarked explosives in accordance with Article II of the Convention. The Regulations prohibit the importation into the UK of unmarked explosives. Further restrictions to prohibit and prevent the transfer into or out of the territory of the UK in accordance with Article III may be given effect through the licensing system generally applicable to importation and exportation. The Regulations also prohibit the possession of unmarked explosives and save in respect of stocks held for military and police purposes.

### **The International Convention for the Suppression of Terrorist Bombings 1997**

Article 2 – The Offences.

Offences relating to explosives have long been apart of UK criminal law. The Offences Against the Person Act 1861 provides for the following offences

- (a) causing bodily harm by gunpowder (section 28);
- (b) causing gunpowder to explode with intent to do grievous bodily harm (section 29); and
- (c) placing gunpowder near a building with intent to cause bodily injury.

In addition under the Explosive Substances Act 1883 the following are offences:

- (a) causing an explosion likely to endanger life or property (section 2);
- (b) doing any act with intent to such explosion, conspiring to cause such an explosion, or making or possessing explosive with intent to endanger life or property (section 3);
- (c) acting as an accessory to either of the above offences (section 5)

Section 1 of the Biological Weapons Act 1974, and section 2 of the Chemical Weapons Act 1996, create various offences concerning the use possession and development of biological and chemical weapons respectively. Similar offences in relation to the use of nuclear weapons are established under section 47 of the Anti-Terrorism, Crime and Security Act 2001.

As regards attempts and accomplices (Articles 2(2) and 2(3)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Conspiring to commit offences is also an offence by virtue of section 1 of the Criminal Law Act 1977.

Finally a person who directs a terrorist organisation commits an offence under section 56 of the Terrorism Act 2000.

### **Article 4 – Domestic Criminal Law and Penalties**

The offences contained in Article 2 are part of UK domestic law by virtue of the statutory provisions set above. Offences under section 2,3 and 5 of the Explosive Substances Act 1883; section 1 of the Biological Weapons Act 1974; section 2 of the Chemical Weapons Act 1996; and section 47 of the Anti-Terrorism, Crime and Security Act 2001 are all punishable by life imprisonment.

#### Article 5

The offences in UK law cited above are offences regardless of such motivations on the part of the accused.

#### Article 6 – Jurisdiction

By virtue of section 62 of the Terrorism Act 2000 extraterritorial jurisdiction is extended over the offences under Articles 2, 3 and 5 of the Explosive Substances Act 1883, and the offences in section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996. However by virtue of section 117 of the Terrorism Act 2000, the consent of the Attorney-General to prosecutions will be required where such extraterritorial jurisdiction is to be asserted. Extraterritorial jurisdiction is also exercisable with the consent of the Attorney-General in respect of offences relating to use etc of nuclear weapons under section 47 of the Anti-Terrorism, Crime and Security Act 2001.

#### Article 7 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 8 - aut dedere aut judicare

Specific legislative implementation of this Article in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 9 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 2,3 and 5 of the Explosive Substances Act 1883, section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996, by virtue of section 22 of the Extradition Act 1989 (as amended by section 64 of the Terrorism Act 2000).

#### Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 11 – Exclusion of the Political Offence Exception

This Article is given effect by section 24(5) of the Extradition Act (inserted by virtue of section 64(4) of the Terrorism Act 2000). Under that provision offences under sections 2,3 and 5 of the Explosive Substances Act 1883, section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996 shall not be considered political offences for the purposes of the political offence exception in extradition.

#### Article 14 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law,

notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

#### Article 15 – preventive measures

In relation to Article 15(a) it should be noted that by virtue of sections 59-61 of the Terrorism Act 2000 incitement to terrorism overseas is an offence in UK law.

### **The International Convention for the Suppression of the Financing of Terrorism 1999**

#### Article 2 – The Offences

The offences set out in Article 2(1) of the Convention are reflected in UK law in the following offences under the Terrorism Act 2000:

- (a) Fund-raising for the purposes of terrorism (section 15);
- (b) Use and possession of money for the purposes of terrorism (section 16);
- (c) Involvement in funding arrangements for the purposes of terrorism (section 17);
- (d) Money laundering and similar offences in relation to terrorist property (section 18).

As regards attempts and accomplices (Articles 2(4) and 2(5)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Conspiring to commit offences is also an offence by virtue of section 1 of the Criminal Law Act 1977.

A person who directs a terrorist organisation commits an offence under section 56 of the Terrorism Act 2000.

#### Article 4 – Domestic Criminal Law and Penalties

The offences contained in Article 2 are part of UK domestic law by virtue of the statutory provisions set above. The maximum custodial sentence in relation to offences under section 15-18 of the Terrorism Act 2000 is 14 years imprisonment (section 22). The offence of directing a terrorist organisation under section 56 of that Act is punishable by life imprisonment.

#### Article 6

The ideological or similar other motivation of the offender offers no excuse in relation to the offences under section 15-18 of the Terrorism Act 2000, but rather is a defining element of “terrorism” for the purposes of the Act (section 1).

