



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1997/39
30 December 1996

ENGLISH
Original: ARABIC/ENGLISH/
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 9 of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF
THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Human rights and terrorism

Note by the Secretary-General

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Introduction

1. In its resolution 1996/47 of 19 April 1996 entitled "Human rights and terrorism", the Commission on Human Rights requested the Secretary-General to continue to collect information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned and to the Commission on Human Rights for their consideration.

2. The Secretary-General, by a note verbale dated 31 May 1996, drew the attention of all Member States, competent specialized agencies and intergovernmental organizations to resolution 1996/47 and to General Assembly resolution 50/186 also entitled "Human rights and terrorism", requesting information by the end of October 1996.

3. The attention of the Commission is drawn to paragraph 6 of General Assembly resolution 50/186 in which the Assembly requested the Secretary-General "to continue to seek the views of Member States on the possible establishment of a United Nations voluntary fund for victims of terrorism, as well as ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, and to submit to the General Assembly at its fifty-second session, for its consideration, a report containing comments made by Member States on the subject".

4. The present document contains summaries of the replies received in accordance with Commission resolution 1996/47, all replies have been made available in full to the special rapporteurs and working groups concerned. The full texts of all replies are available for consultation with the Secretariat.

I. INFORMATION RECEIVED FROM GOVERNMENTS

Azerbaijan

[7 June 1996]

[Original: English]

The Government of Azerbaijan submitted for consideration the Information Bulletin of the Ministry of Foreign Affairs entitled "Organisation and implementation of terrorist activities by the Republic of Armenia against the Azerbaijan Republic" for the year 1996.

Bahrain

[11 April 1996]

[Original: English]

1. The State of Bahrain continues to find itself the target of terrorists who receive their support from foreign-backed groups to destabilize the region and to undermine the Middle East peace process. The Government therefore urges all to identify the real human rights issues involved and to condemn terrorism in all its forms.

2. The Government of Bahrain has long made it clear that those groups or individuals acting as fronts for terrorists have been speaking of democracy and human rights, whilst encouraging and instigating acts of terrorism and violence. The crimes committed by terrorists include murder, arson, and the destruction of private and public property.

3. The Government of Bahrain received strong and widespread international support for the firm and positive measures taken to bring criminal offenders to justice. These measures must continue in order to deter the perpetrators of such inhuman acts, and to deal with those who are caught according to the law.

4. The Government of Bahrain expressed its concern for the distorted information terrorists gave the media to disseminate their propaganda and baseless information of human rights violations. This is an abuse which hampers the very foundations of human rights and the objectives of the Charter of the United Nations.

Kuwait

[26 September 1996]

[Original: Arabic]

1. The Government of Kuwait enumerated the measures they have taken to combat terrorism and protect human rights, together with the following proposals:

(a) All acts of terrorism, of any type or form, should be totally condemned;

(b) The territorial integrity, security and sovereignty of States and non-interference in their internal affairs should be regarded as sacrosanct principles and States should honour their obligations under international law by taking the requisite measures to prevent any of these principles being used as a pretext to protect terrorists or to allow their national territory to be used for the establishment of camps for the training of terrorist groups;

(c) The competent security authorities of all countries of the world should cooperate with a view to the arrest and extradition of terrorists;

(d) States should accede to all the relevant international conventions;

(e) Terrorism should be included as a basic subject in the curricula of Ministries of Education, colleges and universities in all States with a view to stimulating public awareness of the dangers inherent in the spread of this phenomenon;

(f) Training courses should be held at the local and international levels to help to combat terrorism before and after its appearance.

2. The Government of Kuwait has repeatedly emphasized its condemnation of terrorism and called for the closest possible international cooperation. Kuwait has been the victim of some of the most malicious terrorist incidents and attacks to which any State has been subjected. They have assumed a variety of forms and methods, consisting in the hijacking of aircraft, horrendous bombing incidents at public and private places, installations and facilities, attempted assassinations of important personalities and diplomats and other odious forms of terrorism.

