

Counter-Terrorism Committee Executive Directorate (CTED)

UNITED NATIONS SECURITY COUNCIL RESOLUTION 1624 (2005)

**COMPILATION OF INTERNATIONAL GOOD PRACTICES,
CODES AND STANDARDS**

Compiled by the Counter-Terrorism Committee Executive Directorate (CTED)



<p>Security Council resolution 1624 (2005)</p> <p><i>Paragraph/text</i></p>	<p>INTERNATIONAL GOOD PRACTICES</p>
<p><i>1. Calls upon all States to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to:</i></p>	
<p><i>(a) Prohibit by law incitement to commit a terrorist act or acts</i></p>	<p>1. <u>General Assembly resolution 64/168, “Protection of human rights and fundamental freedoms while countering terrorism”</u></p> <p>Calls upon States “to ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law” (A/RES/63/185).</p> <p>2. <u>Security Council resolution 1624 (2005), preamble</u></p> <p>Recalls “the right to freedom of expression reflected in article 19 of the Universal Declaration of Human Rights adopted by the General Assembly in 1948 (‘the Universal Declaration’)”.</p> <p>Also recalls “the right to freedom of expression in article 19 of the International Covenant on Civil and Political Rights adopted by the General Assembly in 1966 (‘ICCPR’) and that any restrictions thereon shall only be such as are provided by law and are necessary on the grounds set out in paragraph 3 of article 19 of the ICCPR”.</p> <p>3. <u>Reports by Member States to the Counter-Terrorism Committee on their implementation of Security Council resolution 1624 (2005)</u></p>

Counter-Terrorism Committee Executive Directorate (CTED)

Member States described a range of measures used to implement paragraph 1 (a) of the resolution. As described in the Committee's reports to the Security Council on implementation of resolution 1624 (S/2006/737, S/2008/29), these measures include, in some cases: a) express prohibition of incitement to commit terrorist acts in criminal legislation; b) laws prohibiting incitement generally; c) accessory or inchoate offences, such as aiding, abetting, counselling, facilitation, inducement, instigation, organization, participation, preparation, persuasion, provocation and solicitation.

<http://www.un.org/en/sc/ctc/resources/1624.html>

4. Council of Europe Convention on the Prevention of Terrorism (2005), article 5

In their reports to the Committee on their implementation of resolution 1624 (2005), some States referred as good practice to the Council of Europe Convention on the Prevention of Terrorism (2005), at article 5, which requires States parties to adopt such measures as may be necessary to criminalize “public provocation to commit a terrorist offence”. Public provocation is defined as “the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed”.

The Special Rapporteur of the United Nations Human Rights Council on the protection of human rights and fundamental freedoms while countering terrorism has referred to article 5 as “a sound response which would respect human rights”, based on his view that it contains a “double requirement of a subjective intent to incite (encourage) the commission of terrorist offences and an objective danger that one or more such offences would be committed” (*see E/CN.4/2006/98, p. 17, par. 56c*).

5. See also “Preventing Terrorist Acts: A Criminal Justice Strategy Integrating Rule of Law Standards in Implementation of United Nations Anti-Terrorism Instruments”, United Nations Office on Drugs and Crime, Terrorism Prevention Branch (2006)

<http://www.unodc.org/pdf/terrorism/TATs/en/3IRoLen.pdf>

6. Note: In analysing implementation of the resolution, it is important to recall *different legal traditions* in use around the world: the civil legal system, common law, religious law (including Muslim law, Jewish law and Canon law), as well as customary law. Each of these traditions imposes different legal

Counter-Terrorism Committee Executive Directorate (CTED)

	<p>procedures for enacting, adopting and implementing their legal dispositions. For example, under the civil law tradition, in order to include a new crime within the legal order, it is necessary either to amend the Penal Code or the Code of Criminal Procedure, which could be a complex process, or to adopt and enact a Lex Specialis that, because of its nature, supersedes the general law.</p> <p>In this respect, States’ counter-incitement initiatives should be examined within the established legal framework of each State. Nonetheless, there are common and universal standards that should be respected and guaranteed for each country, whatever its legal tradition, in particular, the right to freedom of expression and the right to judicial protection, as well as other relevant freedoms. Therefore, analysis of good practices in the implementation of resolution 1624 (2005) should be directly linked to analysis of compliance with these universal principles.</p>
<p><i>(b) Prevent incitement to commit a terrorist act or acts</i></p>	<p><u>United Nations Code of Conduct for Law Enforcement Officials, article 1</u></p> <p>“Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession” (General Assembly resolution 34/169 of 17 December 1979).</p>
<p><i>(c) Deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts</i></p>	<p><u>1. United Nations Model Treaty on Extradition (General Assembly resolution 45/116, 14 December 1990)</u></p> <p><u>2. 1951 Convention Relating to the Status of Refugees</u></p> <p><u>3. 1967 Protocol Relating to the Status of Refugees</u></p> <p><u>4. Security Council resolution 1624 (2005) (preamble)</u></p> <p>“<i>Recalling in addition</i> the right to seek and enjoy asylum reflected in article 14 of the Universal Declaration and the non-refoulement obligation of States under the Convention Relating to the Status of Refugees adopted on 28 July 1951, together with its Protocol adopted on 31 January 1967 (“the Refugees Convention and its Protocol”), and also <i>recalling</i> that the protections afforded by the Refugees Convention and its Protocol shall not extend to any person with respect to whom there are serious</p>