#### Article 7 – Jurisdiction

By virtue of section 63 of the Terrorism Act 2000 general extraterritorial jurisdiction is extended over the offences under sections 15-18 of the same Act. However by virtue of section 117 of the Terrorism Act 2000, the consent of the Attorney-General to prosecutions will be required where such extraterritorial jurisdiction is to be asserted.

#### Article 8 – Seizure of Terrorist Funds

In addition to general powers of the police and other financial authorities to freeze and forfeit funds and property used in connection with criminal and prohibited activities, the Terrorism Act 2000 provides additional powers in relation to the investigation, freezing and forfeiture of terrorist funds.

#### Article 9 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Code of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 10 - aut dedere aut judicare

Specific legislative implementation of this Article in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it.

#### Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 15-18 of the Terrorism Act 2000, by virtue of section 22 of the Extradition Act 1989 (as amended by s.64 of the Terrorism Act 2000).

#### Article 12 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 14 – Exclusion of the Political Offence Exception

This Article is given effect by section 24(5) of the Extradition Act (inserted by virtue of section 64(4) of the Terrorism Act 2000). Under that provision offences under sections 15-18 of the Terrorism Act 2000 shall not be considered political offences for the purposes of the political offence exception in extradition.

#### Article 17 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

### **European Convention on the Suppression of Terrorism 1977**

#### Articles 1 and 2 – Exclusion of the Political Offence Exception

The exclusion of the political offence exception in extradition proceedings in connection with the crimes listed in Article 1 of the Convention, is implemented in UK law under Section 1 of the Suppression of Terrorism Act 1978. The full list of crimes in UK law to which the exclusion applies is set out in Schedule 1 to the Act.

#### Article 4 – Extraditable Offences

This Article is given effect in UK law by section of the Suppression of Terrorism Act 1978.

#### Article 6 – Jurisdiction

Under section 4 of the Suppression of Terrorism Act 1978 jurisdiction can be asserted over certain of the offences contained in Schedule 1 to the Act where they were committed in the territory of a State party to the Convention. However the consent of the Attorney-General is

required in relation to prosecutions for acts made unlawful under that section 4(4) of that Act (i.e. in cases in which extraterritorial jurisdiction is claimed).

Article 8 - aut dedere aut judicare

Specific legislative implementation of this Article in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it.

Article 9 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

## **Section I: Inter-State elements**

### **1. Account of measures to prevent and combat terrorism**

#### **COUNTER TERRORISM ACT 2008**

An Act to confer further powers to gather and share information for counter-terrorism and other purposes; to make further provision about the detention and questioning of terrorist suspects and the prosecution and punishment of terrorist offences; to impose notification requirements on persons convicted of such offences; to confer further powers to act against terrorist financing, money laundering and certain other activities; to provide for review of certain Treasury decisions and about evidence in, and other matters connected with, review proceedings; to amend the law relating to inquiries; to amend the definition of “terrorism”; to amend the enactments relating to terrorist offences, control orders and the forfeiture of terrorist cash; to provide for recovering the costs of policing at certain gas facilities; to amend provisions about the appointment of special advocates in Northern Ireland; and for connected purposes.

The Counter-Terrorism Act 2008 includes:

- Post charge questioning for terrorism suspects;
- Power to remove documents for examination
- Enhanced sentences for those convicted of non-terrorist offences (such as conspiracy to murder) but where the offence is clearly related to terrorism.
- Notification requirements for convicted terrorists which requires them to notify certain personal information such as name, address and travel plans and confirm such details annually;
- Power on the disclosure of information to intelligence services
- Power to retain and use covertly obtained DNA and fingerprints
- Ability to ban convicted terrorists from travelling overseas
- Offence of eliciting information about members of armed forces, intelligence agencies or police

- New powers for the Treasury to direct financial and credit institutions to take certain action in respect of business with persons in a non-EEA country of money laundering, terrorist financing or proliferation concern.
- New powers allowing the Treasury to base its financial restriction decisions on all available intelligence including closed material (i.e. material the disclosure of which would be contrary to the public interest).

## **UK BORDERS ACT 2007**

The UK Borders Act increases the powers the Border and Immigration Agency (BIA) has to build stronger borders, tackle organised crime and remove incentives for illegal immigrants wanting to come to Britain.

The UK Borders Act:

- Introduces compulsory ID Cards for foreign nationals which will help tackle fraud, illegal working and multiple identity;
- provides new powers to immigration officers allowing them to detain at ports in England, Wales and Northern Ireland individuals they suspect of having committed a crime, to arrest those they believe to have fraudulently been acquiring asylum support and to access Her Majesty's Revenue Customs (HMRC) data to track down illegal immigrants;
- extends powers to enable the prosecution of those who facilitate or traffic from abroad, even if their crimes were committed outside of the UK;
- allows automatic consideration for deportation of foreign national prisoners - sending out a clear message that those who abuse the hospitality of the United Kingdom by committing serious crimes will not be tolerated;
- introduces a Code of Practice to keep Children Safe from Harm which the Border and Immigration Agency will have regard to when dealing with children and;
- establishes a Chief Inspector for the BIA, to oversee the new Agency.

