



# COUNTER-TERRORISM COMMITTEE EXECUTIVE DIRECTORATE

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## THE ROLE OF THE COUNTER-TERRORISM COMMITTEE AND ITS EXECUTIVE DIRECTORATE IN THE INTERNATIONAL COUNTER-TERRORISM EFFORT

*For decades, the United Nations system, including the General Assembly, the Security Council and the Organization's funds, agencies and programmes, has been addressing the issue of terrorism. The Security Council's establishment of the Counter-Terrorism Committee in 2001 and, later, of its Executive Directorate (CTED), marked a turning point in the overall counter-terrorism effort within the United Nations system.*

### International Instruments

Terrorism has been on the international agenda since 1934, when the League of Nations took the first major step towards outlawing the scourge by discussing a draft convention for the prevention and punishment of terrorism. Although the Convention was eventually adopted in 1937, it never came into force.

The international community, now working through the General Assembly and the United Nations specialized agencies, has since adopted 16 international counter-terrorism legal instruments dealing with issues ranging from the hijacking of airlines and taking of hostages to the possible use of nuclear weapons by terrorists. Member States are currently working on the draft of a comprehensive convention against terrorism.

### Security Council Resolutions

The Security Council has also adopted several resolutions aimed at combating terrorism, the most notable of which followed the events of 11 September 2001.

Resolution 1373 (2001), adopted on 28 September of that year, framed a broad counter-terrorism mandate for the international community and established the Counter-Terrorism Committee to monitor and assist States' implementation of the resolution.

Since then, the Committee, comprising all 15 members of the Security Council, has played a leading role in gathering what experts consider the world's largest body of information on the counter-terrorism capacity of each of the 192 United Nations Member States. In March 2004 under resolution 1535 (2004), the Security Council established the Counter-Terrorism Committee Executive Directorate (CTED) to further assist the work of the Committee and thus to strengthen States' capacity to combat terrorism. (*For more information about the Committee and CTED, please see Fact Sheet No. 2.*)

The Security Council has also established other subsidiary bodies dealing with various aspects of counter-terrorism. Even prior to the events of 11 September 2001, when the Council focused on adopting sanctions against countries considered non-cooperative on terrorism issues, it had at its disposal a strong counter-terrorism mechanism: the Security Council Committee established by resolution 1267 (1999) on Al-Qaida and the Taliban and associated individuals and entities (the "Al-Qaida and Taliban Sanctions Committee"). Also made up of all the Council members, this Committee was established in 1999 with the task of monitoring compliance with the sanctions directed against the Taliban; in 2000 the sanctions were also applied to members of Al-Qaida as designated by the 1267 Committee.

In 2004 the Security Council addressed weapons of mass destruction, including the possibility that non-State actors could access such weapons, in resolution 1540 (2004), which

was adopted unanimously on 28 April. Among other things, the resolution requires States to refrain from supporting non-State actors that attempt to acquire, use or transfer nuclear, chemical or biological weapons and their delivery systems. It also requires States to take and enforce effective measures to establish domestic controls to prevent the proliferation of such weapons and their delivery means.

That same year, the Council adopted resolution 1566 (2004), in which it established a working group to recommend practical measures that could be taken against terrorist individuals, groups or entities not covered by the 1267 Committee's work, as well as explore the possibility of setting up a compensation fund for victims of terrorism.

On 14 September 2005, during the United Nations World Summit, the Council adopted resolution 1624 (2005), which deals with the issue of incitement to commit acts of terrorism, and directed the Counter-Terrorism Committee to include in its dialogue with Member States their efforts to implement the resolution. (*For more information about resolution 1624 (2005), please see Fact Sheet No. 5.*)

## United Nations System-Wide Actions

Member States also receive assistance with their counter-terrorism efforts through the work of various United Nations departments, programmes and specialized agencies. The Vienna-based United Nations Office on Drugs and Crime (UNODC), for example, provides countries with assistance on counter-terrorism legislation; the United Nations Development Programme (UNDP) addresses developmental and governance issues in a broad context of counter-terrorism work; the International Atomic Energy Agency (IAEA) focuses on nuclear terrorism and the World Health Organization (WHO) on bio-terrorism. The International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO) have been addressing the issue of the security of commercial aviation and of ships and port facilities, respectively, for decades. Other non-UN entities with a key role include the World Customs Organization (WCO) and the International Criminal Police Organization (INTERPOL).

## The 2005 World Summit

Meeting in a World Summit in New York from 14 to 16 September 2005, all United Nations Member States agreed on a clear and unqualified condemnation of terrorism "in all its forms and manifestations, committed by whomever, wherever and for whatever purposes."

