APPENDIX
UN Security Council Resolution 1269,
(19 October 1999)

The Security Council, Deeply concerned by the increase in acts of international terrorism which endangers the lives and well-being of individuals worldwide as well as the peace and security of all States,
Condemning all acts of terrorism, irrespective of motive, wherever and by whomever committed,
Mindful of all relevant resolutions of the General Assembly, including resolution 49/60 of December 9, 1994, by which it adopted Declaration on Measures to Eliminate International Terrorism,
Emphasizing the necessity to intensify the fight against terrorism at the national level and to strengthen, under the auspices of the United Nations, effective international cooperation in this field on the basis of the principles of the Charter of the United Nations and norms of international law, including respect for international humanitarian law and human rights,
Supporting the efforts to promote universal participation in and implementation of the existing international anti-terrorist conventions, as well as to develop new international instruments to counter the terrorist threat,
Commending the work done by the General Assembly, relevant United Nations organs and specialized agencies and regional and other organizations, to combat international terrorism,
Determined to contribute, in accordance with the Charter of the United Nations, to the efforts to combat terrorism in all its forms,
Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is an essential contribution to the maintenance of international peace and security,
1. Unequivocally condemns all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, in particular those, which could threaten international peace and security;
2. Calls upon all States to implement fully the international anti-terrorist conventions to which they are parties, encourages all States to consider as a matter of priority adhering to those to which they are not parties; and encourages also the speedy adoption of the pending conventions;
3. Stresses the vital role of the United Nations in strengthening international cooperation in combating terrorism and emphasizes the importance of enhanced coordination among States, international and regional organizations;
4. Calls upon all States to take, inter alia, in the context of such cooperation and coordination, appropriate steps to:
   cooperate with each other, particularly through bilateral and multilateral agreements and arrangements, to prevent and suppress terrorist acts, protect their
nationals and other persons against terrorist attacks and bring to justice the perpetrators of such acts;
prevent and suppress in their territories through all lawful means the preparation and financing of any acts of terrorism;
deny those who plan, finance or commit terrorist acts safe havens by ensuring their apprehension and prosecution or extradition;
take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not participated in terrorist acts;
exchange information in accordance with international and domestic law, and cooperate on administrative and judicial matters in order to prevent the commission of terrorist acts;
5. Requests the Secretary-General, in his reports to the General Assembly, in particular submitted in accordance with its resolution 50/53 on measures to eliminate international terrorism, to pay special attention to the need to prevent and fight the threat to international peace and security as a result of terrorist activities;
6. Expresses its readiness to consider relevant provisions of the reports mentioned in paragraph 5 above and to take necessary steps in accordance with its responsibilities under the Charter of the United Nations in order to counter terrorist threats to international peace and security;
7. Decides to remain seized of this matter.

Source: http://www.una-uk.org/Comment/se1368.html, downloaded on 5 March 2003
UN Security Council Resolution 1368

(12 September 2001)

Security Council condemns, 'in strongest terms' terrorist attacks on United States, Unanimously Adopting Resolution 1368 (2001), Council Calls on All States to Bring Perpetrators to Justice.

Reaffirming the principles and purposes of the Charter of the United Nations,
Determined to combat by all means threats to international peace and security caused by terrorist acts,
Recognizing the inherent right of individual or collective self-defence in accordance with the Charter,
Unequivocally condemns in the strongest terms the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington, D.C. and Pennsylvania and regards such acts, like any act of international terrorism, as a threat to international peace and security;
Expresses its deepest sympathy and condolences to the victims and their families and to the people and Government of the United States of America;
Calls on all States to work together urgently to bring to justice the perpetrators, organizers and sponsors of these terrorist attacks and stresses that those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of these acts will be held accountable;
Calls also on the international community to redouble their efforts to prevent and suppress terrorist acts including by increased cooperation and full implementation of the relevant international anti-terrorist conventions and Security Council resolutions, in particular resolution 1269 (1999) of 19 October 1999;
Expresses its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations;
Decides to remain seized of the matter.

