

## International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms

### **Preamble:**

#### **The States' Parties to the Convention,**

**Guided by the Charter** of the United Nations and its purposes and principles with regard to the maintenance of international peace and security, and the promotion of positive and harmonious relations and cooperation between the countries, as well as by the Universal Declaration of Human Rights and the relevant international instruments.

**Deeply concerned about** the continuing cruel terrorist acts that have malevolently impacted humanity, the escalation of such acts in the last three decades and the large number of innocent victims who were killed, injured or have had their lives disrupted as a result of terrorist and brutal acts which are destructive to humanity and its noble goals.

**Recalling their concern about the evolution** of forms, methods and practices of terrorism, which went beyond all political and geographic boundaries. This concern is increased by the reinforced coordination among the organizations, groups and individuals perpetrating or inciting to terrorism, which threatens all of mankind.

**Condemning all acts of terrorism** perpetrated by organizations, groups and individuals in all forms and manifestations, considering that such acts aim to violate human beings' dignity wherever he or she is, undermine the basic freedoms, and threaten the sovereignty, integrity and security of nations, peoples and destabilize governments.

**Emphasizing that the evolution** of the methods of terrorism perpetrated by organizations, groups and individuals, the ability of terrorism to access social sectors upon which the future of humanity is founded, especially the youth, their ability to adapt legitimate means developed by humanity for growth and development, and the exploitation of such methods in incitement, propaganda and recruitment underline the need to develop a sustainable international response which reflects the interrelatedness of the international community and its lofty objectives in achieving its stated goals in the fight against terrorism and its causes.

**Valuing the pivotal role** played by the United Nations and the Security Council, as well as the efforts of the Counter-Terrorism Committee of the Security Council and the Human Rights Council and its relevant resolutions, the United Nations Counter-Terrorism Center, the competent international mechanisms and mandates, particularly the Special Rapporteur on the protection of human rights while countering terrorism, as well as commendable efforts of many non-governmental organizations and civil society in addressing terrorism and its causes.

### **1**

#### **First Draft**

**Proposed by: the Global Network for Rights and Development (GNRD)**, on the basis of the United Nations General Assembly decision contained in its resolution adopted on 8 September 2010 within the sixty-fourth session item (115) of its agenda item (6) contained in the document no. (A/RES/64/297), which states that the General Assembly (encourages civil society, including non-governmental organizations, to engage, as appropriate, in efforts to enhance the implementation of the Strategy, including through interaction with Member States and the United Nations system); and as stated in the General Assembly resolution of 29 June 2012 adopted in its sixty-sixth session item (118) of its agenda contained in item (8) of the document no. (A/RES/66/282).

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**Recalling that terrorism offenses** have been the subject of the international community's attention since their inclusion in the agenda of the League of Nations in 1937 during the discussions on the first draft (of the Convention on the Prevention and Punishment of Terrorism).

**Recalling also the advanced steps** taken by the United Nations and its specialized agencies since 1963 through the adoption of several legal instruments and agreements to prevent terrorist acts.

**Bearing in mind that mankind** has concluded agreements that have greatly contributed to sparing the innocent and fighting terrorism at the local, regional and international levels.

### **Guided by the Following International Conventions:**

1. 1963 Tokyo Convention of on Offences and Certain Other Acts Committed on Board Aircraft.
2. 1970 The Hague Convention of for the Suppression of Unlawful Seizure of Aircraft.
3. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation ("Montreal Convention") on acts of sabotage against aircrafts, such as bomb attacks during flights) and its annexed Protocols.
4. 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents.
5. 1979 International Convention against the Taking of Hostages (Hostages Convention).
6. 1980 Convention on the Physical Protection of Nuclear Material (CPPNM).
7. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal Convention).
8. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.
9. 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.
10. 1991 Convention for the Marking of Plastic Explosives for the Purpose of Detection.
11. 1997 International Convention for the Suppression of Terrorist Bombings (Suppression of Terrorist Bombings).
12. 1999 International Convention for the Suppression of the Financing of Terrorism.
13. 2005 International Convention for the Suppression of Acts of Nuclear Terrorism.
14. 2010 Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation.
15. The United Nations Global Counter-Terrorism Strategy, adopted on 20 September 2006.

**Bearing in mind the related General Assembly resolutions** of the United Nations and especially resolution 51/46 of 9 December 1991, 60/49 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, United Nations Security Council resolutions relating to the dangers that threaten international peace and security caused by terrorist acts, General Assembly resolutions relating to the protection of human rights and fundamental freedoms while countering terrorism and all regional conventions adopted in this regard.

## **2**

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**Bearing in mind also** the 2005 World Summit Outcome, particularly the section related to terrorism.

**Emphasizing that terrorism** is not linked to a religion, a nationality, a civilization or an ethnic group and that it is the main enemy of mankind and humanity.

**Recognizing that development,** international peace and security and human rights are interlinked and are undermined by terrorism.

**Bearing in mind the urgent need** for the development of the fight against terrorism, terrorist ideology and the conditions conducive to its spread.

**Considering that terrorism** is a threat to all humanity, therefore it must be addressed collectively.

**Noting that the multilateral legal instruments** do not address such rapid evolution of terrorism.

**Considering that there is a need to encourage** all States to fight terrorism with an effective, sustainable and inclusive international mechanism, which is able to counter terrorism and keep up with its evolution, as well as address all his methods, actions and ideology.

**Convinced of the urgent need** for effective measures to strengthen international cooperation with a comprehensive approach that counters and completely suppresses terrorism, as well as address the root causes of its spread and unites the efforts of States to counter terrorism.