World leaders also agreed to make every effort to reach agreement on a common definition of terrorism and to finalize a comprehensive convention on combating terrorism and welcomed the elements of strategy put forward by the Secretary-General in Madrid. They also asked the General Assembly to further develop this strategy with the aim of promoting comprehensive, coordinated and consistent responses to terrorism at the national, regional and international levels.

## UN Global Counter-Terrorism Strategy

On 8 September 2006 the General Assembly adopted resolution A/RES/60/288 to create a Global Counter-Terrorism Strategy, marking the first time that all Member States have agreed to a common strategic and operational approach to fighting terrorism. (*For more information about the strategy, please see Background Note.*)

The Assembly's strategy stemmed from ideas put forward by then Secretary-General Kofi Annan to bring all the various counter-terrorism activities of the United Nations system into a common strategic framework.

The blueprint builds on the consistent, unequivocal condemnation of terrorism by Member States and seeks to strengthen the individual and collective capacity of countries and the United Nations to prevent and combat terrorism, all while ensuring the protection of human rights and upholding the rule of law.

Some of the new initiatives include voluntarily putting in place systems of assistance that would address the needs of victims of terrorism and their families; and involving civil society, regional and subregional organizations in the fight against terrorism and developing partnerships with the private sector to prevent terrorist attacks.

In September 2008, the General Assembly held a two-day meeting to review implementation of the Strategy and adopted resolution A/RES/62/272 reaffirming its support for the Strategy.





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## THE COUNTER-TERRORISM COMMITTEE AND ITS EXECUTIVE DIRECTORATE

*In the wake of the terrorist attacks of 11 September 2001, the United Nations Security Council adopted resolution 1373 (2001), requesting countries to implement a number of measures intended to enhance their legal and institutional ability to counter terrorist activities at home, in their regions and around the world.*

Adopted on 28 September 2001, the resolution also established the Counter-Terrorism Committee, which comprises all 15 members of the Security Council, to monitor implementation of the resolution. This monitoring work was further enhanced when the Security Council established the Counter-Terrorism Committee Executive Directorate (CTED) on 26 March 2004, through resolution 1535 (2004), to assist the Committee.

In September 2005, the Security Council adopted resolution 1624 (2005) on incitement to commit acts of terrorism and added to the Committee's mandate the task of including in its dialogue with Member States their efforts to implement the resolution.

Resolution 1373 (2001) requests Member States to, in particular:

- \* Criminalize the financing of terrorists;
- \* Freeze without delay any funds related to persons involved in acts of terrorism;
- \* Deny all forms of financial support for terrorist groups;
- \* Suppress the provision of safe haven, sustenance or support for terrorists;
- \* Share information with other governments on any groups practicing or planning terrorist acts;
- \* Cooperate with other governments in the investigation, detection, arrest, extradition and prosecution of those involved in such acts; and
- \* Criminalize active and passive assistance for terrorism in domestic law and bring violators to justice.

### THE COUNTER-TERRORISM COMMITTEE EXECUTIVE DIRECTORATE (CTED)

CTED comprises some 40 staff members, about half of whom are legal experts who analyze the reports submitted by States in areas such as legislative drafting, the financing of terrorism, customs and border control, police and law enforcement, refugee and migration law, arms trafficking and maritime and transportation security. CTED also has a senior human rights officer.

CTED is divided into two sections: an Assessment and Technical Assistance Office (ATAO), which is further divided into three geographical clusters to enable the experts to specialize in particular regions of the world, and an Administrative and Information Office (AIO).

In addition, five technical groups work horizontally across ATAO to identify issues and criteria for making assessments in their particular area of technical expertise and then disseminate these across the three clusters. The groups deal respectively with technical assistance; terrorist financing; border control, arms trafficking and law enforcement; general legal issues, including legislation, extradition and mutual legal assistance; and finally, issues raised by resolution 1624 (2005); as well as the human rights aspects of counter-terrorism in the context of resolution 1373 (2001).

Across AIO, there is also a quality control unit to improve the technical quality and consistency in language and format of CTED documents and a public communications and outreach unit to strengthen its outreach activities.

The resolution also calls on States to become parties, as soon as possible, to the relevant international counter-terrorism instruments. *(For more information about these legal instruments, please see Background Note.)*

The Counter-Terrorism Committee Executive Directorate (CTED) was established in 2004 to strengthen and coordinate the process of monitoring the implementation of resolution 1373 (2001). It is headed by Executive Director Mike Smith, who took up his appointment, at the level of Assistant Secretary-General, on 19 November 2007. CTED became fully staffed in September 2005 and was formally declared operational in December 2005. CTED's mandate was extended until the end of 2010 by Security Council resolution 1805 (2008).