The passage of the UK Borders Act follows major steps already taken by the UK Government to strengthen the UK border. They include: the introduction of biometric visas, already rolled out in 106 countries around the world, which have led to 7,300 individuals successfully being matched to applicants known to the immigration authorities the introduction of a network of airline liaison officers who have stopped 180,000 people boarding planes bound for Britain in 2006 and the rollout of checks against passengers entering and leaving the UK which has generated 15,000 alerts and over 1,200 arrests since 2005.

- 1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?
- 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The close collaboration between the UK's counter-terrorism security, intelligence and law enforcement agencies is recognised internationally as a model for successful joint working. Collaborative working is routine and includes joint operations and joint reporting, shared technical programmes and the exchange of staff.

There have been major structural changes to the way in which the police and the Security Service work together.

The Counter-Terrorism Command (CTC) (SO15), in the Metropolitan Police, was created in 2006 from a merger of two existing commands: Special Branch (SO12) and the Anti-Terrorist Branch (SO13). The CTC coordinates regional (London), national, and international UK police work on counter-terrorism through the Assistant Commissioner for Specialist Operations and the Senior National Coordinator Counter-Terrorism; this will be enhanced by a new national ACPO CT Coordination Centre being established by the Association of Chief Police Officers (ACPO) during 2009. Police Counter-Terrorism Units (CTUs) have been established in Leeds, Manchester, Birmingham and Thames Valley. The CTU network is supported by smaller Counter-Terrorism Intelligence Units (CTIUs) based in the East Midlands, Eastern region, South East (to be replaced by the Thames Valley CTU), Wales and South West. These have similar functions to CTUs, but do not have an investigative role. At the force level, Special Branches provide significant contribution to counter-terrorism work coordinated through this counter-terrorism network. Together, the CTC, the CTUs and the CTIUs make up the Police Counter-Terrorism Network in England and Wales.

This new counter-terrorism network has enabled the police to:

- better engage in the full range of counter-terrorism policing activities including intelligence collection, investigation and intervention by disruption or prosecution
- implement policing contributions across all the key workstreams of CONTEST
- combine in single units specialised counter-terrorism skills and capacity with the local expertise of regional police forces, and
- improve the dialogue with other regional partners, notably local authorities.

In Scotland, Association of Chief Police Officers in Scotland (ACPOS) has established a CTIU which coordinates all police counter-terrorism related duties. In Northern Ireland, the PSNI has a CTU capability within its Crime Operations Branch<sup>115</sup>. To deliver a comprehensive national approach, the new counterterrorism resources we have created can be deployed wherever they are required and requested across the whole of the UK.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

— Financing of terrorism;  
“The financial challenge to crime and terrorism” launched jointly by Home Office, HM Treasury, the FCO and the Serious Organised Crime Agency (SOCA) in

February 2007, set out for the first time how the public and private sector would come together to deter terrorists from using the financial system, detect them when they did, and use financial tools to disrupt them. Our aim is to deprive terrorists and violent extremists of the financial resources and systems needed for terrorist-related activity, including radicalisation. Action against terrorist finance includes safeguards to prevent terrorists using common methods to raise funds, or using the financial system to move money. Financial intelligence and financial investigation tools are used to support all counter-terrorist investigations; and asset freezing can be used to disrupt the activity of terrorists and their supporters. The financial sector plays a significant role in preventing terrorist abuse, by carrying out 'know your customer' checks and by identifying suspicious customers or activity. In 2007, the Government implemented the European Union (EU) Third Money Laundering Directive which tightened controls on the regulated financial sectors. HM Revenue and Customs' (HMRC) mandatory registration of money service businesses introduced a 'fit and proper' test to ensure that owners and persons who direct the businesses cannot abuse those businesses for terrorist financing. These sectors are obliged by law to provide the SOCA with Suspicious Activity Reports on any financial activity they suspect may be related to terrorism. The Charity Commission plays an important role in preventing the abuse of charitable organisations to raise or move funds for terrorists.

The Terrorism Act 2000 created specific terrorist finance offences. Financial tools are used to disrupt terrorists and their supporters. In October 2007, HM Treasury set up a dedicated Asset Freezing Unit to increase the expertise and operational focus that the Government is able to bring to bear in this area, enabling the UK to be more effective and proactive in freezing assets of suspected terrorists and facilitators. To combat the international financing of terrorism, we work closely with other governments and international organisations such as the Financial Action Task Force, to develop and enforce international standards and, to ensure all countries have robust systems in place for countering the financing of terrorism.

