International Requirements to National Anti-Terrorism Legislation

National Workshop:
INTERNATIONAL COOPERATION IN CRIMINAL MATTERS RELATING TO TERRORIST CASES
Ulaanbaatar, Mongolia
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TPB/UNODC
Provisions Covered

1. Definitions
2. Offences (defined by treaties and other related topics)
3. Jurisdiction
4. Procedural measures
5. International Cooperation
• As defined in international treaties
• States may introduce their own definitions when not defined in the treaties
• When international treaties are directly applicable there may be no need to introduce detailed definitions
• It may be practical to introduce definitions in the provisions describing offences
Offences related to civil aviation
(conducts to be defined as criminal offences):

- 1970 Aircraft convention (Article 1)
- 1971 Civil aviation convention (Art. 1)
- 1988 Airport Protocol (Art. 2)
Offences related to maritime navigation and fixed platforms

(conducts to be defined as criminal offences):

- 1988 Maritime Convention (Art. 2)
- 1988 Fixed Platforms (Art. 3)
- 2005 Maritime Protocol (Art. 3)
- 2005 Fixed Platforms Protocol (Art. 2)
Offences based on the status of the victim
(conducts to be defined as criminal offences):
- 1973 Diplomatic Agents convention (Art. 2)
- 1979 Hostages Convention (Art. 1)

Offences related to terrorist bombings
(conducts to be defined as criminal offences):
1997 Bombings Convention (Art. 2)
<table>
<thead>
<tr>
<th>Offences in International Treaties</th>
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<td>Offences related to radioactive/nuclear material and nuclear facilities</td>
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<td>(conducts to be defined as criminal offences):</td>
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<td>• 2005 Nuclear Terrorism Convention (art. 2)</td>
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<td>• 1980 Physical Protection Convention (art. 7)</td>
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| Offences related to terrorist financing |
| (conducts to be defined as criminal offences): |
| • 1999 Terrorist Financing Convention (Art. 2) |
Not required by the instruments

Possible sources (Definition of Terrorist Acts:)
- Terrorist Financing Convention
- Draft Comprehensive Convention
Reflect the requirements of the Security Council (SC) Resolutions and Treaties

• Recruitment
• Supply of weapons
• Provision of support
• Agreement to commit a terrorist act
• Planning and preparation
• Incitement
• Irrelevance of commission of an act of terrorism
Offences: Attempt and Complicity
Liability of Legal Entities
Jurisdiction

- Attempt and participation as included in the treaties
- Terrorist Financing convention addresses the liability of legal persons
- Grounds for jurisdiction as defined in the treaties
Procedural Measures

Freezing, seizure and forfeiture of funds

• Preventive measures in SC 1373

• Provisional measures and forfeiture (Financing Convention requirement)
Restrictive Measures Concerning Listed
Individuals and Entities Pursuant to Security
Council Resolution 1267 (Al Qaida Taliban)
and subsequent resolutions

- Freezing of funds
- Arms Embargo
- Travel Ban
  - Adoption and dissemination of domestic decision
  - De-listing and Lifting of restrictive measures
  - Humanitarian exemptions
  - Fund management
International Cooperation

- Extradition
- MLA

Reviewed in detail in other sessions
Need to review:

- Criminal Code (as amended in 2008)
- Criminal Procedure Code
- Anti Terrorism Law
- Other thematic laws