Source: http://www.una-uk.org/Comment/sc1368.html, downloaded on 5 March 2003
UN Security Council Resolution 1373

(29 September 2001)


Reaffirming also its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C., and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,

Reaffirming further that such acts, like any act of international terrorism, constitute a threat to international peace and security,

Reaffirming the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001), "Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Deeply concerned by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,

Calling on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,

Recognizing the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,

Reaffirming the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that all States shall: (a) Prevent and suppress the financing of terrorist acts;

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of
entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

2. Decides also that all States shall:
   (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;
   (b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
   (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
   (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;
   (e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;
   (f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;
   (g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

3. Calls upon all States to:
   (a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;
   (b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;
   (c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;
   (d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;
   (e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);
(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts;

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard emphasizes the need to enhance coordination of efforts on national, sub regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

5. Declares that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

6. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and calls upon all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;

7. Directs the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;

8. Expresses its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;

9. Decides to remain seized of this matter.

Source: http://www.una-uk.org/Comment/sc1368.html, downloaded on 5 March 2003
United Nations Security Council Resolution 1377,
(12 November 2001)

The Security Council, Meeting at the Ministerial level,
Recalling its resolutions 1269 (1999) of 19 October 1999, 1368
2001,

Declares that acts of international terrorism constitute one of the most serious
threats to international peace and security in the twenty-first century,
Further declares that acts of international terrorism constitute a challenge to all
States and to all of humanity,
Reaffirms its unequivocal condemnation of all acts, methods and practices of
terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms
and manifestations, wherever and by whomever committed,
Stresses that acts of international terrorism are contrary to the purposes and
principles of the Charter of the United Nations, and that the financing, planning and
preparation of as well as any other form of support for acts of international terrorism are
similarly contrary to the purposes and principles of the Charter of the United Nations,
Underlines that acts of terrorism endanger innocent lives and the dignity and
security of human beings everywhere, threaten the social and economic development of
all States and undermine global stability and prosperity,
Affirms that a sustained, comprehensive approach involving the active
participation and collaboration of all Member States of the United Nations, and in
accordance with the Charter of the United Nations and international law, is essential to
combat the scourge of international terrorism;
Stresses that continuing international efforts to broaden the understanding among
civilizations and to address regional conflicts and the full range of global issues,
including development issues, will contribute to international cooperation and
collaboration, which themselves are necessary to sustain the broadest possible fight
against international terrorism,
Welcomes the commitment expressed by States to fight the scourge of
international terrorism, including during the General Assembly plenary debate from 1 to
5 October 2001, calls on all States to become parties as soon as possible to the relevant
international conventions and protocols relating to terrorism, and encourages Member
States to take forward work in this area,
Calls on all States to take urgent steps to implement fully resolution 1373 (2001),
and to assist each other in doing so, and underlines the obligation on States to deny
financial and all other forms of support and safe haven to terrorists and those supporting
terrorism,
Expresses its determination to proceed with the implementation of that resolution
in full cooperation with the whole membership of the United Nations, and welcomes the
progress made so far by the Counter-Terrorism Committee established by paragraph 6 of resolution 1373 (2001) to monitor implementation of that resolution.

Recognizes that many States will require assistance in implementing all the requirements of resolution 1373 (2001), and invites States to inform the Counter-Terrorism Committee of areas in which they require such support.

In that context, invites the Counter-Terrorism Committee to explore ways in which States can be assisted, and in particular to explore with international, regional and sub regional organizations:

- the promotion of best-practice in the areas covered by resolution 1373 (2001), including the preparation of model laws as appropriate,
- the availability of existing technical, financial, regulatory, legislative or other assistance programmes which might facilitate the implementation of resolution 1373 (2001),
- the promotion of possible synergies between these assistance programmes,

Calls on all States to intensify their efforts to eliminate the scourge of international terrorism.

Source: [http://www.una-uk.org/Comment/sc1368.html](http://www.una-uk.org/Comment/sc1368.html), downloaded on 5 March 2003

The States Parties to this convention;


Recalling also General Assembly resolution 49/60 of 9 December, 1994 and the Declaration on Measures to Eliminate International Terrorism annexed thereto;

Recalling further General Assembly resolution 51/20 of 17 December, 1996 and the Declaration of supplement the 1994 declaration on measures to Eliminate International Terrorism annexed thereto,

Deeply concerned about the worldwide escalation of acts of terrorism in all its forms, which endanger or take innocent lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,
Reaffirming their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize friendly relations among states and people and threaten the territorial integrity and security of States,

Recognizing that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the undermining of human rights, fundamental freedoms and the democratic basis of society,

Recognizing also that the financing, planning and inciting of terrorist acts are also contrary to the purposes and principles of the United Nations, and that it is the duty of the States Parties to bring to justice those who have participated in such terrorist acts,

Convinced that the suppression of acts of international terrorism, including those which are committed or supported by States, directly or indirectly, is an essential element in the maintenance of international peace and security and the sovereignty and territorial integrity of States,

Realizing the need for a comprehensive convention on international terrorism,

Have resolved to take effective measure to prevent acts of terrorism and to ensure that perpetrators of terrorist acts do not escape prosecution and punishment by providing for their extradition or prosecution, and to that end have agreed as follows:

Article 1:

For the purpose of this Convention:

1. State or government facility includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

2. Military forces of a State means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security, and persons acting in support of those armed forces who are under their formal command, control and responsibility.