3. The Government of Kuwait has taken a series of legal, practical and other measures in keeping with the objectives of international co-operation against terrorism:

(a) With regard to the legal measures taken by Kuwait in fulfilment of its international legal obligations, Kuwait has acceded to the Tokyo Convention of 1963 on Offences and Certain Other Acts Committed on Board Aircraft, the Hague Convention of 1970 for the Suppression of Unlawful Seizure of Aircraft, the Montreal Convention of 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation, and the Montreal Protocol of 1988 for the Suppression of Unlawful Acts at Airports serving International Civil Aviation. With regard to the conventions concerning the safety of persons, Kuwait has acceded to the International Convention against the Taking of Hostages of 1979 and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons of 1973. It might be appropriate to note Kuwait's support for, and endorsement of, all the resolutions adopted by the General Assembly relating to terrorism;

(b) The international agreements that Kuwait concludes in the field of civil aviation include special articles concerning the safety of aircraft;

(c) Kuwait led the way by sponsoring the resolution adopted at the Fifth Islamic Summit Conference held in Kuwait in January 1987 on measures to combat all types and forms of terrorism. That resolution was the culmination of the resolution adopted by the Organization of the Islamic Conference within the context of its endeavours to combat this phenomenon by establishing strict principles and provisions in which the Organization stated its categorical rejection and condemnation of this phenomenon;

(d) The most notable legal measure taken was the recent promulgation, on 19 March of this year, of Act No. 6 of 1994 concerning crimes against the safety of aircraft and aviation.

Mauritius

[19 August 1996]

[Original: English]

1. The Government of Mauritius supported General Assembly Resolution 49/185 and the initiative of the Assembly to establish a United Nations voluntary fund for victims of terrorism.

2. The Government of Mauritius, although not directly affected by the scourge of terrorism, considered that one of the ways to finance the fund could be the confiscation of all funds and properties tainted by terrorism. Therefore, the Government of Mauritius invited the Secretary-General to urge Member States to enact in their jurisdiction laws which will empower courts to confiscate funds or properties intended for use in terrorist acts, and which should provide for the removal of any existing confidentiality obligations imposed on financial institutions. Moreover, Member States are invited to rationalize international judicial cooperation procedures to improve the exchange of information between the competent authorities of Member States and to facilitate the prosecution and punishment of acts of terrorism.

Peru

[10 June 1996]

[Original: English]

The Government of Peru transmitted the "Declaration of Lima to prevent, combat and eliminate terrorism (1996)" and the "Plan of action on hemispheric cooperation to prevent, combat and eliminate terrorism (1996)", which were adopted by the ministers and the heads of delegation of the Member States of the Organization of American States, held in Lima from 26 to 28 April 1996, for the Inter-American Specialized Conference on Terrorism. The full texts of these declarations are available in the files of the Centre for Human Rights.

San Marino

[26 July 1996]
[Original: French]

The Government indicated that San Marino did not have internal legislation specifically aimed at combating terrorism. On the other hand, no incident of a terrorist nature had taken place on its national territory.

Slovakia

[26 July 1996]
[Original: English]

1. The Government of Slovakia indicated that the security situation in the country was marked by both the increasing brutality and aggression of criminal perpetrators, and qualitative changes in the structure of criminal activity. The Government has also dealt with atypical forms of terrorism. Some explosive materials had been discovered but none of the cases demonstrated the motives or symptoms of "typical" terrorism. Owing to Slovakia's geographical position, the country could become a centre of international terrorism through the activation of terrorist groups expelled by their own countries.

2. Consequently, the Government of Slovakia decided to participate in international programmes against terrorism in order to:

- (a) Build a system of control over the State's borders;
- (b) Control systematically the activities of possible terrorist groups within the territory;
- (c) Build a system of information collection and distribution concerning terrorist actions;
- (d) Extend powers and to improve the technical equipment of the Police Corps and to favour cooperation between the Police Corps and other authorities responsible for judicial trials.

3. Having evaluated the existing aspects of the criminal law with respect to combating terrorism in Slovakia, the Government stated that this sphere was not regulated by a special law within the framework of the internal and State legislation. The Government concluded that Slovakia had a good level of legislative regulation for dealing with terrorism.

Trinidad and Tobago

[22 July 1996]

[Original: English]

1. The Government indicated that the Republic of Trinidad and Tobago agrees to the possible establishment of a United Nations voluntary fund for victims of terrorism, as well as ways and means to rehabilitate the victims of terrorism into society.
2. The Government reaffirmed its support for the United Nations and its specialized agencies in addressing the problem of terrorism by voting in favour of General Assembly resolutions 49/60, entitled "Measures to eliminate international terrorism", and 50/186, entitled "Human rights and terrorism".

