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HUMAN RIGHTS COUNCIL
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-eighth session
Agenda item 6 (c)

SPECIFIC HUMAN RIGHTS ISSUES

TERRORISM AND COUNTER-TERRORISM

**Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu,
Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin,
Ms. Koufa, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama,
Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi
and Mr. Yokota: draft resolution**

**2006/... Working group to elaborate detailed principles and guidelines,
with relevant commentary, concerning the promotion and
protection of human rights when combating terrorism**

The Sub-Commission on the Promotion and Protection of Human Rights,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Acknowledging the important contribution of measures at all levels against terrorism, consistent with international law, in particular international human rights, humanitarian and refugee law, for the functioning of democratic institutions, the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism,

Recognizing that the respect for human rights, democracy and the rule of law are interrelated and mutually reinforcing,

Welcoming the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling its resolution 2005/31 of 11 August 2005 in which it endorsed all of the recommendations contained in the report of the sessional working group mandated to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism (E/CN.4/Sub.2/2005/43), including the

request to Kalliopi Koufa to update her preliminary framework draft of principles and guidelines based on the discussions in the working group, and decided to reconvene the working group at the fifty-eighth session of the Sub-Commission,

1. *Expresses its deep appreciation and thanks* to Ms. Koufa for her second expanded working paper, containing an updated framework draft of principles and guidelines concerning human rights and terrorism (A/HRC/Sub.1/58/30);

2. *Also expresses its deep appreciation and thanks* to Françoise Hampson for her working paper on international judicial cooperation (A/HRC/Sub.1/58/CRP.6) and to Emmanuel Decaux for his working paper on the rights of victims of terrorist acts (A/HRC/Sub.1/58/CRP.11), as well as to all those who participated in the second session of the working group of the Sub-Commission mandated to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism;

3. *Reaffirms* the importance of respecting international human rights, humanitarian and refugee law in the fight against terrorism;

4. *Welcomes with satisfaction* the report of the sessional working group (A/HRC/Sub.1/26) and takes note of its discussions and its agreed programme of work;

5. *Endorses* all the recommendations contained in the report of the sessional working group;

6. *Requests* Ms. Koufa to update the preliminary framework draft of principles and guidelines based on the discussions in the working group, as well as on the notes and comments to be submitted to her later, as recommended by the working group;

7. *Decides* to transmit to the Human Rights Council the updated framework draft of principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism, contained in document A/HRC/Sub.1/58/30, for its consideration, recognizing that this draft would necessitate further elaboration and work;

8. *Decides* to reconvene the working group at its fifty-ninth session, or during the first session of any future expert advice mechanism;

9. *Recommends* to the Human Rights Council that consideration be given, in its review of the system of expert advice, to the continuation of the working group in order to ensure the continuation of the work to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism.