- Border controls;
- Travel document security;
- Container and supply chain security;
- Security of radioactive sources;

Our aim is to deny terrorist access to CBRNE materials, whether produced and stored in the UK legally or imported (legally or illegally), and to screen for CBRNE materials entering protected areas, for example at airports. Work with European and other partners is particularly important. Tighter controls on the movement of CBRNE materials in Europe and beyond reduce their availability to terrorists, directly increasing UK security. European standards are being developed for explosives screening in commercial aviation, building on the measures initiated by the UK and put in place for liquids in August 2006, which seek both to improve explosive detection capability and to reduce disruption and inconvenience to the travelling public. The multilateral Global Threat Reduction Programme (GTRP) plays an important role in denying terrorists access to CBRN materials. The aim of the GTRP is to improve the security of fissile materials held around the world; reduce the

number of sites containing nuclear and radiological material; contribute to the destruction of chemical weapons stocks; and provide sustainable employment for former weapon scientists whose expertise could otherwise be acquired by terrorist organisations. It is the UK's largest cooperative counter proliferation assistance programme, and is coordinated with other key donors. The UK is a leading participant in international multilateral regimes and instruments designed to combat not only the illicit transfer of CBRN material, but also their means of delivery; these include the Chemical Weapons Convention, the Biological and Toxin Weapons Convention, the Missile Technology Control Regime and the Nuclear Suppliers Group.

The Cyclamen Programme was established in 2002 as a joint programme between the Home Office and the former HM Customs & Excise to deter or detect the illicit importation of radiological materials into the UK that could be used for terrorist purposes. Cyclamen involves the development and roll-out of a suite of radiological detection systems at ports of entry to the UK, now operated by UKBA.

Substances with legitimate industrial or domestic uses can be exploited by terrorist groups for the purposes of creating a CBRN or improvised explosive device. Much work has already been undertaken to minimise the opportunities to do so. The UK provides specialist advice to industry on the security of hazardous substances and the sites which handle them. The 'Know Your Customer' campaigns raise awareness about the 'dual-use' nature of certain products and encourage suppliers to be more enquiring of new customers and to report suspicious enquiries to the police.

The Government is delivering an action plan for enhancing the safeguards in respect of CBRNE materials. This includes work to reduce accessibility to hazardous substances posing the highest risk, based on their threat, vulnerability and impact across their life-cycle (from their precursors through to their disposal). The Government is working with its international partners to improve the security of hazardous substances and potential radioactive sources and to ensure that the UK's measures are not taken in isolation. Awareness-raising measures for specific sectors, such as the academic community, are beginning and action is being taken to address identified gaps in the regulatory regime.

— Use of the Internet and other information networks for terrorist purposes; The UK has developed work to disrupt use of the internet for extremist messaging and increase use of the internet to promote alternative views, with the overall aim of making the internet a more hostile environment for terrorists and violent extremists. The legal basis for removing unlawful terrorist-related material from the internet (whether or not the source of it can be or has been arrested) is Section 3 of the Terrorism Act 2006. This allows a police officer to issue a notice on an Internet Service Provider (ISP) requiring it to remove or modify unlawful terrorist related material within two working days. In practice close cooperation with industry in this country means that, to date, the police have been able to secure the removal of content without the need for notices to be served under Section 3. The greater problem is that most of the material of concern is hosted on web servers overseas. Section 3 notices can be issued to ISPs outside the UK but cannot be enforced. Multilateral cooperation and coordination are therefore essential and most other states face challenges similar to our own.

Work has also been undertaken in the UK to identify ways in which the dissemination of material from web sites hosted overseas can be limited. One option is to make wider use of filtering or parental control software. Following the announcement by the Prime Minister in November 2007 Home Office Ministers and officials have engaged with filtering companies to ensure that their products provide a high level of protection against unlawful material that promotes or encourages terrorism. With effect from November 2008, filtering companies have begun to restrict access to additional terrorist-related web addresses in their products.

Communities also have an important part to play in tackling terrorist use of the internet. In October 2008, a Home Office sponsored seminar brought together members of communities with representatives of Government, the police and academia to discuss this. A network of community practitioners is now being formed to share best practice, develop new ideas to tackle the threat of radicalisation on the internet and work to increase positive messaging; OSCT and other Departments will provide assistance where it is sought. Separately, organisations such as Radical Middle Way, an established Government partner organisation, are promoting debate within UK Muslim communities, and using the internet to reach audiences in the UK and overseas. Radical Middle Way International is now organising a series of high-profile tours by mainstream Islamic scholars overseas and will develop a specific website for each pilot country in the local language. Projects like this demonstrate how the internet can be used to promote debate and to challenge extremist ideologies.

— Legal co-operation including extradition;

Terrorist activity has often been conducted by foreign nationals who have come to live in the UK. The Government has always sought to deport foreign nationals suspected of being involved in terrorist-related activity, or who have completed terrorist-related prison sentences, back to their countries of origin using immigration powers exercised by the UK Border Agency. But many of the foreign nationals concerned come from states, which are alleged to have abused human rights. European case law has established that Article 3 of the ECHR prevents a state from deporting a foreign national to a country where there are substantial grounds for believing that there is a real risk the person will be tortured or suffer inhuman or degrading treatment. The European Court of Human Rights (ECtHR) also held that this applies irrespective of the conduct of the persons to be returned. The substance of Article 3 is reflected in other international instruments. Article 3 of the UN Convention Against Torture prohibits the removal of someone where there are substantial grounds for believing they will face torture. The UN International Covenant on Civil and Political Rights has been interpreted to include a prohibition on return comparable to the ECHR. It is against this background that since 2004, the Government has negotiated Memoranda of understanding (MoUs) or similar arrangements to protect foreign nationals whom it wishes to deport to countries where there are concerns on ECHR Article 3 grounds about safety on return. Such arrangements have been agreed with Algeria, Ethiopia, Jordan, Lebanon, and Libya. Work continues to expand this programme by agreeing similar arrangements with a number of other countries. The Government is also engaging bilaterally with European partners to reach a common understanding and acceptance of the applicability of deportation with assurance-like mechanisms.