Counter-Terrorism Committee Executive Directorate (CTED)

	<p>reasons for considering that he has been guilty of acts contrary to the purposes and principles of the United Nations”.</p>
<p>2. Calls upon all States to cooperate, inter alia, to strengthen the security of their international borders, including by:</p>	
<p><i>Combating fraudulent travel documents</i></p>	<ol style="list-style-type: none"> 1. <u>Annex 9 to the Convention on International Civil Aviation: International Standards and Recommended Practices – Facilitation</u> (Chapter 3: Entry and departure of persons and their baggage) 2. <u>Document 9303, Parts I, II, III: Specifications for Machine-Readable Travel Documents (MRTDs)</u> [CONTACT fal@icao.int for information] 3. <u>International Civil Aviation Organization (ICAO) MRTD website on Machine-Readable Travel Documents</u> mrttd.icao.int 4. <u>INTERPOL database on Stolen/Lost Travel Documents (SLTD): INTERPOL "Best Practices in Combating Terrorism"</u>
<p><i>To the extent attainable, enhancing terrorist screening and passenger security procedures with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory</i></p>	<ol style="list-style-type: none"> 1. <u>INTERPOL International Notices System (Red, Blue, UN Security Council Special Notices)</u> 2. <u>INTERPOL Global Databases</u> <ul style="list-style-type: none"> ✓ Stolen/Lost Travel Documents (SLTD). See INTERPOL "Best Practices in Combating Terrorism" (p. 5) ✓ Automated Fingerprint Identification System (AFIS) ✓ DNA profiles ✓ Stolen vehicles information ✓ Terrorist watch lists

Counter-Terrorism Committee Executive Directorate (CTED)

	<ul style="list-style-type: none"> ✓ INTERPOL Firearms Tracing Systems (formerly IWeTS) ✓ INTERPOL Firearms Reference Table ✓ INTERPOL Ballistic Information Network <p>www.interpol.int</p>
<p>3. Calls upon all States to:</p>	
<p><i>Continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures</i></p>	<ol style="list-style-type: none"> 1. <u>United Nations General Assembly resolution 60/4, “Global Agenda for Dialogue among Civilizations”</u> 2. <u>Alliance of Civilizations</u> <p>The Alliance of Civilizations 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.</p> <p>The Alliance is engaged, in particular, in the assessment and analysis of the relationship between Western and Muslim States and their peoples, based on the belief that the causes of extremism and violence are often wrongly seen as religious or cultural in nature, and in encouraging nations and civil society to address the grievances that lead to resentment, tension, extremism and violence.</p> <p>In this regard, the Alliance is developing a series of online “clearinghouses”, which focus on the core components of its mandate: youth, education, media and migration, and feature good practices, materials and resources on cross-civilization and cultural dialogue, tolerance, and cooperation.</p> <p>http://www.unaoc.org/</p>

Counter-Terrorism Committee Executive Directorate (CTED)

3. United Nations Interregional Crime and Justice Research Institute, (UNICRI)

UNICRI is mandated to assist intergovernmental, governmental and non-governmental organizations in formulating and implementing improved policies in the field of crime prevention and criminal justice.

Within the framework of CTITF Working Group on Addressing Radicalization and Extremism that lead to Terrorism, UNICRI supervised the drafting of the “First report of the Working Group on Radicalization and Extremism that Lead to Terrorism”, which was issued in the context of the General Assembly’s review of the Global Strategy of 4 September 2008. The UNICRI’s pilot programme will aim to establish an “Information and Referral Center to Counter the Appeal of Terrorism” on detecting and preventing pathways into terrorism, early intervention efforts against terrorist recruitment, and rehabilitation initiatives.

<http://www.unicri.it/institute/>

http://lab.unicri.it/appeal_terrorism.html

4. United Nations Educational, Scientific and Cultural Organization (UNESCO)

UNESCO’s mandate to build peace in the minds of people across cultures and civilizations notably fosters intercultural dialogue, tolerance, and mutual appreciation of the intrinsic diversity among cultures. The leadership of the Organization in this domain is reflected in a wide variety of Declarations and policy statements resulting from International Conferences, Summits and Seminars held worldwide over the years, and outlining strategic and concrete approaches to the dialogue among cultures. In this context, the normative action of UNESCO is equally important; in particular the 7 International Conventions that promote and protect cultural diversity and cultural heritage. Additionally, UNESCO’s Cultural Diversity Programming Lens is an important tool for policy and program development and implementation. The Organizations support to dialogue, mutual understanding and tolerance is being implemented by its education, culture, science and communication and information sectors, and includes, for example, media-literacy and youth interaction projects, teacher training workshops, expert seminars, university networks, curricula development, **TEXTBOOK REVISION** and the researching and publication of guidelines and best practices for the promotion of tolerance, respect and understanding.