The Committee and its Executive Directorate also work with a wide variety of international organizations, regional bodies and other institutions – including intelligence services – to build cooperation and promote assistance to nations in need of assistance with the implementation of the relevant Security Council resolutions on counter-terrorism.

In resolution 1373 (2001), the Security Council decided that Member States would submit reports to the Committee on steps they have taken or plan to take to implement the resolution. These reports, more than 600 of which have been received, form the basis of the Committee's ongoing work with Member States.

In February 2006 the Committee, with a view towards developing a more tailored approach to the situation in each State, decided that it would focus its discussions of each State's implementation of resolution 1373 (2001) on preliminary implementation assessments (PIA).

The PIA is intended to serve as a tool for dialogue between the Committee and Member States by providing a snapshot of the counter-terrorism situation in each country based on information from the country itself, international organizations and other public sources, and distributed to that country only. PIAs have been prepared for all 192 UN Member States and each country is given an opportunity to review it and supply comments or updates in order for the Committee to build a more accurate picture of what is happening in each place.

Based on the information contained in the PIAs, CTED prepared in 2008 the first global survey of how resolution 1373 (2001) is being implemented in different regions and sub-regions around the world. The survey attempted to identify where progress has been made and where gaps remain, and suggested where the international community might most usefully focus its counter-terrorism efforts in the immediate future. The survey also contained global assessments across the major thematic areas dealt with in the resolution, notably counter-terrorism legislation, border control, law enforcement, countering the financing of terrorism, international cooperation and the protection of human rights while countering terrorism.

#### INTERNATIONAL PARTNER ORGANIZATIONS

*The Committee and CTED are actively engaged in working with various international, regional and sub-regional organizations to combat terrorism. Since 2003, there have been five special meetings of the Committee with these bodies to discuss closer cooperation with the Committee and other issues. Experts from several organizations have also taken part in the country visits conducted by CTED, and they play a key role in ensuring follow-up to the conclusions and recommendations of the mission.*





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## COUNTRY VISITS

*In March 2005, the Counter-Terrorism Committee shifted into a new phase of work by carrying out on-site visits to five Member States. Since then the Committee has conducted an average of six to seven such missions each year.*

The purpose of the visits, always conducted with the consent of the States concerned, is to follow up, on location and in practice, with Member States on their implementation of the provisions of Security Council resolution 1373 (2001), as well as to evaluate the nature and level of technical assistance that a specific State may need in order to implement the resolution.

Since 2008, the Committee has recognized the need for carrying out more flexible visits that are tailored to the circumstances of the country concerned and the nature of the terrorist threat it faces. (More information on these focused visits is contained in the revised organizational plan for the

Committee's Executive Directorate (CTED) (S/2008/80)).

The visiting teams are led by CTED and often include experts from such organizations as the International Criminal Police Organization (INTERPOL), the World Customs Organization (WCO) and the Financial Action Task Force on Money Laundering (FATF). International, regional and subregional organizations such as the African Union and the European Union, as well as representatives of specialized bodies and institutions which deal with specific aspects of counter-terrorism and are in a position to provide technical assistance in strengthening States' capacity also take part in these visits.

During the comprehensive visits, the expert teams focus on, and compile their observations into a report with recommendations for action mainly in the following areas:

- \* *Counter-terrorism legislation: offences; penalties; competence of the courts; criminal procedure; special investigation measures; legislation on weapons, explosives and dangerous substances and legislation on asylum and immigration;*
- \* *Measures to prevent the use of assets for criminal purposes: anti-money-laundering legislation; legislation against the financing of terrorism; supervision of the non-financial sector; structures for oversight of the financial system and mechanisms for seizure and confiscation of the proceeds of crime;*
- \* *Effectiveness of law enforcement services: counter-terrorism machinery; coordination of services; early warning system and methods for combating and preventing criminal activities linked to terrorism;*

### TECHNICAL ASSISTANCE AND BEST PRACTICES

*The Committee and CTED are committed to helping States boost their ability to fight terrorism both within their territory and across borders by facilitating technical assistance. The Committee strives to identify the needs of States, either through information collected from the reports that it has submitted or through an on-site visit, which enables the Committee to carry out direct dialogue with the relevant national authorities. Potential donors are also identified, and the areas in which they can provide assistance are compiled in a database.*