— Safe havens and shelter to terrorists and terrorist organizations.

## **2. Stationing of armed forces on foreign territory**

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

**3. Implementation of other international commitments related to the Code of Conduct**

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence and security building as an element of indivisible security are implemented in good faith.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

**2. National Planning and Decision-Making Process**

**(a) The Military Posture:**

**Secretary of State and Ministers**

The Secretary of State is responsible for the formulation and conduct of defence policy, and for providing the means by which it is conducted. He is supported by a Minister of State for the Armed Forces, a Minister of State for Defence Equipment & Support and a Parliamentary Under-Secretary of State and Minister for Veterans. The Secretary of State and his three Ministerial colleagues are accountable to Parliament – which votes public money to the MoD for defence purposes.

**Strategic Control**

Ministers are supported by the senior management of the MoD, headed jointly by the (military) Chief of the Defence Staff and the (civilian) Permanent Under Secretary. They share equal responsibility for much of the Department's business and their roles reflect the importance of both military and civilian advice on operational, political, financial and administrative matters. The Permanent Under Secretary is the Government's principal civilian adviser on defence and has primary responsibility for defence policy, finance and the administration of the Department. The Chief of The Defence Staff (CDS) is the professional head of the Armed Forces and the principal military adviser to the Secretary of State and the Government.

**The Defence Council**

The Defence Council is the senior Departmental committee. It is chaired by the Secretary of State, and comprises the other Ministers, the PUS and CDS, and other senior Service officers and officials. It provides the formal legal basis for the conduct of defence in the UK through a range of powers vested in it by statute and Letters Patent.

**The Defence Management Board (DMB)**

The DMB is the highest, non-ministerial committee in the MoD. Chaired by PUS, it is essentially the main corporate board of the MoD, providing senior level leadership and strategic management of Defence. Its role is to deliver the Defence aim set out in the Public Service Agreement; it also owns the Defence Vision. The Board is made up of the non-Ministerial members of the Defence Council, and three external, independent non-executive members.

### **The Ministry of Defence**

The MOD is responsible for leading the defence contribution to the development of the Government's foreign and security policy and wider HMG objectives, and for translating those objectives into departmental policy and the defence capability needed to deliver it.

#### **(b) Defence Expenditure:**

The Government carries out a Spending Review every two years to allocate Departmental Budgets. Spending Reviews set firm and fixed three-year Departmental Expenditure Limits and, through Public Service Agreements, define the key improvements that the public can expect from these resources. The delivery of defence outputs falls to Top Level Budget (TLB) holders – Service Commanders-in-Chief and the heads of other major delivery organisations. Top Level Budget holders are responsible for the delivery of specific outputs – typically elements of military capability or supporting services to other Top Level Budgets. At the conclusion of each planning round, the outputs and the related resources for each Top Level Budget are set out in Service Delivery Agreements between the Permanent Under Secretary and the Chief of the Defence Staff on the one hand and the Top Level Budget holder, or Service Chief where appropriate, on the other hand.

### **Central TLB**

The role of the Central TLB is to provide the framework to enable MoD to act as both a Department of State and as the Strategic Headquarters of the Armed Forces. It provides three key functions: Head Office – strategy and policy, allocation of resources against objectives and targets, monitoring performance, and setting standards; Military Capability – providing centrally managed force elements at defined readiness states (including Special Forces, medical and intelligence services); and Corporate Services – delivering cost effective and efficient centralized Corporate Services to the wider Department e.g. finance and personnel services.

### **Chief of Joint Operations (CJO)**

With a few exceptions, CJO is responsible for running all military operations from the Permanent Joint Headquarters in Northwood. Military assets are assigned to CJO for the duration of the operation only. In addition to these operational responsibilities, CJO is responsible for the Sovereign Base Areas and British Forces in Cyprus, Gibraltar, the South Atlantic Islands and Diego Garcia.

### **Fleet**

The single Fleet TLB was formed on 1 April 2006 by merging the old TLBs of Commander in Chief Fleet (CINCFLEET) and the Second Sea Lord/Commander in Chief Naval Home Command TLBs. Headed by Commander in Chief Fleet, the TLB is responsible for providing warships and trained crews and Royal Marines to CJO at agreed readiness states. CINCFLEET maintains an operational command and control capability, in particular for the nuclear deterrent force. This TLB is also responsible for the provision of personnel: recruitment, individual and collective training and career management.