3. Infrastructure facility means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewerage, energy, fuel or communications, and banking services, telecommunications and information networks.

4. Place of public use means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously,
periodically or occasionally, and encompasses any commercial, business, cultural,
historical, educational, religious, governmental, entertainment, recreational or similar
place that is so accessible or open to the public.

5. Public Transportation Systems means all facilities, conveyances and instrumentalities,
whether publicly or privately on, that are used in or for publicly available services for
transportation of persons or cargo.

Article 2:

1. Any person commits an offence within the meaning of this Convention if that person,
   by any means,
   unlawfully and intentionally, does an Act intended to cause;

2. Death or serious bodily injury to any person; or

3. Serious damage to a State or government facility, a public transportation system,
   communication system or infrastructure facility with the intent to cause extensive
destruction of such a place, facility or system, or where such destruction results or is
likely to result in major economic loss;

   When the purpose of such act, by its nature or contacts, is to intimidate a
population, or to compel a government or an international organization to do or abstain
from doing any act.

   (a) Any person also commits an offence if that person attempts to commit an offence
       or participate as an

   (b) accomplice in an offence as set forth in paragraph 1.

   (c) Any person also commits an offence if that person;

   (d) Organizes, directs or instigate others to commit an offence as set forth in
       paragraphs 1 or 2; or

   (e) aids, abets, facilitates or counsels the commission of such an offence; or

   (f) In any other way contributes the commission of one or more offences referred in
       paragraphs 1, 2 or 3

   (g) by a group of persons acting with a common purpose; such contribution shall be
       intentional and either be met with the aim of furthering the general criminal
       activity or purpose of the group or be met in the knowledge of the intention of the
       group to commit the offence or offences concerned.

Article 3:

This Convention shall not apply where the offence is committed within a single
State, the alleged offender is a national of that State and is present in the territory of that
State and no other state has a basis under article 6, paragraph 1, or article 6, paragraph 2,
to exercise jurisdiction except that the provision of articles 10 to 22 shall, as appropriate,
apply in those cases.

Article 4: Each State Party shall adopt such measures as may be necessary;
a. To establish as criminal offences under its domestic law. The offences set forth in article 2;
b. To make those offences punishable by appropriate penalties which take into account the grave nature of those offences.

Article 5: Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

Article 6:

1. Each State Party shall take such measure as may be necessary to establish its jurisdiction over the offences referred to in article 2 in the following cases:

2. When the offence is committed in the territory in that State or on board a ship or aircraft registered in that State;

3. When the alleged offender is a national of that State or is a person who has his or her habitual residence in its territory;

4. When the offence is committed wholly or partially outside its territory, if the effect of the conduct or intended effects constitute or result, within its territory in the commission of an offence referred to in article 2.

1. A State may also establish its jurisdiction over any such offence when its committed;

2. By a stateless person whose habitual is in that State; or

3. With respect to a national of that State; or

4. Against a State or government facility of that state abroad, including an embassy or other diplomatic or consular premises of that state or

5. In an attempt to compel that state to do or abstain from doing any act; or

6. On board a ship or aircraft, which is operated by the government of that state?

Each state Party shall take such measures as may be necessary to establish its jurisdiction over the

1. offences referred to in article 2 in cases where the alleged offender is present in its territory and where it does not extradite such person to any of these States Parties that have established their jurisdiction in accordance with paragraphs 1 or 2;

2. When more than one State Party claims jurisdiction over the offences set forth in article 2 the relevant State Parties shall strive to coordinate their actions appropriately, in particular concerning the conditions for prosecution and the modalities for mutual legal assistance.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.
Article 7:

States Parties shall take appropriate measures, before granting asylum, for the purpose of ensuring that asylum is not granted to any person in respect of whom there are reasonable grounds indicating his involvement in any offence referred to in article 2.