*CTED is also developing different tools to enhance its role as a "switchboard" for matching States with potential donors. Part of the Committee's work also involves the compilation and promotion of best practices, as developed by various international and regional organizations, for implementing the provisions of resolution 1373 (2001).*

- \* *International cooperation: machinery for international cooperation in criminal matters; status of ratification of counter-terrorism conventions; modalities for and effectiveness of judicial cooperation; modalities for and effectiveness of police cooperation and modalities for cooperation with regional and international organizations;*
- \* *Territorial control: control of the cross-border movement of persons; control of cargo; mechanisms for the issuance and control of identity and travel documents and methods for the prevention and detection of document forgery and fraud; and*
- \* *Technical assistance: identification of assistance needs through dialogue with the State concerned and facilitation of the provision of assistance by donor countries and international organizations.*





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## THE COUNTER-TERRORISM COMMITTEE AND HUMAN RIGHTS

*The subject of counter-terrorism and human rights has attracted considerable interest since the establishment of the Counter-Terrorism Committee (CTC) in 2001. In Security Council resolution 1456 (2003) and later resolutions, the Council has said that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law.\**

Security Council resolution 1373 (2001), which established the CTC, makes one reference to human rights, calling upon States to “take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts.” The resolution’s preamble also reaffirms the need to combat by all means, “in accordance with the Charter of the United Nations,” threats to international peace and security caused by terrorist acts.

The Committee’s initial policy on human rights was expressed by its first Chairman in a briefing to the Security Council on 18 January 2002: “The Counter-Terrorism Committee is mandated to monitor the implementation of resolution 1373 (2001). Monitoring performance against other international conventions, including human rights law, is outside the scope of the Counter-Terrorism Committee’s mandate. But we will remain aware of the interaction with human rights concerns, and we will keep ourselves briefed as appropriate. It is, of course, open to other organizations to study States’ reports and take up their content in other forums.”

With the establishment of the Counter-Terrorism Committee Executive Directorate (CTED) by Security Council resolution 1535 (2004), the Committee began moving toward a more pro-active policy on human rights. CTED was mandated to

liaise with the Office of the UN High Commissioner for Human Rights (OHCHR) and other human rights organizations in matters related to counter-terrorism, and a human rights expert was appointed to the CTED staff. In its reports to the Security Council submitted as part of its comprehensive reviews of the work of CTED, which were later endorsed by the Council, the Committee said that CTED should take account of relevant human rights obligations in the course of its activities (S/2005/800 and S/2006/989).

In May 2006 the Committee adopted policy guidance for CTED in the area of human rights, saying that CTED should:

- \* *Provide advice to the Committee, including for its ongoing dialogue with States on their implementation of resolution 1373 (2001), on international human rights, refugee and humanitarian law, in connection with identification and implementation of effective measures to implement resolution 1373 (2001);*
- \* *Advise the Committee on how to ensure that any measures States take to implement the provisions of resolution 1624 (2005) comply with their obligations under international law, in particular international human rights law, refugee law, and humanitarian law; and*
- \* *Liaise with the Office of the High Commissioner for Human Rights and, as appropriate, with other human rights organizations in matters related to counter-terrorism.*

\* See also Security Council resolutions 1535 (2004), 1566 (2004), 1624 (2005), 1787 (2007) and 1805 (2008).

The policy guidance further said that “CTC and CTED, under direction of the Committee, should incorporate human rights into their communications strategy, as appropriate, noting the importance of States ensuring that in taking counter-terrorism measures they do so consistent with their obligations under international law, in particular human rights law, refugee law and humanitarian law, as reflected in the relevant Security Council resolutions.”

The Committee and CTED now routinely take account of relevant human rights concerns in all their activities, including in the preparation of preliminary implementation assessments (PIAs) relating to resolution 1373 (2001), country visits and other interactions with Member States.

Security Council resolution 1624 (2005), which deals with incitement, stresses that States must ensure that any measures they take to implement the resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law. The resolution’s preamble highlights the relevance of the right to freedom of expression and the right to seek asylum in the context of counter-incitement measures; it also states that incitement poses a serious and growing danger to the enjoyment of human rights.

The Committee is mandated to include issues related to implementing the resolution in its dialogue with Member States.

Most recently, as recommended by the CTED Executive Director and endorsed by Security Council resolution 1805 (2008), a working group on issues raised by resolution 1624 (2005) and human rights aspects of counter-terrorism in the context of resolution 1373 (2001) was established in CTED. The working group’s main objectives are to enhance expertise and develop common approaches by CTED staff on these issues, as well as to consider ways in which the Committee might more effectively encourage Member States to comply with their international obligations in this area.