**It emphasizes the need for a comprehensive convention** against terrorism and the establishment of a permanent international body which addresses terrorism, distinguishes the intersection of fighting terrorism and promoting human rights.

**Have agreed as follows:**

### **Article (1)**

#### **Mandate of the Convention**

1. The mandate of the Convention essentially includes entities, organizations, groups and individuals who practice terrorism, incite or provide any facilities or assistance to terrorism.

**3**

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2. Nothing in the Convention shall contradict the competence of any existing international body. The work of the Convention and its mechanisms shall not be inconsistent with the mandate of the United Nations Security Council.
3. The Convention assists States in coordinating and finding appropriate programs and decisions to combat the root causes of terrorism.
4. The Convention assists States in finding appropriate mechanisms to promote respect for human rights while countering terrorism.
5. The preamble of this Convention shall be deemed to be an integral part of the Convention.

### **Article (2)**

#### **Undertaking**

1. States' Parties undertake to respect the Convention under all circumstances.
2. This Convention shall not contradict any international instrument or national legislation which contains or may contain provisions of wider application in favour of the protection of fundamental rights of individuals.

### **Article (3)**

#### **Object of the Convention**

1. Fighting terrorism and the conditions conducive to its spread.
2. Promoting and protecting human rights and fundamental freedoms while countering terrorism.
3. Establishing and implementing the International Council for Counter-Terrorism and accompanying mechanisms.

### **Article (4)**

#### **Obligations of the States' Parties:**

1. States' Parties undertake to adopt legislative, administrative and judicial measures and other measures which ensure that the terms of the Convention are set out in the national legislation of States.
2. States' Parties undertake to present the Convention at the General Assembly of the United Nations and organize the relations between (the International Council for Counter-Terrorism) and the United Nations through a special convention.

## **4**

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3. States' Parties undertake to coordinate their actions appropriately, and consistent with the Convention.
4. Upon ratification of this Convention, States' Parties undertake to notify the General Secretariat of the Convention on the jurisdiction they have established accordingly.

### **Article (5)**

#### **Counter-Terrorism**

1. States' Parties undertake a responsibility to prevent terrorist activities from being organized, instigated, financed or encouraged. They shall not tolerate incitement to terrorist practices nor be complacent in taking the necessary and deterrent measures against any terrorist activity.
2. States' Parties undertake a responsibility to adopt all appropriate measures to ensure that its territory is not used to house terrorist installations or training camps, stage or organize terrorist acts to be committed against another State, individuals, groups, human entities, buildings or institutions.
3. States' Parties, especially neighboring ones, undertake a responsibility to fully cooperate in counter-terrorism efforts and exchange information in order to find a group, an organization or a person supporting, facilitating, participating in, instigating, financing, planning, staging, committing or providing safe haven to terrorists and their acts.
4. States' Parties undertake a responsibility to arrest the perpetrators of terrorist acts or anyone who perpetrates any act provided for in Article (5) of this Convention, in particular item (3) and bring them to a fair trial or extradite them in cooperation between States and international organizations.
5. States' Parties undertake to develop and enhance systems which detect the transfer, import, export, storage and use of weapons, ammunition, explosives and other means of transport, assault or destruction, and their monitoring procedures through customs and border, as well as their transfer to other countries for legitimate purposes in a consistent way.
6. States' Parties undertake a responsibility to exchange information on the activities and crimes of terrorist groups, their leadership, members, positions and training camps, as well as their means and sources of funding and arming, their types of weapons, ammunition, explosives and techniques they use, and other means of murder, assault and destruction.
7. States' Parties undertake a responsibility to set up a comprehensive international database on individuals, terrorist groups and organizations, their working methods, places of activity, sources of funding, names and photos of their representatives and leadership, and facilitate access to this database to Member States.

## **5**

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8. States' Parties undertake a responsibility to provide sufficient reasons to support each request filed by one of the States' Parties to enable other States' Parties and (the Council) to carry out an effective and immediate review of this request.
9. States' Parties undertake a responsibility to adopt immediate judicial measures and establish their jurisdiction over any terrorist crimes or any action that could pave the way for such crimes in any territory under its jurisdiction or on board a ship or aircraft registered in that State or when the perpetrator of the terrorist act is a national of that State, or when the victim is a national of that State, if the latter considers it appropriate.
10. States' Parties undertake a responsibility to develop security measures and a system of information exchange between them in order to ensure that identity cards and travel documents are not counterfeited or manipulated, strengthen cooperation by establishing a comprehensive database of stolen and lost travel documents and ensure that these documents are not used by terrorists or persons associated or related to their activities.
11. States' Parties undertake a responsibility to enact a comprehensive national anti-terrorism law that includes effective principles and procedures for cooperation with other States on the security, judicial and administrative levels. This law shall include clear provisions, which ensure the application of effective measures in order to preserve the rights of individuals and groups enshrined in the international instruments while countering terrorism.
12. States' Parties undertake a responsibility to strengthen their information exchange procedures on the relation of drug trafficking, human trafficking, arms smuggling and all trafficking activities in general with money laundering and its link to terrorist activities, and to ensure that standard procedures guarantee a cooperation between the States and the recommendations of the Council in this regard.
13. States' Parties undertake a responsibility to adopt effective measures to ensure that individuals or groups or terrorist organizations have no access to legal methods they can use for propaganda, instigation, recruitment or promotion of terrorist ideology.
14. States' Parties undertake a responsibility to cooperate fully with the (Council) and its mechanisms. The Council shall take into account that States' Parties need to protect confidential information under reasons of national security.
15. States' Parties undertake a responsibility not to use the secrecy of national security arbitrarily to avoid cooperation with the Council or any other international body with a mandate.
16. States' Parties undertake a responsibility to fully investigate any charges against any individual, group or organization located within its legal jurisdiction if it is so requested by another State signatory to the Convention and if such request includes charges of practicing, instigating or financing terrorism or any activity that could lead or facilitate a terrorist act, and notify the other Party of the results of the investigation.
17. States' Parties undertake a responsibility to report promptly to another signatory State any act of terrorism that might occur according to information obtained or received.

