



PC.DEL/771/08
15 September 2008

**Organization for Security and Co-operation in Europe
Secretariat**

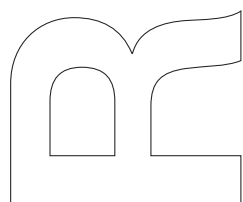
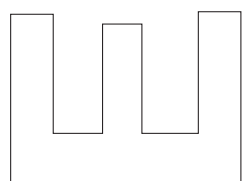
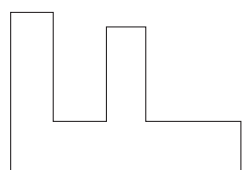
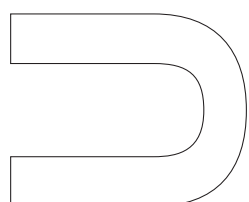
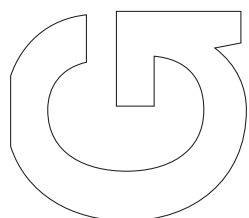
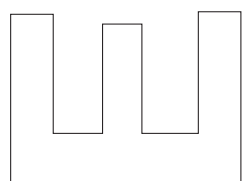
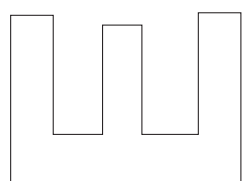
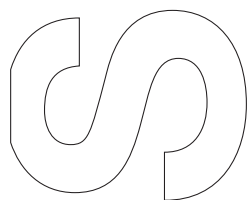
ENGLISH only

Conference Services

**2008 Follow-up OSCE Conference on Public-Private Partnerships in Countering
Terrorism: Partnership of State Authorities, Civil Society and the Business Community
in Combating Terrorism**

Vienna, 15 and 16 September 2008

At the request of the office of United Nations High Commissioner for Refugees (UNHCR)
Please find attached a list of selected documents relating to national security and counter-
terrorism relevant to international refugee protection.



SELECTED DOCUMENTS RELATING TO NATIONAL SECURITY AND COUNTER- TERRORISM RELEVANT TO INTERNATIONAL REFUGEE PROTECTION

**PROTECTION POLICY AND LEGAL ADVICE SECTION (PPLAS) /
STATUS DETERMINATION AND PROTECTION INFORMATION
SECTION (SDPIS)**

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July 2008



This list, including weblinks that lead directly to the individual documents, is accessible in Refworld at <http://www.unhcr.org/refworld/docid/489b089a2.html>. It will be updated whenever necessary.

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I. United Nations High Commissioner for Refugees (UNHCR)

A. General

a) Counter-Terrorism

1. **“Terrorism as a Global Phenomenon”**, UNHCR presentation to the Joint Seminar of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and Committee on Article 36 (CATS), 17 January 2008
URL: <http://www.unhcr.org/refworld/docid/4794c7ff2.html>
2. **“Preserving the Institution of Asylum and Refugee Protection in the context of Counter-Terrorism: the Problem of Terrorist Mobility”**, Key Note Speech, 5th Special Meeting of the Counter-Terrorism Committee with international, regional and subregional organizations, 29-31 October 2007, Nairobi (Kenya)
URL: <http://www.unhcr.org/refworld/docid/475feb292.html>
3. **“Preserving the Institution of Asylum and Refugee Protection in the context of Counter-Terrorism: the Problem of Terrorist Mobility”**, Background Paper submitted to 5th Special Meeting of the Counter-Terrorism Committee with international, regional and subregional organizations, 29-31 October 2007, Nairobi (Kenya)
URL: <http://www.unhcr.org/refworld/docid/475fec412.html>
4. **Addressing Security Concerns Without Undermining Refugee Protection – UNHCR's Perspective**, 29 November 2001
URL: <http://www.unhcr.org/refworld/docid/3c0b880e0.html>

b) Exclusion Criteria

5. **UNHCR Guidelines on the Application in Mass Influx Situations of the Exclusion Clauses of Article 1F of the 1951 Convention relating to the Status of Refugees**, 7 February 2006
URL: <http://www.unhcr.org/refworld/docid/43f48c0b41.html>
6. **UNHCR Note on the Impact of Security Council Resolution 1624 (2005) on the Application of Exclusion Under Article 1F of the 1951 Convention Relating to the Status of Refugees**, 9 December 2005
URL: <http://www.unhcr.org/refworld/docid/440ff69441.html>
7. **Advisory Opinion From the Office of the United Nations High Commissioner for Refugees (UNHCR) Regarding the International Standards for Exclusion From Refugee Status as Applied to Child Soldiers**, 12 September 2005
URL: <http://www.unhcr.org/refworld/docid/440eda694.html>
8. **Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees**, HCR/GIP/03/05, 4 September 2003
URL: <http://www.unhcr.org/refworld/docid/3f5857684.html>