Since its inception the Committee has been briefed by former High Commissioners for Human Rights Mary Robinson and the late Sergio Vieira de Mello, vice chairman of the UN Human Rights Committee Nigel Rodley and the Special Rapporteur of the UN Human Rights Council on the promotion and protection of human rights while countering terrorism, Professor Martin Scheinin of Finland. OHCHR has submitted notes to the Committee on the human rights obligations of States in the context of counter-terrorism and liaises regularly with CTED on a number of issues. CTED is also a member of the Secretary-General’s Counter-Terrorism Implementation Task Force (CTITF) Working Group on Protecting Human Rights while Countering Terrorism.





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## THE COUNTER-TERRORISM COMMITTEE AND RESOLUTION 1624 (2005)

*During the 60<sup>th</sup> anniversary summit at the United Nations in September 2005, the Security Council unanimously adopted resolution 1624 (2005) dealing with the issue of incitement to commit a terrorist act.*

The resolution called on UN Member States to prohibit by law incitement, prevent such conduct and deny safe haven to anyone “with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct.”

In addition to calling on States to continue international efforts to enhance dialogue and broaden understanding among civilizations, the Council directed the Counter-Terrorism Committee (CTC) to include in its own dialogue with countries their efforts to implement the resolution.

As part of that effort, the Committee’s Executive Directorate (CTED) has prepared two reports (S/2006/737 and S/2008/29) summarizing the responses submitted thus far by about half of the United Nations membership. CTED also discusses with Member States their implementation of the resolution during country visits and other occasions.







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NEVEN JURICA, CHAIRMAN  
BIOGRAPHICAL NOTE

The Permanent Representative of Croatia, Neven Jurica, assumed the Chairmanship of the Counter-Terrorism Committee (CTC) in February 2008.

Prior to his appointment as Permanent Representative and Ambassador to the United Nations in New York, Mr. Jurica served as Ambassador to the United States (June 2004 to January 2008) and was a Member of Croatia's Parliament, where he was the Chairman of the Foreign Affairs Committee (2003-04).

In the course of his career, Mr. Jurica also served as Ambassador to Australia and New Zealand (1992-95), Bulgaria (1996-97) and Norway (1998-2000). He was also the Spokesman of Croatia's Government (1997-98).

In the first democratic elections in Croatia in 1990, Mr. Jurica was elected to the Parliament, where he served as the Chairman of the Human Rights Committee (1990-92). A founding member of the Croatian Democratic Union, he served as Political Secretary of that organization from 1989 to 1992 and from 2000 to 2004.

Mr. Jurica is a member of the Croatian Writers' Association and P. E.N. (poets, playwrights, essayists, editors and novelists) and is fluent in English and French. As a professional writer, from 1980 to 1989, he published more than 16 books in the field of literary theory and criticism, along with anthologies of essays and poetry. During that period, he also presided over a prestigious literary forum, "Literary Friday."

Educated in Dubrovnik and Zagreb, Mr. Jurica holds a degree in comparative literature and philosophy and a master of arts in literary theory from the University of Zagreb.

Mr. Jurica is married, with two children.







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MIKE SMITH, EXECUTIVE DIRECTOR  
BIOGRAPHICAL NOTE

Mike Smith assumed the position of Executive Director of the UN Counter-Terrorism Committee Executive Directorate (CTED) on 19 November 2007. Prior to that he was Australia's Ambassador for Counter-Terrorism.

Mr. Smith served as Australian Permanent Representative to the United Nations at Geneva and Ambassador to the Conference on Disarmament between 2002 and May 2006. In 2004, he was, concurrently with his other responsibilities, Chairman of the UN Commission on Human Rights.

Between 1998 and 2002 Mr. Smith was Chief of Staff to Alexander Downer MP, Minister for Foreign Affairs. Other positions Mr. Smith has held in the Australian Department of Foreign Affairs and Trade include: Assistant Secretary of the Corporate Planning and Evaluation Branch (1998), Legal Adviser and Assistant Secretary for Refugees, Immigration and Asylum (1991-93) and Head of the Multilateral and Humanitarian Legal Section (1984-86).

Overseas, in addition to his most recent position in Geneva, Mr. Smith served as Ambassador to Egypt and Sudan (1995-98), Minister (Political) in the Australian Embassy in the United States (1993-95), Ambassador to Algeria and Tunisia (1989-91), Counsellor in the Australian Permanent Mission to the United Nations at Geneva (1986-89), and served as First Secretary while in Syria (1981-84) and Second Secretary while posted in Egypt (1977-79). He studied Arabic in Beirut, Cairo and Tunis in the period 1975-77 and has a good working knowledge of the language. He has also undertaken intensive courses in French.