Article 8:

State Parties shall cooperate in the prevention of the offences set forth in article 2, particularly;

a. By taking all practicable measures, including, if necessary, adapting their domestic legislation, to prevent

and counter preparation in their respective territories for the commission, by whom so ever and in whatever manner, of those offences within or outside their territories, including;

i. Measures to prohibit in their territories the establishment and operation of installations and training for the commission, within or outside their territories, of offences referred to in article 2; and

ii. Measures to prohibit the illegal activities of the persons, groups and organizations that encourage, instigate, organize, knowingly finance or engage in the commission, within or outside their territories, offences referred to in article 2;

iii. By exchanging accurate and verified information in accordance with their national law, and coordinating administrative and other measures taken as appropriate to prevent the commission of offences as referred to in article 2.

Article 9:

1. Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of that legal entity has, in that capacity committed an offence referred to in article 2. Such liability may be criminal, civil or administrative.

2. Such liability is incurred without prejudice to the criminal liability of individuals having committed the offences.

3. Each State Party shall ensure in particular, that legal entities liable in accordance with paragraph 1 above are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions.

Article 10:

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence referred to in article 2 may be present in its territory, the
1. The State Party in whose territory the alleged offender is found shall, if it does not extradite the person, be obliged, without exception whose so ever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution through proceedings in accordance with law of the state. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a grave nature under the law of that state.

2. Whenever the State party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that state to serve the sentence imposed as a result of the trial or
proceeding for which the extradition or surrender of the person was sought and that State and the State seeking the

4. extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

Article 12:

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with law of the state in the territory of which that person is present and applicable provisions of international law, including international human rights law.

Article 13:

1. State Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2,
   including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. State Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements. States Parties shall afford one another assistance in accordance with their domestic law.
3. State Parties which are not bound by a bilateral treaty or arrangement of mutual legal assistance may,
   at their discretion, apply the procedure set out in Annex II

Article 14:

None of the offences referred to in article 2 and the acts which constitute an offence within the scope of and as defined in one of the treaties listed in Annex I shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.
Article 15:

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person’s race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person’s position for any of these reasons.

Article 16:

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under the Convention may be transferred if the following conditions are met.
2. The person freely gives his or her informed consent, and
3. The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

1. For the purposes of this article

a. The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred.

b. The State to which the person is transferred shall without delay implement its obligations to return the person to the custody of the State from which the person was transferred as agreed beforehand, or
   as otherwise agreed, by the competent authorities of both States;

c. The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

d. The person transferred shall receive credit for service of the sentence being served in the State from which he was transferred for the time spent in the custody of the State to which he was transferred.

3. Unless the State party from which a person is to be transferred in accordance with this article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.
Article 17:

1. The offences referred to in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request from another State party with which it has no extradition treaty, the requested State may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. State Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences referred to in article 2 as extraditable offences between themselves, subject to the conditions provided for by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between State Parties, as if they had committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 6, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States parties to the extent that they are incomparable with this Convention.

6. State Parties which, pursuant to paragraph 2 of this article, have agreed to consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2 may consider utilizing the procedures set out in Annex III.

Article 18:

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international laws, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international law, which are governed by that law, are not governed by this Convention, and the activities undertaken by the military forces of a State in the exercise of their official duties, in as much as they are governed by other rules of international law, are not governed by this Convention.

Article 19:

The State party where the alleged offender is prosecuted shall, in accordance with its domestic law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of United Nations, who shall transmit the information to the other State Parties.
Article 20:

The states shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other states.

Article 21:

Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes of the Charter of United Nations, international humanitarian law and other relevant conventions;

Article 22:

Nothing in this Convention entitles a State party to undertake in the territory of another State Party the exercise of jurisdiction or performance of function which are exclusively reserved for the authorities of that other State Party by the domestic law.

Article 23:

1. Any dispute between two or more State Parties concerning the interpretations or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1. The other State Parties shall not be bound by paragraph 1 with respect to any State party which has made such a reservation.

3. Any State which made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification of the Secretary-General of the United Nations.

Article 24:

1. This Convention is open for signature by all States from _____ to _____ at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with Secretary-General of the United Nations.

Article 25:

1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instruments of ratification, acceptance, approval or accession.

Article 26:

1. A State may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 27:

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

In WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarter in New York on ____ 2000.