## **6**

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18. States' Parties undertake a responsibility to review all materials published within the scope of its jurisdiction, whether printed, electronic or broadcasted, and purify it of any instigation, practice or encouragement of terrorism or praise for its perpetrators.
19. States' Parties undertake a responsibility to include in their national legislation provisions criminalizing the practice of terrorism, verbally and physically or instigation to terrorism, praise for its perpetrators or use of any of its slogans or symbols which represent individuals, groups or organizations practicing terrorism.
20. States' Parties, and particularly neighboring States, undertake a responsibility to fully cooperate in counter-terrorism operations and in their development, and establish joint operations rooms to monitor and observe any activities which encourage, establish, support, practice or instigate terrorism.
21. States' Parties undertake a responsibility to take legal measures to ensure that individuals, groups or organizations practicing terrorism cannot have access to light, medium and heavy weapons or techniques that could lead to their manufacturing, including man-portable air defense systems and nuclear, chemical, biological and radiological materials, as well as other materials that can be used in terrorist operations.
22. States' Parties undertake a responsibility to adopt strict legal measures in order to prevent mercenaries working with terrorist groups from crossing between States' Parties territories and other States, and to take effective measures to prevent any actions that facilitate their recruitment, use, financing and training for the purpose of terrorism.
23. States' Parties undertake a responsibility to prevent terrorists from reaching their goals and achieving the desired effect of their attacks by increasing surveillance and securing tourism and promotional facilities, as well as improving the protection of potential vulnerable targets.
24. States' Parties undertake a responsibility to use the best professional addressing means of life-saving in case of attack, especially when dealing with attacks that occur at once or repeatedly, in order to prevent the terrorists from achieving their goal of spreading fear.
25. States' Parties undertake a responsibility to improve the capabilities of other States and help them obtain the necessary technology in order to detect and respond to terrorist attacks, as well as exchange expertise and joint training, and involve social, civil and domestic sectors for the purposes of early detection of any possible attacks.

### **Article (6)**

#### **Individuals Working in the Field of Counter-Terrorism**

1. States' Parties undertake a responsibility to ensure an effective protection for workers in the field of counter-terrorism as well as effective protection of sources of information about terrorist crimes.
2. States' Parties undertake a responsibility to exchange experience and conduct joint training in order to develop the capacities of workers in the field of counter-terrorism, as well as the capacities of Member States that need to be trained in this field.

## **7**

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3. States' Parties undertake a responsibility to work actively in order to establish an International Academy for training workers in the field of counter-terrorism and developing sophisticated scientific programs that contribute to keep up with the development of methods of terrorism and suppress it.
4. States' Parties undertake a responsibility to cooperate positively in protecting witnesses and in providing safe haven to the sources of information in the event of risk exposure, as well as in adopting suitable and well-developed national and among States' Parties programs in order to protect witnesses.

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## International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms

### Article (7)

#### Addressing and Suppressing Root Causes of Terrorism

1. States' Parties undertake a responsibility to adopt national programs to fight the ideology of terrorism and the causes of its spread, and to submit periodic reports to the Council on its actions thereon.
2. States' Parties undertake a responsibility to develop its cooperation with local and international civil society in order to fight the ideology and tactics of terrorism, as well as its methods of recruiting young people and accessing communities from various entering points.
3. States' Parties undertake a responsibility individually and in cooperation with each other to develop comprehensive studies on the causes of the spread of terrorism as well as implement effective means to address the root causes on which terrorism feeds.
4. States' Parties undertake a responsibility to promote tolerance, understanding and dialogue among civilizations, cultures, peoples and religions through distinct programs that shall be submitted to the Council in order to disseminate the experience and thus contribute to the elimination of the flimsy arguments underlying terrorism.
5. States' Parties undertake a responsibility to promote peace, justice and love, ethnic, national and religious tolerance and to immediately address all ideas that instigate hatred.
6. States' Parties undertake a responsibility to include at all levels of their curricula educational materials which institute a culture that rejects terrorism and extremism, encourages peaceful coexistence and promotes peace and non-violent values.
7. States' Parties undertake a responsibility to adopt development programs for marginal areas and vulnerable groups, give special attention to border areas from where active terrorists cross and transit, implement decisions and actions that facilitate the development and growth of these areas as well as legitimate cooperation on both sides of the border, and create necessary means of social communication with the local population in order to ensure full cooperation in preventing and disrupting any terrorist act.
8. States' Parties undertake a responsibility to treat the causes that lead to the spread of terrorism and its development, especially with respect to poor governance, institutional corruption, criminal activities, violations of rights, unemployment, poverty, widening economic disparities, and discrimination on the grounds of religion, race or gender.
9. States' Parties undertake a responsibility to cooperate with each other in development programs targeting any environment that is potentially vulnerable to terrorism, its growth or an environment that could be used for transit or provide safe haven, and create programs of mutual trust with the local population.