9. **Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees**, 4 September 2003
URL: <http://www.unhcr.org/refworld/docid/3f5857d24.html>

c) Expulsion and Principle of *Non-Refoulement*

10. **Advisory Opinion on the Extraterritorial Application of *Non-Refoulement* Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol**, 26 January 2007
URL: <http://www.unhcr.org/refworld/docid/3f5857d24.html>
11. **Advisory Opinion from the Office of the United Nations High Commissioner for Refugees (UNHCR) on the Scope of the National Security Exception Under Article 33(2) of the 1951 Convention Relating to the Status of Refugees**, 6 January 2006
URL: <http://www.unhcr.org/refworld/docid/43de2da94.html>
12. **“The Scope and Content of the Principle of *Non-Refoulement*: Opinion”**, Sir Elihu Lauterpacht and Daniel Bethlehem, 20 June 2001, in *“Refugee Protection in International Law: UNHCR’s Global Consultations on International Protection”*, edited by Erika Feller, Volker Türk and Frances Nicholson, Cambridge University Press, Cambridge (2003)
URL: <http://www.unhcr.org/refworld/docid/470a33af0.html>
13. **Summary Conclusions on Non-Refoulement (Cambridge Expert Roundtable, 9-10 July 2001)**, Global Consultations on International Protection/Second Track: 10 July 2001
URL: <http://www.unhcr.org/refworld/docid/470a33b00.html>
14. **Manickavasagam Suresh (Appellant) and the Minister of Citizenship and Immigration, the Attorney General of Canada (Respondents). Factum of the Intervenor, United Nations High Commissioner for Refugees (“UNHCR”)**, 8 March 2001
URL: <http://www.unhcr.org/refworld/docid/3e71bbe24.html>

d) Extradition

15. **Guidance Note on Extradition and International Refugee Protection**, April 2008
URL: <http://www.unhcr.org/refworld/docid/481ec7d92.html>
16. **UNHCR Note on Diplomatic Assurances and International Refugee Protection**, 10 August 2006
URL: <http://www.unhcr.org/refworld/docid/44dc81164.html>
17. **The Interface Between Extradition and Asylum**, by Sibylle Kapferer, PPLA/2003/05, November 2003
URL: <http://www.unhcr.org/refworld/docid/3fe846da4.html>

e) Asylum

18. **Note on Issues Related to Eligibility for International Protection in the Context of Fumigations**, 30 July 2007
URL: <http://www.unhcr.org/refworld/docid/46b6d62f2.html>
19. **Reception of Asylum-Seekers, Including Standards of Treatment, in the Context of Individual Asylum Systems**, Global Consultations on International Protection/Third Track: EC/GC/01/17, 4 September 2001
URL: <http://www.unhcr.org/refworld/docid/3bfa81864.html>
20. **Asylum Processes (Fair and Efficient Asylum Procedures)**, Global Consultations on International Protection/Third Track: EC/GC/01/12, 31 May 2001
URL: <http://www.unhcr.org/refworld/docid/3b36f2fca.html>
21. **UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers**, 26 February 1999
URL: <http://www.unhcr.org/refworld/docid/3c2b3f844.html>
22. **Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees**, 1 January 1992
URL: <http://www.unhcr.org/refworld/docid/3ae6b3314.html>

f) Cancellation of Refugee Status

23. **Note on the Cancellation of Refugee Status**, 22 November 2004
URL: <http://www.unhcr.org/refworld/docid/41a5dfd94.html>

g) Local Integration and Self-reliance

24. **Local Integration and Self-Reliance**, Standing Committee, 33rd Meeting, EC/55/SC/CRP.15, 2 June 2005
URL: <http://www.unhcr.org/refworld/docid/478b3ce12.html>

h) Travel Documents

25. **Note on Travel Documents for Refugees**, EC/SCP/10, 30 August 1978
URL: <http://www.unhcr.org/refworld/docid/3ae68cce14.html>

i) European Union Context

26. **Asylum in the European Union. A Study of the Implementation of the Qualification Directive**, November 2007
URL: <http://www.unhcr.org/refworld/docid/473050632.html>

