

CTED briefing to Member States on the implementation of Security Council resolution 1624 (2005)

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Thank you, Mr. Chairman.

The aim of the present briefing is to convey the status of the implementation of Security Council resolution 1624 (2005) and suggest recommendations with respect to a number of international good practices, codes and standards for the implementation of the resolution, as requested by the Committee during its discussion of the resolution, held in December 2009.

The development of good practices, codes and standards would help Member States – particularly non-reporting States – to implement resolution 1624 (2005) effectively and efficiently. As of December 2010, 86 Member States fell into the category of non-reporting States, and this may reflect lack of progress in implementing the resolution.

The Committee has submitted two reports to the Security Council on the global implementation of the resolution, on 15 September 2006 (S/2006/737) and 21 January 2008 (S/2008/29), respectively. The purpose of the good practices, codes and standards set forth below is both to help non-reporting Member States prepare and submit their national reports and to serve as a guide to the effective implementation of the resolution, for all Member States.

The following United Nations resolutions may be cited as good practices, codes and standards in this regard:

- (i) *General Assembly resolution 64/168 of 22 January 2010*, on the protection of human rights and fundamental freedoms while countering terrorism;
- (ii) *Security Council resolution 1624 (2005)*, which recalls, in its preamble, “the right to freedom of expression reflected in article 19 of the Universal Declaration of Human Rights”;
- (iii) *Article 19 of the International Covenant on Civil and Political Rights*, on the right to freedom of expression.

In this regard, Member States are requested to adopt and implement:

- Legislation expressly targeting incitement to commit terrorist acts; OR
- Other legislation with similar effect (general offence of incitement; accessory offences such as aiding and abetting, conspiracy, facilitation).

Such legislation should be accessible, precise, non-discriminatory, and non-retroactive, and there should be safeguards for freedom of expression in legislation and/or in implementation (e.g., the role of the courts).

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In their reports to the Counter-Terrorism Committee, some States have referred to *article 5 of the Council of Europe Convention on the Prevention of Terrorism (2005)*, which requires States parties to criminalize “public provocation to commit a terrorist offence”.

With respect to paragraph (b) of resolution 1624 (2005), on prevention of incitement, adherence to article 1 of the United Nations Code of Conduct for Law Enforcement Officials may be considered as a good practice.

Member States are requested to adopt:

- Effective communication between Governments and different communities, civil society
- Effective policing techniques, including community policing models
- Special investigative techniques, in conformity with human rights obligations.

With respect to the implementation of paragraph (c) of resolution 1624 (2005), on denial of safe haven:

The following instruments may be regarded as good practices with respect to Security Council resolution 1373 (2001):

- (i) *United Nations Model Treaty on Extradition, 1990;*
- (ii) *1951 Convention Relating to the Status of Refugees;*
- (iii) *1967 Protocol Relating to the Status of Refugees.*

With respect to the implementation of paragraph 1 (c): Deny Safe Haven:

Member States are requested to adopt and implement:

- Effective implementation of international legal cooperation, including extradition
- Effective implementation of international legal obligations in the area of international refugee law.

Good practices on strengthening of the security of international borders, combating fraudulent travel documents, terrorist screening and passenger security are addressed by Security Council resolution 1373 (2001) as relevant to the standards of the International Civil Aviation Organization (ICAO) and the International Criminal Police Organization (INTERPOL).

With respect to paragraph 2 of resolution 1624 (2005): Security of International Borders,

Member States are requested to adopt and implement:

- Best practices, including those also relevant to resolution 1373 (2001) (ICAO, INTERPOL standards).

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Paragraph 3 of resolution 1624 (2005) calls for initiatives to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures.

In this regard, reference may be made to:

- United Nations General Assembly resolution 60/4 of 20 October 2005, “Global Agenda for Dialogue among Civilizations”;
- The work of the Alliance of Civilizations;
- (iii) The work of the United Nations Interregional Crime and Justice Research Institute (UNICRI);
- The initiatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- (v) The work of the Islamic Educational, Scientific and Cultural Organization (ISESCO); the Council of Europe, and others.

Paragraph 3 of resolution 1624 (2005): Enhance Dialogue and Broaden understanding among civilization.

Member States are encouraged to initiate, adopt and implement:

- Engagement in international and regional initiatives and programmes on dialogue and understanding
- National strategies and programmes to counter extremism and intolerance, including through enhanced dialogue between communities
- Legislative measures to prohibit advocacy of national, racial or religious hatred, in conformity to international human rights obligations (ICCPR art. 20)
- Rehabilitation programmes.
- National strategies and programmes to monitor and, as appropriate, to regulate educational, cultural and religious institutions
- Legislative measures to prohibit advocacy of national, racial or religious hatred in these institutions, in conformity with international legal obligations.

The following regional strategies and measures may assist Member States to counter incitement of terrorist acts motivated by extremism and intolerance:

- (i) *European Union Counter-Terrorism Strategy (2005);*
- (ii) *European Union Strategy for Combating Radicalization and Recruitment to Terrorism (2005);*
- (iii) *European Union Counter-Terrorism Action Plan (2007);*
- (iv) *Organization of Islamic Conference (OIC): Statements and Initiatives on Combating Intolerance and Discrimination;*
- (v) *The work of the Organization of American States (OAS) to draft a convention against racism, all forms of discrimination and intolerance.*

States’ obligations pursuant to international law:

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Any compilation of good practices will remain subject to amendment and expansion by the Committee. However, in all cases, such practices should:

- (i) Comply with obligations under international human rights law (e.g. freedom of expression; freedom of thought, conscience and religion; freedom of association; freedom from arbitrary detention; fair trial);
- (ii) Comply with obligations under international refugee law (e.g. prevention of refoulement);
- (iii) Comply with obligations under international humanitarian law (e.g. detention in situations of armed conflict);
- (iv) Be lawful, to the extent of compliance with local legal and constitutional requirements and be effective.

The creation, on the Committee's website, of a page devoted to *national reports on resolution 1624 (2005)* serves as a potential source of good practice, codes and standards. Non-reporting Member States can evaluate these national reports and strategies adopted by reporting States in order to build their institutional capacities; implement the resolution; and submit reports to the Committee accordingly.

There are many *technical assistance providers*, including international, regional and subregional organizations; Member States; academic bodies; NGOs; and independent experts that can offer assistance to Member States. A recent example in this regard was the regional seminar on countering incitement and violent extremism in Central Asia, held jointly by CTED and the Organization for Security and Co-operation in Europe (OSCE) in Tashkent, on 9 and 10 December 2010.

CTED frequently raises the issue of the implementation of resolution 1624 (2005) by Member States, whether during the Committee's country visits, at various meetings/workshops/seminars, or during video-workshops.

CTED will submit a report on the global implementation of resolution 1624 (2005) in November 2011, in accordance with the advice and guidance of the Committee.

Thank you, Mr. Chairman.