Educated at Adelaide University, Mr. Smith holds a Bachelor of Laws Degree and is married with two adult children.







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## THE SECURITY COUNCIL AND COUNTER-TERRORISM

*Apart from the Counter-Terrorism Committee, the Security Council has also established two other committees and a working group dealing with counter-terrorism related issues. The three panels are required to report periodically to the Security Council on their activities and programmes of work. Since April 2005 the three committees have been reporting jointly to the Council.*

### Monitoring sanctions against Al-Qaida and the Taliban

In 15 October 1999 the Security Council adopted resolution 1267 (1999) imposing financial and other sanctions on the Taliban in Afghanistan for its support of Usama bin Laden. This resolution also set up a Committee – referred to as the “Al-Qaida and Taliban Sanctions Committee” – comprising all 15 Members of the Security Council to oversee implementation of the sanctions regime by Member States.

The sanctions have since been modified by subsequent resolutions. In December 2000, an arms embargo was added and those individuals and entities under sanction were expanded to include members of Al-Qaida and as of January 2002, a travel ban was added and the measures no longer exclusively target the territory of Afghanistan. The sanctions also only apply to those individuals, groups, undertakings and entities associated with Al-Qaida and the Taliban as designated on a Consolidated List maintained by the Al-Qaida and Taliban Sanctions Committee.

The sanctions require all States to freeze without delay, the funds, and other financial assets or economic resources of the listed individuals and entities, prevent entry into or transit through their territories of the listed individuals, and prevent the direct or indirect supply, sale or transfer of arms and related material of all types, including but not limited to military equipment and technical advice, assistance, or training related to military activities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, to the listed individuals and entities.

United Nations Member States are requested to inform the Committee of their actions to implement the sanctions measures against the individuals and entities on the Consolidated List. The Committee also encourages Member States to update and augment the Consolidated List. To that end, the Committee has adopted guidelines governing the process of adding to and removing individuals and entities from the Consolidated List. On a case-by-case basis, the Committee accepts and examines requests from Member States to grant exemptions to the travel ban or the asset freeze.

The Committee is supported by a Monitoring Team composed of experts on arms embargoes, travel bans, counter-terrorism, financing of terrorism and related legal issues. They assist the Committee in evaluating the implementation of the sanctions regime by Member States as well as by reporting on developments that have an impact on the effectiveness of the sanctions regime.

The Security Council further strengthened the mandate of the Committee and the Monitoring Team on 30 June 2008 in its resolution 1822 (2008), and reaffirmed the acts and activities set out in resolution 1617 (2005) which indicate that individuals, groups, undertakings or entities are “associated with” Al-Qaida, Usama bin Laden or the Taliban and would make them eligible for designation to the Consolidated List.

For more information about the Al-Qaida and Taliban Sanctions Committee, please visit its homepage at: [www.un.org/sc/committees/1267/index.shtml](http://www.un.org/sc/committees/1267/index.shtml).

## Preventing proliferation of weapons of mass destruction

On 28 April 2004, the Security Council unanimously adopted resolution 1540 (2004) which requires all States to establish domestic controls to prevent access by non-State actors to nuclear, chemical, biological weapons and their means of delivery and to take effective measures to prevent proliferation of such items and illicit trafficking in related materials.

To facilitate the implementation of this resolution, the Council set up a Committee made up of its 15 members. The Committee, assisted by an Expert Group, cooperates with international, regional and subregional organizations, and acts as a clearinghouse to match offers and requests for assistance to States to implement the resolution. The mandate of the Committee was extended by resolution 1673 (2006) until April 2008 and again by resolution 1810 (2008) until April 2011.

For more information about the 1540 Committee, please visit its homepage at: [www.un.org/sc/1540/](http://www.un.org/sc/1540/)

## Strengthening sanctions against terrorists and compensating victims

On 8 October 2004 the Security Council adopted resolution 1566 (2004), condemning in the strongest terms all terrorist acts as one of the most serious threats to peace and security, and called on all Member States to cooperate fully in the fight against terrorism.

As part of those measures, the Council set up a Working Group to consider and submit recommendations on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the 1267 Committee. The recommendations could include more effective procedures for bringing perpetrators to justice through prosecution or extradition, freezing their financial assets, preventing their movement through the territories of Member States and preventing supply to them of all types of arms and related material, and procedures for implementing these measures.