### **Air Command**

Air Command was formed on 1 April 2007 as a result of the merger of the RAF's Personnel and Training Command and Strike Command. The creation of a single Command, with a single fully integrated Headquarters, will better equip the RAF to provide a coherent and coordinated single Air focus to the other services, MoD Head office, the Permanent Joint Headquarters and the rest of MoD. Air Command is responsible for providing aircraft, trained aircrews and other force elements to CJO at agreed readiness states. In order to do this it undertakes a wide range of functions including providing the recruitment and training of RAF personnel. It undertakes the basic flying training for all three services. In addition, it maintains aircraft and aircrew for Quick Reaction Alert to defend UK airspace and conduct Search and Rescue Operations.

### **Land Command**

LAND is responsible for providing the land component military capability (Army formations and equipment) to CJO at agreed readiness states through collective training and the generation of military capability of units, brigades and divisions.

### **Defence Equipment and Support (DE&S)**

DE&S is a new Top Level Budget established through merger of the Defence Procurement Agency and the Defence Logistics Organisation. It was formed on 1 April 2007 as a result of the Defence Acquisition Change Programme to become an integrated procurement and support organisation. The role of this TLB is therefore to equip and support the UK's Armed Forces for current and future operations. It acquires and supports through-life, including disposal, equipment and services ranging from ships, aircraft, vehicles and weapons, to electronic systems and information systems.

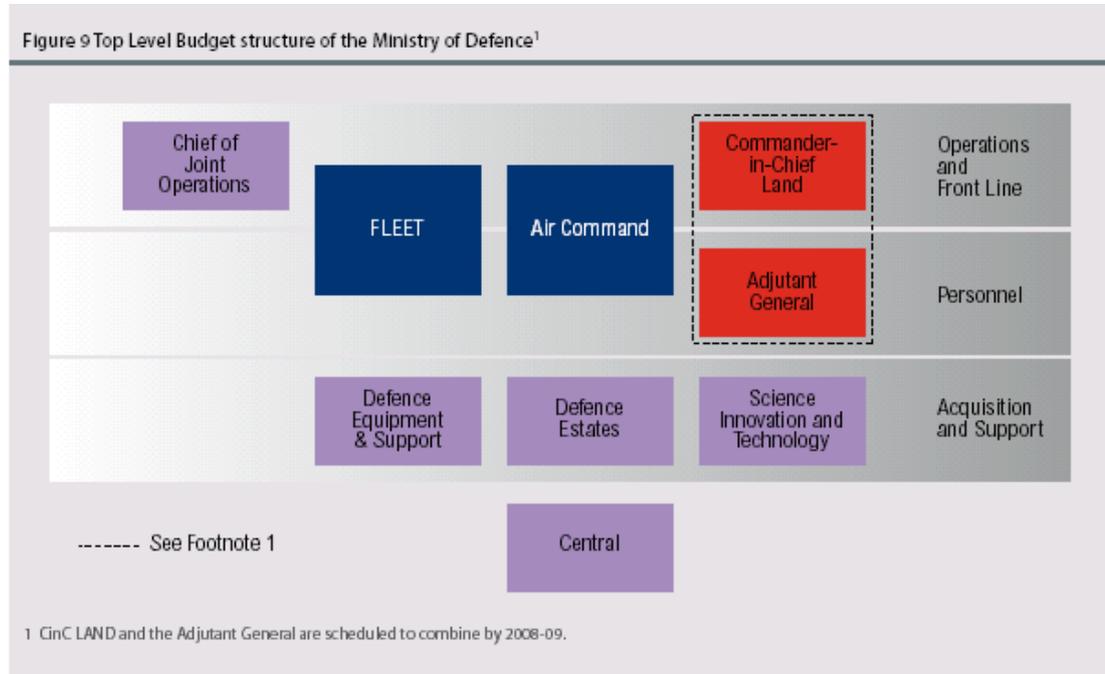
### **Science | Innovation | Technology**

The prime output of this TLB ensures the Department has access to sound technical advice and technology to support military operations and future strategic capabilities, including nuclear and missile defence issues and policy, provision of technical support, and adaptation of equipment for defence requirements.

### **Defence Estate (DE)**

DE is responsible for managing and developing the Defence Estate in a sustainable manner, in line with acknowledged best practice and Government policy.

The **Top Level Budget** structure is outlined below:



The Government is committed to funding the Armed Forces as they modernise and adapt to meet evolving threats and promote international stability in the changing global security environment. Building on the additional investment provided by the Government since 2000, the 2004 Spending Review (SR2004) announced in July 2004 increased planned spending on defence by an average of 1.4% per year in real terms over the three years to 2007-08, with total planned defence spending £3.7 billion higher in 2007-08 than in 2004-05. In cash terms, the equivalent increase is £3.5 billion, an average real growth of 1.5% per year.

Further modernisation of defence will be supported through the continued provision of the Defence Modernisation Fund, amounting to £1 billion over the three years to 2007-08, which represented an increase in both its size and scope. Building on its existing change programme, the MoD also undertook to realise total annual efficiency gains of at least £2.8 billion by 2007-08, of which three-quarters will be cash releasing, to be re-invested in defence capability and further modernisation initiatives.