27. **UNHCR Annotated Comments on the EC Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection granted (OJ L 304/12 of 30.9.2004), 28 January 2005**
URL: <http://www.unhcr.org/refworld/docid/4200d8354.html>
 28. **UNHCR Observations on the European Commission Proposal for a Council Framework Decision on the European Arrest Warrant and the Surrender Procedures Between Member States (COM(2001) 522 final - 2001/0215 (CNS)), October 2001**
URL: <http://www.unhcr.org/refworld/docid/3c6a663f2.html>
 29. **UNHCR Provisional Comments on the Proposal for a Council Directive on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status (Council Document 14203/04, Asile 64, of 9 November 2004), 10 February 2005**
URL: <http://www.unhcr.org/refworld/docid/42492b302.html>
- B. *Amicus Briefs on Article 33(2) and Article 1F***
30. **Brief *Amicus Curiae* of the Office of the United Nations High Commissioner for Refugees in Support of Petitioner, *Negusie v. Mukasey*, Supreme Court of the United States, Docket No. 07-499, 23 June 2008**
URL: <http://www.unhcr.org/refworld/docid/486230652.html>
 31. **Brief for the United Nations High Commissioner for Refugees as *Amicus Curiae* in Support of Petitioner, *N- A- M- v. Mukasey*, United States Court of Appeals, 10th Circuit, Case No. 08-9527 & 07-9580, 19 June 2008**
URL: <http://www.unhcr.org/refworld/docid/48622dd72.html>
 32. **Brief of the Office of the United Nations High Commissioner for Refugees as *Amicus Curiae* in Support of Petitioner, *Ali v. Achim*, Supreme Court of the United States, Docket No. 06-1346, November 2007**
URL: <http://www.unhcr.org/refworld/docid/47503a952.html>
- C. *Executive Committee of the High Commissioner's Programme***
33. **General Conclusion on International Protection, No. 102 (LVI) – 2005, 7 October 2005**
URL: <http://www.unhcr.org/refworld/docid/43575ce3e.html>
 34. **General Conclusion on International Protection, No. 99 (LV) – 2004, 8 October 2004**
URL: <http://www.unhcr.org/refworld/docid/41750ef74.html>
 35. **Conclusion on Protection Safeguards in Interception Measures, No. 97 (LIV) – 2003, 10 October 2003**
URL: <http://www.unhcr.org/refworld/docid/3f93b2894.html>

36. **Conclusion on the civilian and humanitarian character of asylum, No. 94 (LIII) – 2002**, 8 October 2002
<http://www.unhcr.org/refworld/docid/3dafdd7c4.html>
37. **Conclusion on Registration of Refugees and Asylum-seekers, No. 91 (LII) – 2001**, 5 October 2001
<http://www.unhcr.org/refworld/docid/3bd3e1d44.html>
38. **Conclusion on International Protection, No. 85 (XLIX) – 1998**, 9 October 1998
URL: <http://www.unhcr.org/refworld/docid/3ae68c6e30.html>
39. **General Conclusion on International Protection, No. 81 (XLVIII) – 1997**, 17 October 1997
URL: <http://www.unhcr.org/refworld/docid/3ae68c690.html>
40. **Safeguarding Asylum, No. 82 (XLVIII) – 1997**, 17 October 1997
URL: <http://www.unhcr.org/refworld/docid/3ae68c958.html>

II. International Instruments

A. *Universal Instruments*¹

a) **Prevention and Suppression of Terrorism**²

1. **1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft** (International Civil Aviation Organization) (in force 4 December 1969)
URL: <http://www.unhcr.org/refworld/docid/3ddca03d4.html>
2. **1970 Convention for the Suppression of Unlawful Seizure of Aircraft** (in force 14 October 1971)
URL: <http://www.unhcr.org/refworld/docid/3ddcaa774.html>
3. **1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation** (International Civil Aviation Organization) (in force 26 January 1973)
URL: <http://www.unhcr.org/refworld/docid/3ae6b37a14.html>
4. **1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents** (in force 20 February 1977)
URL: <http://www.unhcr.org/refworld/docid/3ae6b3afc.html>
5. **1979 International Convention against the Taking of Hostages** (in force 3 June 1983)
URL: <http://www.unhcr.org/refworld/docid/3ae6b3ad4.html>
6. **1980 Convention on the Physical Protection of Nuclear Material** (International Atomic Energy Agency) (in force 8 February 1987)
URL: <http://www.unhcr.org/refworld/docid/3dd8fbec4.html>
7. **1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation** (International Civil Aviation Organization) (in force 6 August 1989)
URL: <http://www.unhcr.org/refworld/docid/3ddcac634.html>
8. **1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation** (International Maritime Organization) (in force 1 March 1992)
URL: <http://www.unhcr.org/refworld/docid/3ae6b3664.html>

¹ These universal instruments were all adopted by the UN General Assembly, and are deposited with the UN Secretary-General, unless otherwise stated.