The Working Group was also asked to consider the possible establishment of an international fund to compensate victims of terrorist acts and their families, which might be financed through voluntary contributions and could consist in part of assets seized from terrorist organizations, their members and sponsors, and to submit its recommendations to the Council.





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## INTERNATIONAL COUNTER-TERRORISM INSTRUMENTS

*Prior to the adoption of resolution 1373 (2001) and the establishment of the Counter-Terrorism Committee, the international community had already promulgated 12 of the current 16 international counter-terrorism legal instruments. However, the rate of adherence to these conventions and protocols by United Nations Member States was low.*

As a result of the attention focused on countering terrorism since the events of 11 September 2001 and the adoption of Security Council resolution 1373 (2001), which calls on States to become parties to these international instruments, the rate of adherence has increased: some two-thirds of UN Member States have either ratified or acceded to at least 10 of the 16 instruments, and there is no longer any country that has neither signed nor become a party to at least one of them.

Between 1963 and 2004, under the auspices of the United Nations and its specialized agencies, the international community developed 13 international counter-terrorism instruments which are open to participation by all Member States. In 2005, the international community also introduced substantive changes to three of these universal instruments to specifically account for the threat of terrorism; on 8 July of that year States adopted the Amendments to the Convention on the Physical Protection of Nuclear Material, and on 14 October they agreed to both the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

The General Assembly has focused on terrorism as an international problem since 1972 and, through the 1980s, addressed the issue intermittently through resolutions. During this period, the Assembly also adopted two instruments related to counter-terrorism: the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (in 1973) and the International Convention against the Taking of Hostages (in 1979).

In December 1994, the Assembly again directed attention to this issue through a Declaration on Measures to Eliminate International Terrorism (A/RES/49/60). In 1996, a supplement to this Declaration (A/RES/51/210) established an Ad Hoc Committee on terrorism. Since then the Assembly addressed the issue of terrorism consistently.

During the past decade, Member States completed work on three more counter-terrorism instruments covering specific types of terrorist activities: the 1997 International Convention for the Suppression of Terrorist Bombings; the 1999 International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism. The last of these was adopted in April 2005 and opened for signature on 14 September 2005, the first day of the General Assembly's World Summit. During that three-day high-level meeting, it was signed by 82 Member States.

It is also within the framework of the Ad Hoc Committee that Member States have been negotiating a draft comprehensive convention on international terrorism since 2000.

### International Conventions

Here is a summary of the 16 international counter-terrorism legal instruments:

#### **1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft (“Tokyo Convention”) on the safety of aviation**

- \* Applies to acts affecting in-flight safety;
- \* Authorizes the aircraft commander to impose reasonable

measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft; and

- \* Requires contracting States to take custody of offenders and to return control of the aircraft to the lawful commander.

#### **1970 Convention for the Suppression of Unlawful Seizure of Aircraft (“Hague Convention”) on aircraft hijackings**

- \* Makes it an offence for any person on board an aircraft in flight to “unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft” or to attempt to do so;
- \* Requires parties to the convention to make hijackings punishable by “severe penalties”;
- \* Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution; and
- \* Requires parties to assist each other in connection with criminal proceedings brought under the Convention.

#### **1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (“Montreal Convention”) on acts of aviation sabotage such as bombings aboard aircraft in flight**

- \* Makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of the aircraft; to place an explosive device on an aircraft; to attempt such acts; or to be an accomplice of a person who performs or attempts to perform such acts;
- \* Requires parties to the Convention to make offences punishable by “severe penalties”; and
- \* Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution.

#### **1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons on attacks on senior government officials and diplomats**

- \* Defines an “internationally protected person” as a Head of State, Minister for Foreign Affairs, representative or official of a State or international organization who is entitled to special protection in a foreign State, and his or her family; and
- \* Requires parties to criminalize and make punishable “by appropriate penalties which take into account their grave nature” the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the pri-

vate accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act “constituting participation as an accomplice”.

#### **1979 International Convention against the Taking of Hostages (“Hostages Convention”)**

- \* Provides that “any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention”.

#### **1980 Convention on the Physical Protection of Nuclear Material (“Nuclear Materials Convention”) on unlawful taking and use of nuclear material**

- \* Criminalizes the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial property damage.

#### **Amendments to the Convention on the Physical Protection of Nuclear Material**

- \* Makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport; and
- \* Provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.

#### **1988 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**

- \* Extends the provisions of the Montreal Convention (see the **1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**) to encompass terrorist acts at airports serving international civil aviation.

#### **1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation on terrorist activities aboard ships**

- \* Establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation; and
- \* Makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.