Further information on the outcome of the 2004 Spending Review is set out in *2004 Spending Review: Stability, security and opportunity for all: investing for Britain's long-term future: New Public Spending Plans 2005-2008* (Cm 6237) published on [www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk) and in the technical notes supporting the MoD's SR2004 Public Service Agreement and Efficiency programme, published on [www.mod.uk](http://www.mod.uk).

### 3. **Democratic Control**

**(a) Constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police:**

The Secretary of State for Defence is an elected member of the British Government and is accountable to Parliament for all defence matters. He is responsible for the formulation of British defence policy and ultimately for the conduct of all military operations. Defence Ministers account to Parliament for all defence issues and will appear, when requested, before both Houses and before relevant Parliamentary committees.

The Bill of Rights 1688 took control over the creation of a standing Army from the Crown and placed it in the hands of Parliament. The Bill declared that “the raising or keeping of a standing Army within the Kingdom in time of peace, unless it is with the consent of Parliament, is against the law” (Article 9 of the Bill of Rights which is still in force). Accordingly, a Standing Army was established by Parliament, but with a limited period of existence. Annual Mutiny Acts were passed by Parliament until 1881 when the Army Act of that year put the government of the Army on a more modern footing. It became the practice to pass an annual Act to continue in force the 1881 Act for a further year.

The Armed Forces Bill 2008 replaced the Service Discipline Acts (the Naval Discipline Act 1957, the Army Act 1955 and the Air Force Act 1955) with a single system of service law that applies to the personnel of all three services. Although a more modern piece of legislation, the Bill does not set out to make radical changes for the sake of it. From the start of work in 2001, our intention has been to support operational effectiveness by moving to a single system of Service law. This covers the full range of disciplinary work from the internal disciplinary process, which is normally the responsibility of unit commanding officers, right through to courts martial. The Bill covered some other important areas such as the right of personnel to complain to the Service Boards; Service Inquiries; and a range of miscellaneous matters such as recruitment, enlistment and terms and conditions of service. The Bill was approved (as the Armed Forces Act 2006) and is now underway for implementation. The target date for full implementation is October 2009. Preparation began in 2005 with the first steps to quantify the secondary legislation, regulations, manuals and guidance needed before we can get to grips with training the Armed Forces in the full range of new provisions and procedures. All of this will be crucial to ensure that the legislation will work effectively in practice. Details can be found at [www.armedforcesbill.mod.uk](http://www.armedforcesbill.mod.uk).

The UK does not have paramilitary or internal security forces.

**(b) Constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces:**

The constitutionally established authority for control of the Military is Parliament.

**(c) Roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework:**

The **Defence Aim**, which is reflected in our Public Service Agreement, is: To deliver security for the people of the United Kingdom and the Overseas Territories by defending them, including against terrorism, and to act as a force for good by strengthening international peace and security.

The **Military Tasks** provide a framework for the Ministry of Defence on which to base its detailed defence planning for the size, shape and capabilities of the Armed Forces. There are eighteen Military Tasks which are categorised under the four generic headings of Standing Strategic Tasks, Standing Home Commitments, Standing Overseas Commitments and Contingent Operations Overseas. The Military Tasks are outlined below. The detailed tasks and the strategic effects required to deliver Contingent Operations Overseas are detailed in the Defence White Paper: Delivering Security in a Changing World and available at <http://www.mod.uk/>.

- Standing Strategic Tasks. This group of Military Tasks covers the strategic elements of UK Defence Policy, including the nuclear deterrent and strategic intelligence gathering.
- Standing Home Commitments. These Tasks encompass protection of UK sovereignty, security at home in support of Other Government Departments (OGDs) and maintaining the Armed Forces' public profile.
- Standing Overseas Commitments. These long-standing Tasks are the obligations to the thirteen Overseas Territories, our commitment to international alliances and partners as a means of safeguarding UK interests overseas and the promotion of UK influence and support around the world.
- Contingent Operations Overseas. These Tasks define the range of contingent commitments that may demand a contribution from the UK's Armed Forces. The tasks range from humanitarian assistance and evacuation operations, through peace support operations to the most demanding military operation, deliberate intervention. These Tasks are by no means mutually exclusive; indeed an operation may shift from one task to another during its lifespan. For example, an operation may start as a peace enforcement operation and then shift to peacekeeping once a level of stability has been achieved.

**(d) Public access to information related to the armed forces:**

The Freedom of Information Act received Royal Assent on 30 November 2000. The Act supersedes the Code of Practice on Access to Government Information 1997. The Act applies to all public authorities. Schedule 1 to the Act gives more details but the term 'public authorities' is defined very widely and it has been estimated that some 75,000 bodies are involved. Within the Ministry of Defence, only the Special Forces and any unit providing assistance to the Government Communications Headquarters are outside the scope of the Act. For the Ministry of Defence the relevant parts of the implementation timetable are as follows:

- By November 2002 we brought into effect a Publication Scheme for the Ministry of Defence as a central government department, including all defence Non-Departmental Public Bodies (NDPBs) subject to the Code of Practice.
- By June 2003 we brought into effect a Publication Scheme for the Armed Forces and the Ministry of Defence Police.
- By February 2004 we implemented a Publication Scheme relating to NDPBs not subject to the Code of Practice.
- From January 2005 we are - along with all other public authorities - required to answer requests for information within the terms of the individual right of access given by the Act.