## 9

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10. States' Parties undertake a responsibility to develop local and international audio-visual media and social media programs in order to publicize the danger of terrorism, urge to tackle it and its perpetrators and report any potential acts.
11. States' Parties undertake a responsibility to include in their national legislation tolerant provisions vis-à-vis the repentant from those who were involved in terrorism, but have not stained their hands with the blood of innocent people, reintegrate them into communities and use their experiences in the publicizing the brutality of terrorism and its danger on humanity and mankind.

### **Article (8)**

#### **Promotion and Protect of Human Rights and Fundamental Freedoms While Countering Terrorism**

1. States' Parties undertake a responsibility to adopt legislative, administrative and judicial measures as well as other effective measures to prevent illegal detention, secret extradition, illegal transfer of wanted persons, extraordinary rendition, arbitrary inclusion of individuals on blacklists and any other exceptional measure without due process of law and under the pretext of protecting national security and counter-terrorism in any territory under the jurisdiction of this State.
2. States' Parties undertake a responsibility to avoid invoking any exceptional circumstances whatsoever, whether a state of war, a threat of war, internal political instability or any other public emergency, as a pretext to justify practices that violate human rights while countering terrorism.
3. States' Parties undertake a responsibility to ensure that no measures are in any way in any proceedings, whether judicial or administrative, which are carried out in the name of countering terrorism, or standards of evidence required for detention, prosecution and conviction, or any other form of punishment, adopted outside the legal system of national legislation and international agreements under which the State is committed to its inherent obligations of protecting all kinds of rights.
4. States' Parties undertake a responsibility to ensure that targeted individuals get fair treatment at all stages of the proceedings.
5. States' Parties undertake a responsibility to adopt the highest degree of accuracy, which is supported by information and evidence in accordance with objective standards and criteria for the inclusion of individuals, organizations and groups on the black list, and later impose sanctions against them.
6. States' Parties undertake a responsibility to subject proceedings of inclusion to the "Black List" to an automatic review within a limited time each calendar year, in which the list is renewed and revised according to new information received by Member States and the Council.

**10**

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7. States' Parties undertake a responsibility to examine positively requests of de-listing names from the "Black List" that include individuals, organizations, groups and which are mentioned in the working mechanisms of the Council.
8. States' Parties undertake a responsibility to provide individuals, organizations and groups registered on the "Black List" with the necessary legal mechanism to request de-listing their names from the ("Black List" of the Council) through legal representation and contact points designated by each State Party. Individuals, groups and organizations are entitled to request such de-listing through the States of their nationality, residence or jurisdiction. Each State Party has to establish an independent and impartial body to accept such requests, examine them and make recommendations thereon. Such requests must be passed on to the mechanism referred to in the work of the Council in order to review them and give them a fair chance.
9. States' Parties undertake a responsibility to consider the inclusion of names on the "Black List" in force only after the expiry of the legal period for challenging the decision. If the decision was not challenged within the legal period referred to in the mechanism, the listing decision enters into force. If the decision was challenged, it is considered frozen until a final decision is issued in accordance with the proceedings of the mechanism. This is without prejudice to the right of States to take any precautionary measures they deem appropriate pending the outcome of the final decision.
10. States' Parties undertake a responsibility to include in their national legislation provisions that consider practices and violations, such as illegal detention, secret extradition, illegal transfer of wanted persons, extraordinary rendition, arbitrary inclusion of individuals on blacklists and any other arbitrary action committed or taken under the pretext of anti-terrorism and in contradiction with the Convention, or any attempt to commit such an act in violation of human rights, as offenses under its criminal law.
11. States' Parties undertake a responsibility to subject any illegal practices carried on while countering terrorism to judicial accountability and impose appropriate sanctions against the perpetrators that take into account the grave nature of such practices. It shall be noted that the provisions of this pledge apply to practices carried on after the date of signing of the Convention.
12. States' Parties undertake a responsibility to ensure in its legal system minimum procedural standards through the following:
  - a. The targeted organization, group or individual shall be immediately informed of the charges against him or it, as well as the decision taken and its reasons.
  - b. The targeted organization, group or individual has the right to complain, to be listened to, and to defend himself/themselves or their organizations in accordance with specific legal mechanisms that independently and impartially examine the evidence of the defense and the grounds of objection.
  - c. A national compensation mechanism shall be instituted for any violation of the rights of individuals, groups and organizations, including the full rehabilitation and compensation for mental suffering.