#### **2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**

- \* Criminalizes the use of a ship as a device to further an act of terrorism;
- \* Criminalizes the transport on board a ship various materials knowing that it is intended to be used to cause, or in a threat to cause, death or serious injury or damage to further an act of terrorism;
- \* Criminalizes the transporting on board a ship of persons who have committed an act of terrorism; and
- \* Introduces procedures for governing the boarding of a ship believed to have committed an offence under the Convention.

#### **1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf on terrorist activities on fixed offshore platforms**

- \* Establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation.

#### **2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf**

- \* Adapts the changes to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to the context of fixed platforms located on the continental shelf.

#### **1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection provides for chemical marking to facilitate detection of plastic explosives, e.g., to combat aircraft sabotage**

- \* Designed to control and limit the use of unmarked and undetectable plastic explosives (negotiated in the aftermath of the 1988 Pan Am flight 103 bombing);
- \* Parties are obligated in their respective territories to ensure

effective control over “unmarked” plastic explosives, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty; and

- \* Generally speaking, each party must, inter alia, take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry into force of the Convention; ensure that all stocks of unmarked explosives not held by the military or police are destroyed, consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police are destroyed, consumed, marked or rendered permanently ineffective within fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date of entry into force of the Convention for that State.

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

- \* Creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.

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

- \* Requires parties to take steps to prevent and counteract the financing of terrorism, whether direct or indirect, through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or gun running;
- \* Commits States to hold those who finance terrorism criminally, civilly or administratively liable for such acts; and
- \* Provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other States on a case-by-case basis. Bank secrecy is no longer adequate justification for refusing to cooperate.

#### **2005 International Convention for the Suppression of Acts of Nuclear Terrorism**

- \* Covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors;

- \* *Covers threats and attempts to commit such crimes or to participate in them, as an accomplice;*
- \* *Stipulates that offenders shall be either extradited or prosecuted;*
- \* *Encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings; and*
- \* *Deals with both crisis situations (assisting States to solve the situation) and post-crisis situations (rendering nuclear material safe through the International Atomic Energy Agency (IAEA)).*





# COUNTER-TERRORISM COMMITTEE EXECUTIVE DIRECTORATE

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## UNITED NATIONS GLOBAL COUNTER-TERRORISM STRATEGY

*The United Nations General Assembly adopted a global counter-terrorism strategy on 8 September 2006. The strategy – in the form of a Resolution and an annexed Plan of Action – is a unique instrument to enhance national, regional and international efforts to counter terrorism. Its adoption marks the first time that all Member States have agreed to a common strategic and operational approach to fight terrorism.*

### Highlights of the strategy

The strategy builds on Member States' consistent, unequivocal and strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, while setting forth concrete measures to address the conditions conducive to the spread of terrorism and to strengthen individual and collective capacity of States and the United Nations to prevent and combat terrorism, all while ensuring the protection of human rights and upholding the rule of law.

It brings together a range of new proposals and enhancements of ongoing activities to be undertaken by Member States, the United Nations system, and other international and regional actors, all under a common strategic framework.

Important new initiatives set forth in the strategy include:

- \* *Improving the coherence and efficiency of counter-terrorism technical assistance delivery so that all states can play their part effectively.*
- \* *Voluntarily putting in place systems of assistance that would address the needs of victims of terrorism and their families.*
- \* *Addressing the threat of bioterrorism by establishing a single comprehensive database on biological incidents, focusing on improving States' public health systems, and acknowledging the need to bring together major stakeholders to ensure that biotechnology's advances are not used for terrorist or other criminal purposes but for the public good.*

- \* *Involving civil society, regional and sub-regional organizations in the fight against terrorism and developing partnerships with the private sector to prevent terrorist attacks on particularly vulnerable targets.*
- \* *Exploring innovative means to address the growing threat of terrorist use of the internet.*
- \* *Modernizing border and customs controls systems, and improving the security of travel documents, to prevent terrorist travel and the movement of illicit materials.*
- \* *Enhancing cooperation to combat money laundering and the financing of terrorism.*

The strategy clearly affirms that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group.

It also reaffirms the responsibility of States to deny financial and operational safe havens to terrorists and to prevent terrorists from abusing the system of political asylum, bringing them to justice on the principle of extradite or prosecute.

By adopting the strategy the General Assembly has concretely reaffirmed and enhances its role in countering terrorism. All Member States should now take swift action to implement the strategy and demonstrate the international community's unwavering determination to defeat terrorism.

For more information please visit:  
[www.un.org/terrorism/strategy](http://www.un.org/terrorism/strategy)