The Act requires each public authority to adopt and maintain a Publication Scheme. The purpose of Publication Schemes is to specify the classes of information that the authority publishes or intends to publish; the form in which this is or will be done; and whether there is any charge for the information. Each scheme must be approved by the Information Commissioner. Although the original timetable set different dates by which different parts of the Ministry of Defence had to implement a Publication Scheme, we decided to create a single scheme that sets out the full range of information published across the whole of the Ministry of Defence, its agencies, trading funds, NDPBs as well as its military components.

The individual right of access applies to all types of recorded information held by public authorities regardless of the date of the information. The Act does, however, set out some exemptions to this right. It also places a number of obligations on public authorities about the way in which they provide information. Subject to the exemptions, anyone making a request must be informed whether the public authority holds the information and, if so, be supplied with it - generally within twenty working days. There is also a duty to provide advice or assistance to anyone seeking information (for example in order to explain what is readily available or to clarify what is wanted). Responsibility for overseeing the operation of the Act rests with the Information Commissioner who is an independent public official responsible directly to Parliament. As well as approving Publication Schemes and promoting compliance with the Act, the Commissioner has powers of enforcement.

The Ministry of Defence places great importance on informing and educating the public about the role and activities of the Armed Forces, and on opening up the Ministry of Defence to the public. To that end, it puts considerable effort into identifying opportunities to publicise and promote the work of the Armed Forces, and into increasing the means by which such information can be provided to the public. Press notices are issued and briefings given on all significant decisions and events, for example, decisions on the procurement of equipment, the deployment of forces on operations and major exercises and decisions on policy matters.

A Ministry of Defence Internet site ([www.mod.uk](http://www.mod.uk)) has been established which is updated on a regular basis, and which provides links to other associated sites, including those maintained by each of the single Services. These sites provide a considerable amount of information about the Armed Forces. In addition, at the start

of any military operation a new site is established specifically related to that operation.

The Ministry of Defence produces a series of fact-sheets and booklets which are made available to the public and provide information on various aspects of defence business.

A Defence Policy exhibition tours the UK, appearing at local exhibitions and shows, at which defence policy and the activities of the Armed Forces are explained and displayed. In addition, Service presentation teams visit schools, institutions and local communities.

Finally, regular links are maintained with the academic community, and conferences and seminars held at which information is exchanged in an open atmosphere

**4. Stationing of armed forces on the territory of another participating States in accordance with their freely negotiated agreements as well as in accordance with international law**

The United Kingdom has ratified the Agreement among the States Parties to the North Atlantic Treaty and the Other States participating in the Partnership for Peace regarding the Status of their Forces, completed at Brussels on 19 June 1995.

**5. Recruitment**

**(a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable:**

The UK does not have military conscription and has no plans to do so, an Act of Parliament would be required to re-introduce it. The UK has a voluntary Armed Force. Selection procedures differ slightly for each Service and between officers and other ranks. Applicants are required to meet specified literacy and numeracy requirements and to be both medically and physically fit. The call out and recall of Reservists is undertaken in accordance with provisions of the Reserve Forces Act 1996.

**(b) Exemptions or alternatives to compulsory military service:**

The United Kingdom does not have compulsory military service. The call out and recall of Reservists is undertaken in accordance with the provisions of the Reserve Forces Act. Reservists, or their employers, may apply for exemption or deferral from call out or recall under the provisions of Part VIII of the Reserve Forces Act.

**(c) Legal and administrative procedures protecting the rights of all Forces personnel:**

Civil remedies (including cases referable to courts of law and tribunals), are available to UK service personnel, apart from those which are specifically exempt

by statute. Additionally, there is in existence an internal redress procedure for all ranks.

**6. Instruction on International Humanitarian Law**

Pursuant to Article 83 of Additional Protocol I to the 1949 Geneva Conventions, the UK Armed Forces implement in time of peace and conflict, dissemination of the Geneva Conventions and general principles of International Humanitarian Law and all associated regulations, by including such instruction not only during initial basic training phases but also at various staff and promotion courses and on an annual basis for all ranks.

Prior to each new military operation, all deployed personnel are issued with a copy of the Joint Service Personnel 381 (JSP 381) Aide Memoiré on The Law of Armed Conflict. In addition, mission specific briefings are held which focus on the particular aspects of international humanitarian law which are relevant to the mission about to be undertaken. This ensures that all personnel are made aware of the basic rules of the Law of Armed Conflict, including the practical application of the principles of military necessity, proportionality, distinction and humanity.

**7. Any other information**

Further detailed information is contained in the Ministry of Defence Annual Report and Accounts 2006/2007 which is available on the internet at.

<http://www.mod.uk/DefenceInternet/AboutDefence/CorporatePublications/AnnualReports/>

The Ministry of Defence has also published further details on the Freedom of Information Act at [www.foi.mod.uk](http://www.foi.mod.uk).