Annex I:

Exclusion of political offence

4. Convention on the Prevention and Punishment of Crimes against International Protected Persons,


Annex II

Procedure for mutual legal assistance:

1. State Parties shall afford one another pursuant to this Annex the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to criminal offences established in accordance with article 3.
2. Mutual legal assistance to be afforded in accordance with this Annex may be requested for any of the following purposes;
3. Taking evidence or statements from persons;
4. Effecting service of judicial documents;
5. Executing searches and seizures;
6. Examining objects and sites;
7. Providing information and evidentiary items;
8. Providing originals or certified copies of relevant documents and records including bank, financial, corporate or business records;
9. Identifying or tracing proceeds, property, instrumentalities or other things for evidentiary purposes.
10. State Parties may afford one another any other forms of mutual legal assistance allowed by the domestic or the requested party.
11. Upon request, State Parties shall facilitate or encourage to the extent consistent with the domestic law and practice, the presence or availability of persons, including persons in custody, who consent to assist in investigating or participate in proceedings.

12. A State shall not decline to render mutual legal assistance under this annex on the ground of bank secrecy.

13. The provisions of this annex shall not affect the obligations under any other treaty, bilateral or multilateral, which governs or will govern in whole or in part mutual legal assistance in criminal matters.

14. The State Party may apply, at their discretion, paragraphs 8 to 19 of this annex to requests made pursuant to this annex if they are not otherwise bound by any treaty of mutual legal assistance. If the state parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the state parties agree to apply paragraphs 8 to 19 of this annex in lieu thereof.

15. States Party shall designate an authority or, when necessary authorities, which shall have the responsibility the power to execute requests for mutual legal assistance or to transmit them to the competent authorities for execution. The authority or authorities designated for this purpose shall be notified to the Secretary-General of the United Nations. Transmission of requests for mutual legal assistance and any communications related to them shall be effected between the authorities designated by the State parties; this requirement shall be without prejudice to the right of a State to require that such requests and communications be addressed to it through the diplomatic channel and in urgent circumstances, where the States agree, through channels of the International Criminal Police Organization – Interpol, if possible.

16. Requests shall be made in writing in a language acceptable to the requested State. The language or languages acceptable to each State shall be notified to the Secretary-General of United Nations. In urgent circumstances, and where agreed by the States Parties, requests may be made orally, but shall be confirmed in writing forthwith.

17. A request for mutual legal assistance shall contain

   a. The identity of the authority making the request;
   b. The subject matter and nature of the investigation, prosecution or proceedings, to which the request relates; and the name and the functions of the authority conducting such investigations, prosecution or proceeding;
   c. A summary of the relevant facts, except in respect of requests for the purpose of service of judicial documents.
   d. A description of the assistance sought and details of any particular procedure the requesting party wishes to be followed;
   e. Where possible, the identity, location and nationality of any person concerned;
   f. The purpose for which the evidence, information or action is sought.
1. The requested state may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it facilitate such execution.

2. A request shall be executed in accordance with the domestic law of the requested state and; to the extent not contrary to the domestic law of the requested State and where possible, in accordance with procedures specified in the request.

3. The requesting state shall not transmit or use information or evidence furnished by the requested state for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested state.

4. The requesting state may require that the requested state keep confidential the fact and substance of the request except to the extent necessary to execute the request. If the requested state cannot comply with the requirement of confidentiality, it shall promptly inform the requesting state.

5. Mutual legal assistance may be refused;

   a. If the request is not made in conformity with provisions of this annex;
   b. If the requested state considers that execution of the request is likely to prejudice its sovereignty, security, public order or other essential interest;
   c. If the authorities of the requested state would be prohibited by its domestic laws from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution, or proceedings under their own jurisdiction.
   d. If it would be contrary to the legal systems of the requested state relating to mutual legal assistance for the request to be granted.

1. Any assistance under this annex may not be refused on the sole ground that it concerns political offence or an offence connected with a political offence or an offence inspired by political motives.

2. Reasons shall be given for any refusal of mutual legal assistance.

3. The requested state may postpone mutual legal assistance on the ground that it interferes with an ongoing investigation, prosecution or proceeding. In such a case, the requested state shall consult with the requesting state to determine if the assistance can still be given subject to such terms and conditions as the requested deems necessary.

4. A witness, expert or other person who consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting state shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his departure from the territory of the requested state. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days, or for any period agreed upon by the states parties from the date on which he or she has been officially informed that his or her presence is no longer
required by the judicial authorities and opportunity of living, has nevertheless remain voluntarily in the territory or, having left it, has returned of his or her own free will.

5. The ordinary costs of executing a request shall be borne by the requested state, unless otherwise agreed by the states concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the state parties shall consult to determine the terms and conditions under which the requests will be executed as well as the manner in which the costs shall be borne.