Turkey

[11 October 1996]

[Original: English]

1. In the opinion of the Government of Turkey, terrorism's foundation is against the second preambular paragraph and article 30 of the Universal Declaration of Human Rights, an article 30 so vital that it was reproduced with reinforcing addenda in article 5 of both International Covenants.
2. This provision lies at the very core of the recent string of resolutions entitled "Human rights and terrorism" adopted by the General Assembly and the Commission on Human Rights, which unequivocally condemn terrorism not only as activities "aimed at the destruction of human rights and fundamental freedoms" but also as eliminating the environment and institutions which make possible the promotion and protection of human rights.
3. The weight and responsibility of terrorists in human suffering throughout the world are clearly reflected in the ever-more-preponderant position occupied by terrorism in the agenda of all major international gatherings. The Peacemakers Summit at Sharm-el-Sheikh and the Group of Seven are the most recent and vivid examples in this direction.
4. This is also why the International Law Commission, when preparing the draft Statute for the envisaged International Criminal Court, included terrorism among "crimes against humanity" when it manifested itself as systematic and widespread killings. Inherent as it is in article 30 of the Universal Declaration, non-State actors such as groups and persons may indeed violate human rights.
5. If the Commission on Human Rights and the General Assembly unanimously adopt resolutions which express deep concern at "the gross violations of human rights perpetrated by terrorist groups", human rights mechanisms operating under the United Nations have no alternative but to stick to the fact that terrorist groups indeed violate human rights.

6. In this connection, it should be noted that the Vienna Declaration and Programme of Action openly states in Part I, paragraph 7 that all the

processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law. The Vienna Declaration and Programme of Action recognizes the right of peoples to take "legitimate action" to realize their right to self-determination. It goes without saying that terrorism is by no means a "legitimate" kind of action. Moreover, in the same paragraph, it openly states that the right to self-determination cannot be invoked to dismember or impair the territorial integrity or political unity of sovereign and independent States possessed of a Government representing the whole people without any distinction.

II. INFORMATION RECEIVED FROM THE CRIME
PREVENTION AND CRIMINAL JUSTICE DIVISION
OF THE UNITED NATIONS SECRETARIAT

[31 October 1996]
[Original: English]

1. In the context of the United Nations Crime Prevention and Criminal Justice Programme, the issue of terrorism has been dealt with at the technical rather than at the political level. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana in 1990, adopted a resolution on this matter (resolution 25), containing in its annex specific recommendations for actions against terrorism.

2. Although the international community had been unable to arrive at a universally accepted meaning of what was included in the term "international terrorism", the Congress recommended that it would be useful to identify behaviour that the international community regards as unacceptable and that requires the application of effective preventive and repressive measures consistent with international law. The Congress was of the opinion that existing international norms might not be sufficient to control terrorist violence.

3. The Congress recommended the implementation of effective measures and a greater uniformity in the laws and practices of States concerning criminal jurisdiction. The Congress also recommended increased mutual assistance and cooperation between States as one of the most important modalities of securing evidence for the prosecution of extradition of terrorists as well as the feasibility of an international convention to protect targets that are particularly vulnerable.

4. The Ninth Congress, held in Cairo in 1995, also addressed the matter, paying particular attention to the links between organized transnational crime and terrorist crimes (an issue on which Member States had also expressed their deep concern in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial

Conference on Organized Transnational Crime and approved by the General Assembly in its resolution 49/159), and adopting a resolution on this matter.

5. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its fourth session, the Economic and Social Council adopted resolution 1995/27 on the implementation of the conclusions and recommendations of the Ninth Congress, in which it decided that an open-ended intergovernmental working group should be established within the framework of the Commission to consider, at the fifth session of the Commission, the views of Member States on the links between organized transnational crimes and terrorist crimes and the measures for combating them. A report of the Secretary-General on this subject, based on information received from 25 Member States, was submitted to the Commission at its fifth session (E/CN.15/1996/7). A copy of that document is available in the files of the Secretariat.
