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CIVIL AND POLITICAL RIGHTS

Algeria*, Bangladesh*, China, Colombia*, Congo, Côte d'Ivoire, Cuba, Eritrea, Ethiopia, Gabon, India, Indonesia, Kenya*, Madagascar*, Mali*, Mauritania, Nigeria, Oman*, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal*, Sri Lanka, Sudan, Swaziland, Togo, Tunisia*, Turkey*, Uganda, Viet Nam*, Zimbabwe: draft resolution

2004/... Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, as well as the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly at its fiftieth and forty-ninth sessions, respectively,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000 at its fifty-fifth session,

Recalling further the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights,

Recalling all previous General Assembly resolutions on the issue of terrorism, including resolutions 46/51 of 9 December 1991, 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 51/210 of 17 December 1996, 52/133 of 12 December 1997, 54/109 and 54/110 of 9 December 1999, 54/164 of 17 December 1999, 55/158 of 12 December 2000, 56/160 of 19 December 2001 and 58/174 of 22 December 2003,

Recalling also its own resolutions 2000/30 of 20 April 2000, 2001/37 of 23 April 2001, 2002/35 of 22 April 2002 and 2003/37 of 23 April 2003,

Noting with great concern the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes, such as murder, extortion, kidnapping, assault, the taking of hostages and robbery,

Alarmed in particular at the possibility that the terrorist groups may exploit new technologies to facilitate acts of terrorism which may cause massive damage, including huge loss of human life,

Mindful that the Security Council adopted resolution 1373 (2001) of 28 September 2001, requiring States to adopt counter-terrorism measures, and resolution 1377 (2001) of 12 November 2001, by which it adopted a declaration on the global effort to combat terrorism,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism in all its forms and manifestations creates an environment that destroys the ideal of free human beings enjoying freedom from fear and want, and makes it difficult for States to promote and protect human rights and fundamental freedoms,

Bearing in mind further that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Alarmed by the unabated and continuing acts of terrorism in many parts of the world which have affected many civilians and which are also a threat to international peace and security,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international humanitarian law,

Profoundly disturbed by the large number of civilians killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Emphasizing the need to intensify the fight against terrorism in all its forms and manifestations at the national level and to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant State obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Recognizing the need to improve international cooperation on criminal matters and national measures so as to address impunity, which can contribute to the continued occurrence of terrorism,

Stressing the importance of a comprehensive approach to combat terrorism that addresses its current and mutating nature through timely information-sharing, early warning, appropriate law enforcement, strengthened policing, effective border control, prevention of terrorism financing and building capacity of States in these fields,

Welcoming the launch of the Global Programme against Terrorism by the United Nations Office on Drugs and Crime as a framework for its operational activities in the field of terrorism, including its technical projects on the strengthening of the legal regime against terrorism,

Emphasizing that States shall deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Stressing the growing consciousness of the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

Noting the initiatives introduced since its previous session on the question of human rights and terrorism at the international, interregional and national levels, as shown by the commitment made by the Movement of Non-Aligned Countries to fight terrorism, as expressed by the XIII Conference of the Heads of State and Government of the Non-Aligned Movement, held in Kuala Lumpur in February 2003,

Concerned by the tendencies to link terrorism and violence with religion,

Bearing in mind the work of the Sub-Commission on the Promotion and Protection of Human Rights on the issue of terrorism and in this context noting with concern that the reports of the Special Rapporteur on human rights and terrorism of the Sub-Commission have only been circulated in one language and not issued in all the official languages of the United Nations, in spite of the express request by the Sub-Commission,

1. *Reiterates its unequivocal condemnation* of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever, whenever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;
2. *Reaffirms* that every person has a right to protection from terrorism and strongly condemns the violations of the right to life, liberty and security;
3. *Expresses its solidarity* with the victims of terrorism and their families;
4. *Condemns* incitement of ethnic hatred, violence and terrorism;
5. *Welcomes* the views expressed by the Secretary-General in his report to the General Assembly (A/58/533), considering that terrorism by itself is a violation of human rights;
6. *Rejects* the identification of terrorism with any religion, nationality or culture;
7. *Urges* States to fulfil their obligations under the Charter of the United Nations in strict conformity with international law, including human rights standards and obligations and international humanitarian law, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever, whenever and by whomever committed, and calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;
8. *Strongly condemns* all terrorist acts on individual property, national monuments and historical relics;
9. *Urges* States to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant

international obligations under human rights instruments and international humanitarian law, with the aim of eliminating terrorism in all its forms and manifestations, and to further strengthen cooperation with a view to bringing terrorists to justice;

10. *Calls upon* States to take appropriate measures in conformity with the relevant provisions of national and international law, including international human rights standards, before granting refugee status, with the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, and to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

11. *Urges* States and the Office of the United Nations High Commissioner for Refugees to review, with full respect for legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light which indicates that the person in question has planned, facilitated or participated in the commission of terrorist acts;

12. *Invites* the Office of the United Nations High Commissioner for Human Rights to respond to requests from interested Governments for assistance and advice on ensuring full compliance with international human rights standards and obligations when undertaking measures to combat terrorism;

13. *Urges* all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

14. *Requests* the Office of the High Commissioner to circulate, in all official languages, the reports of the Special Rapporteur on human rights and terrorism of the Sub-Commission and looks forward to her final report, and in this context reiterates the request made in its resolution 2003/37 of 23 April 2003 to the Secretary-General to give the

Special Rapporteur on terrorism and human rights all the necessary assistance in order to hold consultations with the competent services and bodies of the United Nations system, in particular those located in New York and Vienna, for the finalization of her report;

15. *Requests* the Office of the High Commissioner, in the course of the examination of the question and in the conduct of any study on terrorism that may be mandated, and in its activities relating to the issue of terrorism, to adopt a comprehensive approach, in particular, by giving full and equal attention to the issues raised in the present resolution with relation to the grave impact of terrorism on the enjoyment of human rights of individuals;

16. *Decides* to remain seized of the matter at its sixty-first session.