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13. States' Parties undertake a responsibility not to use this Convention arbitrarily once adopted, to violate any right of the victim or other persons in obtaining possible compensation under national law.
14. States' Parties undertake a responsibility to take all steps necessary to ensure the protection of the petitioner and witnesses from all forms of ill-treatment or threats as a result of his/her complaint or when providing any evidence.
15. States' Parties undertake a responsibility to respect, value, implement and take into consideration any jurisdiction, proceedings, or national instruments that promote the rights of individuals and groups in accordance with the States' internal law.
16. States' Parties undertake a responsibility to ensure that their competent authorities proceed to a prompt and impartial investigation whenever there are reasonable grounds to believe that extraordinary measures are applied in the name of countering terrorism and have violated basic rights of individuals or groups without due legal processing in any territory under their jurisdiction.
17. States' Parties undertake a responsibility not to include in any strategy to combat terrorism, whether related to measures of punishment, deterrence, deprivation, persuasion, or related to capacity development of workers in the field of countering terrorism, any action contrary to the values of human rights enshrined in the Universal Declaration of Human Rights and relevant international instruments.
18. States' Parties undertake a responsibility not to include in counter-terrorism measures any steps that threaten the territorial integrity and security of States, destabilize governments formed legitimately or enact any steps that undermine the pillars of a pluralistic civil society. States' Parties shall refrain from adopting measures that have adverse consequences for economic and social development of States, criminalize in their national instruments deliberate attacks on civilians and non-combatants. Terrorist acts shall be considered violations of the right to life, liberty, security, well-being and freedom from fear. Counter-terrorism measures shall be conceived as an integral part of the promotion of human rights, as terrorism is considered an enemy of human dignity.
19. States' Parties undertake a responsibility not to include in counter-terrorism measures, measures that sacrifice ethical values and standards and drags to the terrorists' values and standards. The steps of international cooperation between the signatories in countering terrorism shall perfectly be in accordance with international law, including the Charter of the United Nations and relevant international conventions and protocols. States' Parties shall ensure that any measures adopted in countering terrorism shall comply with their obligations under international law, in particular International Human Rights Law, International Refugee Law and International Humanitarian Law.
20. States' Parties undertake a responsibility to safeguard the standard which has international recognition and which considers terrorism as an outlaw behavior. States' Parties shall reduce the conditions which give rise to cycles of terrorist violence, address grievances, reduce feelings of resentment that may lead to recruitment of terrorists, integrate counter-terrorism within the

## **12**

### **First Draft**

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

framework of the rule of law and shall not compromise the protection of human rights while countering terrorism.

21. States' Parties undertake to monitor all places where people are deprived of their liberty or controlled by terrorist groups and free them from the scourge of terrorism, reach out to them, assist in the rehabilitation of the victims, and adopt standard measures ensuring that these areas will not be controlled by terrorists once again.
22. States' Parties undertake to uphold human rights and defend them while countering terrorism, not only for those suspected of terrorist acts but also for the victims of terrorist acts and those affected by the consequences of terrorism. Human rights shall be considered essential elements in any national strategy to combat terrorism. Success factors of the counter-terrorism strategy shall be linked with the respect and promotion of human rights for all.

### **Article (9)**

1. The (International Council for Counter-Terrorism) is established under this Convention. The Council is a permanent body which has the power of implementing its decisions and recommendations under the obligation of the States' Parties and commitments enshrined in the Convention. The decisions and recommendations of the Council fall within the scope of the obligations of States that have signed the Convention. The Council shall have jurisdiction over individuals, organizations and groups. Its jurisdiction and working method are subject to the provisions of this Convention.

### **Article (10)**

#### **Relationship of the Council with the United Nations**

1. The Council shall be brought into relationship with the United Nations through an agreement to be approved by the Assembly of States' Parties to this Convention and thereafter concluded by the President of the Council on its behalf.

### **Article (11)**

#### **The Headquarters of the Council**

1. The headquarters of the Council shall be located in \_\_\_\_\_ in \_\_\_\_\_ (the host State).
2. The Council shall enter into a headquarters agreement with the host State, to be approved by the Assembly of States' Parties and thereafter concluded by the President of the Council on its behalf.
3. The Council may hold its meetings elsewhere whenever it deems it appropriate, as provided in this Convention.

### **Article (12)**

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

### **Legal Status and Powers of the Council**

1. The Council shall have international legal character. It shall also have such legal capacity as may be necessary to exercise its functions and the fulfillment of its purposes.
2. The Council may exercise its functions and powers, as provided in this Convention.

### **Article (13)**

#### **The General Assembly of the Convention and the Council:**

1. An Assembly of States' Parties is established under this Convention. Each State Party shall have one representative in the General Assembly who may be accompanied by alternates and advisers.
2. Other States which require time to study the Convention may be observers in the General Assembly if so requested.

### **Article (14)**

#### **The International Council for Counter-Terrorism**

1. The General Assembly of the Convention shall elect the International Council for Counter-Terrorism.
2. The elected Council consists of 47 States Member of the General Assembly, in accordance with the following:
  - a. African States: (13) seats
  - b. Asian States: (13) seats
  - c. Eastern European States: (6) seats
  - d. Latin America and Caribbean States: (8) seats
  - e. Western European States and other States: (7) seats
3. The Council decisions are adopted by a simple majority (half + one). Each Member State shall have one vote.
4. States' Member of the UN Security Council have the right to be full members which shall be entitled to vote at the International Council for Counter-Terrorism, whether they are permanent or non-permanent members of the UN Security Council. If the State was to be elected in both Councils, it shall have one representative and one vote only.
5. The term of membership of the International Council for Counter-Terrorism shall be three (3) years. A Member State is not entitled to run more than two (2) consecutive terms.
6. The members of the International Council for Counter-Terrorism are elected by direct secret ballot.

## **14**

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

7. The Council shall ordinarily meet four (4) times a year in four (4) sessions. The duration of each session shall be three (3) weeks.
8. The Council can hold special sessions at the request of a Member State, supported by at least two thirds of the members of the Council.
9. The Council shall elect a Chairman and four (4) Deputies representing the five (5) regional groups from among its members for a one-year term, and according to the annual session of the Council.