² The status of these instruments is reflected in: UN General Assembly, *Uniting against terrorism : recommendations for a global counter-terrorism strategy : report of the Secretary-General*. “Annex II: Status of Universal Instruments related to the Prevention and Suppression of International Terrorism”, A/60/825, Sixtieth Session, Agenda Items 46 and 120, 27 April 2006, <http://www.unhcr.org/refworld/docid/4786248b7.html>. Summaries of these instruments are available at <http://untreaty.un.org/English/tersumen.htm>.

9. **1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf** (International Maritime Organization) (in force 1 March 1992)
URL: <http://www.unhcr.org/refworld/docid/3dda0fff4.html>
10. **1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection** (International Civil Aviation Organization) (in force 21 June 1998)
URL: <http://www.unhcr.org/refworld/docid/3dd90f0c7.html>
11. **1997 International Convention for the Suppression of Terrorist Bombings** (in force 23 May 2001)
URL: <http://www.unhcr.org/refworld/docid/3b00f34e0.html>
12. **1999 International Convention for the Suppression of the Financing of Terrorism** (in force 10 April 2002)
URL: <http://www.unhcr.org/refworld/docid/3dda0b867.html>
13. **2005 International Convention for the Suppression of Acts of Nuclear Terrorism** (in force 7 July 2007)
URL: <http://www.unhcr.org/refworld/docid/425e58694.html>

b) International Refugee Law

14. **1951 Convention Relating to the Status of Refugees**, 28 July 1951, 189 U.N.T.S. 150
URL: <http://www.unhcr.org/refworld/docid/3be01b964.html>
15. **1967 Protocol Relating to the Status of Refugees**, 30 January 1967 606 U.N.T.S. 267
URL: <http://www.unhcr.org/refworld/docid/3ae6b3ae4.html>
16. **1950 Statute of the Office of the United Nations High Commissioner for Refugees**, Annex to the General Assembly Resolution 428 (V) of 14 December 1950, U.N. Document A/1775 (1950)
URL: <http://www.unhcr.org/refworld/docid/3ae6b3628.html>
17. **Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa** (“OAU Convention”), 10 September 1969, 1001 U.N.T.S. 45, no. 14, vol. 691
URL: <http://www.unhcr.org/refworld/docid/3ae6b36018.html>
18. **Cartagena Declaration on Refugees**, Adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, held at Cartagena, Colombia from 19-22 November 1984
URL: <http://www.unhcr.org/refworld/docid/3ae6b36ec.html>

B. Regional Instruments

a) Council of Europe

19. **1957 European Convention on Extradition** (in force 18 April 1960)
URL: <http://www.unhcr.org/refworld/docid/3ae6b36b0.html>
 - **1975 Additional Protocol to the European Convention on Extradition** (in force 20 August 1979)
URL: <http://www.unhcr.org/refworld/docid/3ae6b37820.html>
 - **1978 Second Additional Protocol to the European Convention on Extradition** (in force 5 June 1983)
URL: <http://www.unhcr.org/refworld/docid/3ae6b37e1c.html>
20. **1977 European Convention on the Suppression of Terrorism** (in force 4 August 1978)
URL: <http://www.unhcr.org/refworld/docid/3ae6b38914.html>
 - **2003 Protocol amending the European Convention on the Suppression of Terrorism**, opened for signature on 15 May 2003 (not yet in force)
URL: <http://www.unhcr.org/refworld/docid/47fdfb039.html>
21. **1999 Council of Europe Criminal Law Convention on Corruption** (in force 1 July 2002)
URL: <http://www.unhcr.org/refworld/docid/47fdfb1ed.html>
 - **2003 Additional Protocol to the Criminal Law Convention on Corruption** (in force 1 February 2005)
URL: <http://www.unhcr.org/refworld/docid/47fdfb1f0.html>
22. **1999 Council of Europe Civil Law Convention on Corruption** (in force 1 November 2003)
URL: <http://www.unhcr.org/refworld/docid/47fdfb1fd.html>
23. **2001 Recommendation of the Commissioner for Human Rights Concerning the rights of aliens wishing to enter a Council of Europe member State and the enforcement of expulsion orders**, CommDH/Rec(2001)1, 19 September 2001
URL: <http://www.unhcr.org/refworld/docid/42569b524.html>
24. **2001 Council of Europe Convention on Cybercrime** (in force 1 July 2004)
URL: <http://www.unhcr.org/refworld/docid/47fdfb202.html>
 - **2003 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems** (in force 1 March 2006)
URL: <http://www.unhcr.org/refworld/docid/47fdfb20f.html>
25. **2002, Committee of Ministers Guidelines on Human Rights and the Fight Against Terrorism**, 11 July 2002
URL: <http://www.unhcr.org/refworld/docid/47fdfb220.html>

