

**Presentation to the Member States on the Implementation of UN Security Council
resolution 1624 (2005)**

20 December 2010

As my colleague Mr. Siraj Chowdhury explained the best legal practices available to implement UNSC resolution (1624) (2005), I would focus on the measures that may assist in the implementation of this resolution.

I will speak briefly about this topic, the methodology and then will refer to specific measures which may assist in the actual implementation of resolution 1624.

Resolution 1624 deals with a number of issues related to incitement to commit terrorist acts. Paragraph 1 and 2 entail more of a law enforcement response such as criminalization of incitement, border controls, passenger security, and safe havens. Paragraph 3 deals with broader issues such as dialogue and understanding among civilizations, countering incitement of terrorist acts motivated by extremism and intolerance, prevention of subversion of educational, cultural and religious institutions. Different UN entities are looking at these specific issues. Recent Security Council PRST (of 27 Sept 2010) and Security Council resolution 1963 (2010) adopted on 20 December 2010 have also referred to other related issues: conditions conducive to the spread of terrorism, terrorist recruitment and radicalization. The global strategy also includes prevention of abuse of the internet for terrorist purposes which involves both policy and law enforcement issues.

Therefore, the resolution looks at a very broad range of issues which can be addressed through an appropriate strategy that combines law enforcement and other approaches. Most of the law enforcement related measures under this resolution are broadly covered under resolution 1373. However, the measures under paragraph 3 and those indicated in the PRST, UN Security Council resolution 1963 (2010) and the Global Strategy need a broad, holistic and integrated approach. What makes dealing with the broader issues challenging are a number of factors such as:

1. Dealing with issues which may not be terrorism *per se*. For instance extremism itself may not be crime, but only when it leads to an offence including terrorist offence(s), that it may become an offence.
2. These issues do not involve only traditional counter terrorism players and rather bring in a range of other actors, including civil society, religious and cultural groups, media, etc.
3. The scope of preventive measures may raise policy issues regarding freedom of expression, association, religion, worship, etc.
4. Socio-economic and political issues, including development in addressing conditions conducive to terrorism become important and challenging at the same time.
5. Regulation of internet itself involves policy and law enforcement issues accentuated by the often multi-jurisdictional nature of the offence.

6. Many of the measures (such as prison reforms, rehabilitation programmes, community policing, outreach activities, etc.) are still in their early stages and will need more time to assess their effectiveness. Moreover, these measures will need to be tailored to each situation to ensure their relevance and effectiveness. For instance causes of radicalization in each society may be different. Therefore, our approaches need to be tailored to each situation for maximum impact and effectiveness.

The main elements of the *methodology* in dealing with issues related to UN Security Council resolution 1624 (2005) are the inter-linkages between development, security and human rights, the need for dialogue and understanding, cross cutting and multidisciplinary approaches, combining law enforcement and soft approaches, cooperation and coordination among the relevant actors at the national level and international cooperation, regional approaches, protecting and upholding human rights, and capacity building.

Accordingly the following recommendations are made for Member States and CTED.

Member States may be encouraged to:

- Ensure that any measures taken to implement paragraphs 1, 2 and 3 of UNSC resolution 1624 (2005) comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law
- Consider reviewing and amending national legislation in order to ensure that adequate provisions are in place to prohibit incitement to commit a terrorist act or acts
- Continue to take effective measures to strengthen the security of their international borders, including by combating the use of fraudulent travel documents and by strengthening terrorist-screening and passenger-security procedures, with a view to preventing the entry into their territory by those guilty of incitement to commit a terrorist act or acts
- Continue to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures by, inter alia, supporting the work of Alliance of Civilizations, which seeks to broaden understanding among civilizations and uphold respect for diversity of religion, culture and social values, with the aim of promoting justice, human rights and peace through dialogue and addressing the causes of extremism
- Consider establishing appropriate national mechanisms for the development and implementation of holistic and comprehensive counter-terrorism strategies
- Enhance international cooperation, mutual legal assistance and the sharing of experiences, information and intelligence, as appropriate, in dealing with incitement to commit terrorist acts
- Consider developing an international legal response to incitement to commit terrorist acts, in particular to prevent terrorist use of the Internet

- Encourage engagement by local communities, the private sector, civil society and the media, in order to counter the threat of terrorism effectively and comprehensively.

CTED is recommended to:

- Continue its dialogue with Member States on their efforts to implement resolution 1624 (2005) and to encourage those States that have not yet submitted their reports under this resolution to do so at the earliest
- Continue to work with States and with regional and subregional organizations to develop strategies for countering incitement to commit terrorist acts motivated by extremism and intolerance, as called for in resolution 1624 (2005) and the United Nations Global Counter-Terrorism Strategy
- Continue to develop initiatives to identify and spread best legal practices and strategies to prohibit and prevent incitement to commit terrorist acts and also for countering the appeal of terrorism and violent extremism
- Develop proposals for revitalizing and simplifying the preliminary implementation assessment (PIA), for the Committee's consideration, drawing on the information contained in the Technical Guide, in order better to assist Member States in, inter alia, their implementation of resolution 1624 (2005)
- Prepare a report on the global status of implementation of resolution 1624 (2005), for the Committee's consideration by the end of 2011
- Pursue these activities, in accordance with the Committee's human rights policy guidance, in order to ensure that all relevant human rights issues are addressed consistently and even-handedly in its activities
- Continue its cooperation with all relevant international and regional organizations, including the working groups of the Counter-Terrorism Implementation Task Force (CTITF) on protecting human rights while countering terrorism and on preventing terrorist use of the Internet.

I will rest here and would be happy to respond to any comments you may have.

Thank you.