### **Article (15)**

#### **Functions and Powers of the Council**

1. Create a "Black List" of individuals, organizations and groups encouraging, financing, or practicing terrorism.
2. Coordinate with the States' Parties in the fields of security, politics, economics, culture and law in order to eliminate terrorism.
3. Issue recommendations for States and international organizations in order to eliminate terrorism.
4. Issue recommendations for individuals, organizations and groups involved in terrorism, concerning the freezing of funds and movement, as well as the prevention of these groups finding and securing safe haven.
5. Investigate terrorist acts and coordinate with States' Parties and International bodies in order to arrest, extradite and bring to justice the persons involved in such acts.
6. Issue recommendations and decisions to prevent terrorist groups from receiving any facilitation for their work.
7. Assist States in the establishment and implementation of national counter-terrorism bodies.
8. Review States' counter-terrorism measures and steps of procedures and issue recommendations for the development of their work.
9. Adopt an international strategy to eliminate the root causes of terrorism.
10. Ensure that extreme measures observe and apply international law and human rights law while countering terrorism.
11. Create and maintain a continuously updated global database in order to eliminate terrorism and make it accessible to all member States and legitimate governments.

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

12. Update the online database of organizations, individuals and groups accused of terrorism and determine their ideological identity, the locations of their activities and working methods, and pursue their positions.
13. Examine States' requests for listing or de-listing names in/from the "Black List".
14. Establish an international intelligence operations room in order to respond immediately to emergency tasks and facilitate coordination between States.
15. Publish and disseminate lists of wanted persons in terrorism cases and coordinate with the various levels of corresponding governmental institutions.
16. Develop comprehensive programs that involve civil society and local sectors in counter-terrorism.
17. Develop educational programs to condemn terrorism and promote tolerance.
18. Train and develop the capacity of States, organizations and institutions working in the field of counter-terrorism.
19. Exchange information with other governments on any groups practicing or suspected of planning terrorist acts.
20. Provide immediate and long-term technical assistance to States in the pursuit of terrorism.
21. Early detection of any activities that could lead to acts of terrorism and take appropriate action regarding these activities.
22. Transmit files to the UN Security Council as deemed appropriate and make recommendations on these files.
23. Monitor States' national legislation counter-terrorism measures and issue an Annual Report.
24. Monitor the conflict zones and take immediate measures that prevent weapons and terrorists from crossing borders.
25. Raise awareness on terrorism and its causes, and ensure that there is a permanent national and international awareness to combat terrorism.

### **Article (16)**

#### **Organizational Structure**

1. The Council shall elect from among its members an Executive Committee composed of nineteen (19) Member States. The Executive Committee oversees and prepares the work of the Main Committees, coordinates the agenda of regular and special sessions with the Secretariat and is elected by direct secret ballot in the following order:

## **16**

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

- a. African States: five (5) members
  - b. Asian States: six (6) members
  - c. Eastern European States: two (2) members
  - d. Latin America and Caribbean States: three (3) members
  - e. Western European States and Other States: three (3) members
2. The members of the following committees are chosen by the Executive Committee from candidates nominated by States, international organizations and civil society:
- a. Committee on Periodic Reports
  - b. Committee for the Development of Legislation and Cooperation
  - c. Committee for the Eradication of Root Causes of Terrorism
  - d. Committee on Intelligence
  - e. Committee for Training and Technical Development
  - f. Committee for Investigating Terrorist Activity of Individuals, Groups and Organizations
  - g. Committee for the Promotion of Human Rights in Counter-Terrorism
  - h. Committee on Societal Awareness and Culture of Counter-Terrorism
  - i. Committee on Non-Governmental Organizations
3. The Council shall determine in the first working session the functions and power of each committee. The Council has the right to add committees as deemed necessary.

## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

### **Article (17)**

#### **General Secretariat**

The Global Network for Rights and Development shall execute the work of the General Secretariat of the Council and provide administrative facilitation for its activities.

### **Article (18)**

#### **Periodic Review Mechanism: Review References**

1. The Review Mechanism is based on the following constituents:
  - a. International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms,
  - b. The Charter of the United Nations,
  - c. The Universal Declaration of Human Rights,
  - d. Human rights instruments to which the State is party,
  - e. Voluntary commitments and pledges of States, including their previous and subsequent pledges related to counter-terrorism when submitting their candidacy for the Council's election.
2. Based on the above, and given the complementary and interrelated nature of international human rights law, the review must take into account international humanitarian law.

### **Article (19)**

#### **Principles and Objectives**

1. **The principles of the Periodic Review on counter-terrorism shall include the following:**
  - a. Improvement of unified efforts to address the universality, interdependence and complexity of all human rights;
  - b. Cooperation mechanism based on common objectives, reliable information and interactive dialogue;
  - c. All-inclusive mechanism that ensures the equal treatment of all States;
  - d. Intergovernmental process driven by Member States of the Convention and the United Nations;
  - e. Full involvement of the State under review;
  - f. Complementary mechanisms that avoid duplication of international and national counter-terrorism measures;
  - g. Objective, transparent, non-selective, constructive, non-confrontational and non-politicized approach;

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

- h. Applying a realistic approach in accordance with the States' current situation, agenda on countering terrorism, taking into account its unique set of human and financial resources, history and culture;
- i. Empowering the Council to respond immediately to terrorism, maintain, protect and promote the human rights situation;
- j. Following the obligations outlined in the elements set forth in the Rules of Review, and takes into account the levels of security, peace and development;
- k. Encouraging the participation of all relevant stakeholders, including government and civil society stakeholders.