2001 UNESCO Universal Declaration on Cultural Diversity <http://portal.unesco.org/en/ev.php->

Counter-Terrorism Committee Executive Directorate (CTED)

	<p>URL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html http://www.unesco.org/dialogue/ http://www.unesco.org/culture/pluralism http://www.unesco.org/human_rights/peace.int.htm</p> <p>Item 4 Take all measures as may be necessary and appropriate and in accordance with their obligations under international law to prevent the subversion of educational, cultural and religious institutions by terrorists and their supporters</p> <p><u>5 Islamic Educational, Scientific and Cultural Organization (ISESCO)</u></p> <p>http://www.isesco.org.ma/english/dialogue/dialogue.php?idd=TDD_REF_SP</p> <p><u>6 Asia-Middle East Dialogue</u></p> <p>http://www.amed.sg/</p> <p><u>7 Council of Europe</u></p> <p>a) White Paper on Intercultural Dialogue</p> <p>https://wcd.coe.int/ViewDoc.jsp?Ref=CM%282008%2930&Language=lanEnglish&Ver=final</p> <p>b) North-South Centre (European Centre for Global Interdependence and Solidarity)</p> <p>http://www.coe.int/t/dg4/nscentre/default_EN.asp</p> <p><u>8 Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures</u></p> <p>http://www.euromedalex.org/</p>
<i>Take all measures as may</i>	1. <u>European Union Counter-Terrorism Strategy (2005)</u>

Counter-Terrorism Committee Executive Directorate (CTED)

<p><i>be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance</i></p>	<p>http://ec.europa.eu/justice_home/fsj/terrorism/strategies/fsj_terrorism_strategies_counter_en.htm</p> <p>2. <u>European Union Counter-Terrorism Action Plan (2007)</u></p> <p>http://ec.europa.eu/justice_home/fsj/terrorism/strategies/fsj_terrorism_strategies_political_en.htm</p> <p>3. <u>Organization of the Islamic Conference (OIC): Statements and Initiatives on Combating Intolerance and Discrimination</u></p> <p>http://www.oic-oci.org/page_detail.asp?p_id=168</p> <p>4. <u>Organization of American States against Racism and Intolerance</u></p> <p>http://www.oas.org/OASpage/Events/default_ENG.asp?eve_code=2</p>
<p><i>Take all measures as may be necessary and appropriate and in accordance with their obligations under international law to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters</i></p>	<p>1. <u>UNESCO Initiative on the World Program for Human Rights Education</u></p> <p>UNESCO seeks to promote an integrated and comprehensive system of education and training for all. It envisages a quality and human rights education policy at all levels and in all forms (whether formal or non-formal), promoting peace, tolerance and non-violence, understanding cultural and linguistic diversity and human rights, with holistic participatory methods. This includes the following elements:</p> <ul style="list-style-type: none"> • Monitoring the implementation of standard-setting instruments • Implementing national plans and programmes • Enhancement and innovation in curricula, content, teaching methods and pedagogical materials • Training of teachers and other educational staff • Encouraging bilateral and multilateral cooperation in the revision of history and geography textbooks • Promoting linguistic diversity at all educational levels • Strengthening the UNESCO Associated Schools Project Network (ASPnet) • Promoting physical education and sport for a culture of peace.

Counter-Terrorism Committee Executive Directorate (CTED)

	<p>http://www.unesco.org/human_rights/peace.int.htm http://www.unesco.org/education/ecp/</p>
<p><i>4. Stresses that States must ensure that any measures taken to implement paragraphs 1, 2 and 3 of this resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law.</i></p>	<ol style="list-style-type: none"> 1. International human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR) 2. ICCPR, articles 19 and 20 3. Regional human rights instruments 4. 1951 Convention Relating to the Status of Refugees 5. 1967 Protocol Relating to the Status of Refugees 6. Geneva Conventions and, for those States that have ratified them, Protocols Additional to the Geneva Conventions 7. Reports of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights while countering terrorism <p>http://www2.ohchr.org/english/issues/terrorism/rapporteur/srchr.htm www.unhcr.org</p> <ol style="list-style-type: none"> 8. Fact Sheet of the Office of the High Commissioner for Human Rights (OHCHR) on Human Rights, Terrorism and Counter-Terrorism (pp. 41-43) <p>http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf</p>