

Second day of the Seventeenth Meeting
MC(17) Journal No. 2, Agenda item 8

DECISION No. 3/09
FURTHER MEASURES TO SUPPORT AND PROMOTE THE
INTERNATIONAL LEGAL FRAMEWORK AGAINST TERRORISM

The Ministerial Council,

Determined to reinforce OSCE counter-terrorism activities in accordance with international law and standards in line with existing OSCE commitments,

Reaffirming that participating States should carry out their counter-terrorist efforts, with full respect for the rule of law and in conformity with their obligations under the UN Security Council resolutions and universal conventions and protocols related to the prevention and the suppression of terrorism, the United Nations Global Counter-Terrorism Strategy and relevant provisions of international human rights, humanitarian and refugee law,

Recalling OSCE commitments under Bucharest Ministerial Council Decision No. 1 (MC(9).DEC/1), the Ministerial Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism (MC.DOC/1/05), and the Brussels Ministerial Statement on Supporting and Promoting the International Legal Framework against Terrorism (MC.DOC/5/06), and welcoming the significant progress achieved in connection with participating States becoming party to the 12 universal anti-terrorism conventions and protocols of 1963–1999, as well as the progress in the signing and ratifying of the International Convention for the Suppression of Acts of Nuclear Terrorism (2005),

Noting the latest important developments in the international legal framework against terrorism, in particular the adoption of the Amendment to the Convention on the Physical Protection of Nuclear Material (2005), the Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (2005), and the Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (2005), and desirous to facilitate their early entry into force,

Recognizing the need to implement the offence provisions from universal anti-terrorism conventions and protocols into national criminal and, where applicable, also administrative and civil legislation, making them punishable by appropriate penalties, in order to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts within the rule of law and facilitate international legal co-operation based on the principle “extradite or prosecute”, as required by relevant UN Security Council resolutions and the universal anti-terrorism instruments,

Recognizing also that OSCE participating States may require technical assistance in their efforts with regard to the above,

Recognizing the important role that parliamentarians play in the ratification and national legislative implementation of the universal anti-terrorism conventions and protocols,

Urges those OSCE participating States that have not yet done so to make every effort to become party without delay to the 13 universal anti-terrorism conventions and protocols currently in force and to fully implement their provisions;

Calls on OSCE participating States to consider becoming party to the Amendment to the Convention on the Physical Protection of Nuclear Material (2005), the Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (2005), and the Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (2005) and to fully implement their provisions thereafter;

Calls on OSCE participating States to consider becoming parties to regional and subregional legal instruments related to terrorism, including to the Council of Europe Convention on the Prevention of Terrorism;

Tasks the Secretary General with organizing a workshop in 2010, to assist participating States with the criminal law aspects of implementing the universal anti-terrorism conventions and protocols concluded in 2005, within available resources and in co-operation with the UNODC and other relevant international actors;

Tasks the Chairmanship-in-Office, in co-ordination with the OSCE executive structures, with organizing in 2010, in Astana, within available resources and in co-operation with UNODC and Council of Europe as well as other relevant international partners, an expert-level conference on successful strategies, effective policies and best practices to prevent terrorism;

Calls on the OSCE participating States to strengthen inter-State co-operation in promoting the universal anti-terrorism conventions and protocols through sharing technical expertise and tasks the Secretary General with continuing to facilitate inter-State co-operation, including, matching offers and requests for technical assistance between participating States;

Tasks the Secretary General and relevant OSCE executive structures, within available resources with continuing to collaborate with the UNODC in strengthening the legal regime against terrorism by promoting implementation of the universal counter-terrorism instruments, in particular continuing to enhance and streamline, the support provided to the UNODC Terrorism Prevention Programme with regard to:

- Awareness raising and helping build the political will of participating States to become party to the universal anti-terrorism conventions and protocols;
- Providing technical assistance to requesting participating States in drafting anti-terrorism criminal legislation;

- Training of judicial officials in international legal co-operation in criminal matters related to terrorism;

and encourages participating States to contribute voluntary funding to relevant extra-budgetary projects in these areas;

Invites the OSCE Partners for Co-operation to voluntarily implement the OSCE commitments with regard to the international legal framework against terrorism and co-operation in criminal matters related to terrorism.