26. **2005 Council of Europe Convention on the Prevention of Terrorism** (in force 1 June 2007)
URL: <http://www.unhcr.org/refworld/docid/47fdfaf0d.html>
27. **2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism** (in force 1 May 2008)
URL: <http://www.unhcr.org/refworld/docid/47fdfb280.html>
- b) European Union (EU)**
28. **2004 Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted**, Official Journal L 304/12, 30 September 2004
URL: <http://www.unhcr.org/refworld/docid/4157e75e4.html>
29. **2001 Council Regulation EC No. 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism**, Official Journal L 344/70, 28 December 2001
URL: <http://www.unhcr.org/refworld/docid/47fdfb230.html>
30. **2001 Council Decision of 27 December 2001 establishing the list provided for in Article 2(3) of Council Regulation (EC) No. 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (2001/927/EC)**, Official Journal L 344/83, 28 December 2001
URL: <http://www.unhcr.org/refworld/docid/47fdfb23d.html>
- updated by Council Decisions Nos. 2002/334/EC of 2 May 2002; 2002/460/EC of 17 June 2002; 2002/848/EC of 28 October 2002; 2002/974/EC of 12 December 2002; 2003/480/EC of 27 June 2003; 2007/445/EC of 28 June 2007; 2007/868/EC of 20 December 2007; 2008/343/EC of 29 April 2008)
31. **2001 Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (2001/931/CFSP)**, Official Journal L 344/93, 28 December 2001
URL: <http://www.unhcr.org/refworld/docid/47fdfb240.html>
- updated by Council Common Positions Nos. 2002/340/CFSP of 2 May 2002, 2002/462/CFSP of 17 June 2002, 2002/847/CFSP of 28 October 2002, 202/976/CFSP of 12 December 2002, 2003/402/CFSP of 5 June 2003, 2003/482/CFSP of 27 June 2003, and 2006/380/CFSP of 29 May 2006
32. **2002 Council Regulation (EC) No. 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the**

freeze of funds and other financial resources in respect of the Taliban of Afghanistan, Official Journal L 139/9, 29 May 2002

URL: <http://www.unhcr.org/refworld/docid/47fdfb24d.html>

o amended 97 times by July 2008; see <http://eur-lex.europa.eu/Notice.do?val=273722:cs&lang=en&list=465245:cs,275589:cs,273722:cs,&pos=3&page=1&nbl=3&pgs=10&hwords=>

33. **2002 Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA)**, Official Journal L 164/3, 22 June 2002

URL: <http://www.unhcr.org/refworld/docid/3f5342994.html>

34. **2002 Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States**, Official Journal L190/1, 18 July 2002

URL: <http://www.unhcr.org/refworld/docid/3ddcfc495.html>

35. **2005 European Union Counter-Terrorism Strategy**, 14469/4/05 REV 4, 30 November 2005

URL: <http://www.unhcr.org/refworld/docid/47fdfb28d.html>

c) **Organization for Security and Co-operation in Europe (OSCE)**

36. **2001 Bucharest Plan of Action for Combating Terrorism**, MC(9).DEC/1, adopted 4 December 2001 by OSCE Ministerial Council

URL: <http://www.unhcr.org/refworld/docid/47fdfb250.html>

37. **2002 OSCE Charter on Preventing and Combating Terrorism**, MC(10).JOUR/2, adopted 7 December 2002

URL: <http://www.unhcr.org/refworld/docid/47fdfb25d.html>

d) **Other Regional Organizations**

38. 1971 Organization of American States, **Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance** (in force 16 October 1973)

URL: <http://www.unhcr.org/refworld/docid/47fdfb260.html>

39. 1987 South Asian Association for Regional Cooperation (SAARC), **Regional Convention on the Suppression of Terrorism** (in force 22 August 1988)

URL: <http://www.unhcr.org/refworld/docid/3dd8ab3a4.html>

40. 1998 League of Arab States, **Arab Convention on Combating Terrorism** (in force 7 May 1999)

URL: <http://www.unhcr.org/refworld/docid/3de5e4984.html>

41. 1999 African Union (formerly Organization of African Unity), **OAU Convention on the Prevention and Combating of Terrorism** (in force 12 June 2002)

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