6. The state parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would server the purpose of give practical effect to or enhance the provisions of this annex.

Annex III:

Extradition Procedure:

1. The offences referred to article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between State Parties. The State Parties undertake to include such offences as extraditable offences in every extradition to be concluded between them.

2. The State Parties that do not make extradition conditional on the existence of a treaty shall recognize the offences referred to in article 2 as extraditable offences between themselves subject to the conditions provided by the law of the requested state.

3. The offences referred to in article 2 shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the requested State Parties.

4. The State Parties may, at their discretion, apply paragraphs 5 to 18 of this Annex to requests for extradition in respect of offences referred to in article 2 if they are not bound by a treaty of extradition.

If these states are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the states agree to apply paragraphs 5 to 18 of this annex in lieu thereof.

5. States Parties shall designate an authority, or when necessary, authorities, which shall have the responsibility and power to execute requests for extradition or to transmit them to the competent authorities for execution. The authority or the authorities designated for this purpose shall be notified to the Secretary-General of the United Nations. Transmission of requests for extradition and any communication related thereto shall be effected between the authorities designated by the state parties; this requirement shall be without prejudice to the right of a State to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the State Parties agree, through channels of the International Criminal Police Organization – Interpol, if possible.

6. Requests shall be made in writing in a language acceptable to the requested state. In urgent circumstances and where agreed by the state parties, requests may be made orally, but shall be confirmed in writing forthwith.
7. A request for extradition shall contain:

a. The identity of the authority making the request;
b. As accurate a description as possible of the person sought, together with any other information, which would help to establish the identity, location and nationality of the person concerned.
c. A summary of the facts of the offence for which extradition is requested; and
d. The text, if any, of the law defining that offence and prescribing the maximum punishment for that offence.

1. If the request relates to a person already convicted and sentenced, it shall also be accompanied by:

a. A certificate of the conviction and sentence; and
b. A statement that the person is not entitled to question the conviction and sentence and showing how much of the sentence has not been carried out.

1. If the requested state considers that the evidence produced or information supplied is not sufficient in order to enable a decision to be taken as to the request, additional evidence or information shall be submitted within such time as the requested state may require.

2. A request shall be executed in accordance with domestic law of the requested state and, to the extent not contrary to the domestic law of the requested state and where possible, in accordance with the procedures specified in the request.

3. The requesting state shall not transmit or use information or evidence furnished by the requested state for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested state.

4. Any person who is returned to the territory of the requesting state under this Convention shall not be dealt with in the territory of the requesting state for or in respect of any offence committed before he was returned to that territory other than the offence in respect of which he was returned, any lesser offence disclosed by the facts proved for the purpose of securing his return other than an offence in relation to which an order for his return could not lawfully be made, or any other offence in respect of which the requested state may consent to his being dealt with.

5. The provisions of paragraph 12 of this annex shall not apply to offences committed after the return of a person under this annex or matters arising in relation to such offences, or when the person having had the opportunity to leave the territory of the requesting state has not done so within sixty days of his final discharge, or has returned to that territory after having left it.
5. If extradition of the same person, whether for the same offence or for different offences, is requested by two States Parties, or by a state and a third state with which the requested state has an extradition arrangement, the requested state shall determine to which state the person shall be extradited.

6. When a request for extradition is granted, the requested state shall, upon request and as far as its law allows, hand over to the requesting state articles, which may serve as proof for evidence of the offence. If the article in question are liable to seizure or confiscation in the territory of the requested state, the latter may, in connection with pending proceedings, temporarily retain them or hand them over on condition that they are returned. This provision shall not prejudice the rights of the requested state of any person other than the persons sought. When these rights exist, the articles shall on request to be returned to the requested state without charge as soon as possible after the end of the proceedings.

8. Reasons shall be given for any refusal of extradition.

9. If criminal proceedings against the person sought are instituted in the territory of the requested state, or the person is lawfully detained in consequence of criminal proceedings, the decision whether or not to extradite the person may be postponed until the criminal proceedings have been completed or he or she is no longer detained.

10. The ordinary costs of executing a request shall be borne by the requested state, unless otherwise agreed by the state parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the State Parties shall consult to determine the terms and conditions under which the requests will be executed as well as the manner in which the costs shall be borne.

11. The State Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of this Annex.

Source: [http://www.indianembassy.org/policy/Terrorism/draft_convention.htm](http://www.indianembassy.org/policy/Terrorism/draft_convention.htm) downloaded on 7 March 2003