### **2. The objectives of the Periodic Review on Counter-Terrorism shall:**

- a. Achieve the greatest level of peace and security, combat terrorism and improve the human rights situation on the ground;
- b. Fulfill the obligations of States with respect to the International Convention for Counter-Terrorism, protect human rights and evaluate the positive developments and the challenges they face,
- c. Strengthen the countering terrorism capacity of each State and offer technical assistance in consultation and with the consent of the States concerned;
- d. Exchange of best practices among States and other stakeholders;
- e. Encourage and enhance cooperation in counter-terrorism and protection of human rights in corresponding contexts;
- f. Promote cooperation and full engagement with the International Council for Counter-Terrorism and other organizations and relevant stakeholders.

### **Article (20)**

#### **Organization and Periodic Review Mechanism**

1. The Periodic Review shall begin once the mechanism has been adopted by the Council.
2. The Periodic Review shall promote the principle of globalism and equal treatment.
3. The Periodic Review shall be introduced at the earliest stage in order to enable States' Parties to be adequately prepared.
4. Each State shall be reviewed during the period of its membership.
5. The Periodic Review shall include members of the Council in particular those elected for a period of three years.
6. The Periodic Review shall include a composition of States' Parties and Members with Observatory Status in the Council.

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

7. The Periodic Review mechanism shall respect the equal geographical repartition in the selection process.
8. The Periodic Review mechanism shall elect the first State Member and the first Observatory State by drawing lots for each regional group respective to full and impartial geographical representation. The elected States Members shall be listed alphabetically, unless an equal vote is reached for an alternative.
9. The interval between the rounds of the Periodic Review shall be acceptable in order to be taken into consideration by the States, thus being prepared for this round, in terms of the capacity of the stakeholders to meet the demands of this Review.
10. The first Periodic Review interval shall be two (2) years after the first round. This will facilitate the review of the working group of ninety-six (96) states annually during four sessions (round) and during two weeks for each session and round.

### **Article (21)**

#### **Review Process and Mechanisms**

##### **1. The Review Process will be based on the following documents:**

- a. Information (provided by the National Counter-Terrorism Authority) of the States in the form of national reports based on the principles and guidelines adopted by the Council, and all other relevant information. This information shall be presented in the form of a maximum 6700-7000 words summary in order to match the capacity of each State and to provide equal informational contribution.
- b. The Secretariat General of the Council will assume the charge of preparing this information in the form of reports of the Convention's mechanisms including the comments and observations presented by the States' Parties and by the civil society organizations as well as research centers, as well as additional United Nations' related official documents with a maximum of 4500 words.
- c. Additional verified information, presented by other related parties, can be used in connection with the International Comprehensive Review on Countering Terrorism, if this information is regarded as useful, can be taken into consideration by the Council during the Review process. The Office of the Secretariat General of the Council shall prepare a summary of this information with a maximum of 4500 words.
- d. Documents prepared by the Office of the Secretariat General of the Council shall be detailed, scrutinized and based upon the structure of principle guidelines as outlined by the Council.
- e. An outline and the three (3) aforementioned summaries shall be prepared by the Office of the Secretariat General of the Council six (6) weeks prior to the Review Process by the Working Group. This will ensure the distribution of the required documents simultaneously, in the official languages of the Council.

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

### **2. The Types of Reviews Shall be as Follows:**

- a. The Review shall be prepared by one Working Group and chaired by the President of the Council which includes forty seven (47) States' Members of the Council. Each State shall elect its delegation.
- b. States with observatory status are authorized to participate in the Review Process related to their practices of countering terrorism.
- c. Other stakeholders are authorized to assist in the review of the sessions, in the framework of the Working Group.
- d. The establishment of a team of three (3) Rapporteurs elected by drawing lots in the form of the States' Members of the Council as well as other Regional Groups (Troika) will manage the Review Process that includes the preparation of the report of the Working Group. The Office of the Secretariat General of the Council shall give required support and necessary expertise to the Rapporteurs.
- e. The concerned State may request to be one of the Rapporteurs from the related Regional Group and may also request the substitution of one Rapporteur once per term.
- f. The Rapporteur may request to be temporarily released from the participation in a specified Review Process in a case of a conflict of interest, or any reasonable reservation.
- g. An impartial, transparent and interactive dialogue between the State subject to the Review and the Council shall be established through a Working Group who will gather cases or issues to present to the State for review in order to take necessary steps.
- h. Each State shall be granted (3) hours of the Review within the Working Group. An additional time of one (1) hour shall be granted upon request in order to assess the results during an open session of the Council.
- i. Thirty (30) minutes shall be granted prior to the adoption of the Report of each State, subject to the Review within the Working Group.
- j. A reasonable timeframe shall be granted between the Review Process and the adoption of the report on each State through the Working Group.
- k. The adoption of the final results will be conducted in an open session of the Council.

### **Article (22)**

#### **Objectives of the Review**

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## International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms

1. To provide a structured results report summarizing the details, facts, conclusions, recommendations, as well as the voluntary forthcoming commitments of the concerned States.
2. To make an objective and transparent assessment in order to improve security and peace that addresses the diverse aspects of countering terrorism.
3. To improve the practices of promoting human rights in the framework of countering terrorism in the State subject to the Review.
4. To share the best practices of countering terrorism and promoting human rights on the basis of International Law, including International Human Rights Law and International Humanitarian Law.
5. To promote the coordination in countering terrorism and its root causes as well as the implementation of the best practices.
6. To provide technical support and capacity building upon consultation and approval of the concerned State.
7. The States subject to the Review will pledge to adhere to the objectives of the Review voluntarily in cooperation with the other States.
8. The State subject to the Review must be fully compliant in the objectives of the Review.
9. To deeper examine issues that were not fully addressed and settled during the interactive dialogue with the concerned State before the adoption of the results in an open session of the Council.
10. To provide an opportunity to the concerned State, the States' Members of the Council as well as the States with an observatory status, as well as non-governmental organizations approved by the Council with a consultative status to express their viewpoints on the results of the Review prior to the Council takes the appropriate decision with a quorum in a session.
11. To provide an opportunity to the concerned stakeholders to present their general comments before the adoption of the results in an open session of the Council.
12. Recommendations approved by the concerned State shall be specified, taking into consideration its comments and observations, and shall be included in the final report adopted by the Council.
13. The findings of the Periodic Review, shall be implemented first by the concerned State and by competent related authorities as necessary.
14. The subsequent Reviews shall concentrate on the implementation of the previous findings as well as on other related issues.
15. The Council shall include in its agenda a permanent item to address the findings of the Periodic Review with respect to counter terrorism and the promotion of human rights.
16. The international community will provide its support in the implementation of the recommendations and conclusions related to capacity building and technical support in consultation with the concerned State and its consent.

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## International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms

17. After consideration of the results of the Periodic Review with respect to counter terrorism and the promotion of human rights, the Council shall decide if any specified action is necessary.
18. After exhausting all appropriate efforts to encourage States' collaboration with the Periodic Review mechanism with respect to counter terrorism and the promotion of human rights, the Council will review such cases.

## 23

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## International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms

### Article (23)

#### The "Black List"

1. The States' Parties and Observatory States have the right to submit a request to the Council to put individuals, groups, organizations and institutions that participated, facilitated or encouraged terrorist operations either inside or outside its jurisdiction, on a "Black List" and to track them internationally.
2. These requests must include authenticated, exhaustive and justified information providing evidence that confirms any practice related to terrorism.
3. These requests must be submitted to the Presidency of the Council three (3) months prior to convening a regular session of the Council.
4. All gathered information must be distributed among the States' Parties at least two (2) months prior to the discussion of the request for inclusion in the "Black List".
5. If the individual, group, or organization or another party referred to acts, resides or holds the nationality of another State or more than one State, prior to the public debate in the Council the Chairman must convene a consultative session including the States which submitted the request and the State that has jurisdiction over the subjects of the case.
6. The mechanism shall not be used improperly and the Council Presidency has the right to recommend the dismissal of the request, based on sound political grounds.
7. Non-governmental organizations accredited by the Council are entitled to submit requests that are related to the "Black List" with the approval of the Chairman of the Council or one or more member States.
8. The requests related to the "Black list" shall be discussed confidentially. Only the States' Parties as well as the technical experts requested by the delegations, the Council or the Secretariat shall be authorized to attend these discussions. Non-governmental organizations may be permitted to attend these discussions based on an authorization of the Chairman of the Council or a request of a Member State.
9. Decisions and recommendations on the "Black List" shall be taken by a simple majority (half of the casted votes plus one), preferably by a consensus of the Council.
10. When a "Black List" decision is adopted and announced, it can be appealed by the concerned parties in the national counter-terrorism authority of the States' Parties. The appellation shall be submitted in addition to recommendations to the Council within two (2) months from the issuance of the decision. The appellation shall be reviewed at the convention on the Council and at this time, the decision shall become final.

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

11. The Chairman of the Council may authorize a request to the International Intelligence Committee of the Council related to the "Black List" accompanied by information that facilitates the decision by the concerned States.
12. Each State signatory of the Convention may assist in the implementation of a decision taken by the Council related to the "Black List", and promotes its implementation among the States and other parties involved.
13. The Council shall create a list of the detailed procedures related to the "Black List" in its first session.

### **Article (24)**

#### **Election and Selection of Representatives and Delegates**

1. The Council shall elect the High Representatives, Rapporteurs and Experts as follows:
  - 1.1. High Commissioner for Counter-Terrorism;
  - 1.2. Special Rapporteur on Sourcing and Tracking the Root Causes of Terrorism;
  - 1.3. Special Rapporteur on the Promotion of Human Rights in Countering Terrorism;
  - 1.4. International Coordinator on National Counter-Terrorism Institutions;
  - 1.5. Special Rapporteur on the Culture of Rejecting Terrorism and the Promotion of the Concepts of tolerance and non-violence;
  - 1.6. Special Rapporteur on National Capacity Building to Counter Terrorism and its Root Causes.
2. The Council may increase the number of Rapporteurs and Experts with a simple majority vote.
3. The Council is entitled to nominate relevant Experts to assist States in countering terrorism.
4. The Council shall take decisions on the mandate and duties of each Rapporteur, Representative and Expert.

### **Article (25)**

#### **Basic Principles and Procedures for the Election and Selection of Rapporteurs, Representatives and Experts**

1. Expertise in the field of representation, independence, neutrality, personal integrity and objectivity.
2. Fair geographic representation, representation of all legislative systems, full awareness of gender equality and cultural diversity.

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## International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms

3. The Council shall be held responsible for the professional competencies of the elected persons. This includes their professional expertise, including qualifications and capacities, professional expertise in relation to countering terrorism and promoting human rights and their commitment to basic values and principles of International Law.
4. The following entities are entitled to nominate candidates for the positions of Rapporteurs, Representatives and Experts: governments, United Nations, the United Nations Security Council and regional groups within the United Nations, Intergovernmental Organizations, Non-Governmental Organizations accredited by the Council, national counter-terrorism institutions, the Chairman of the Council or his / her representatives, Committees established by the Convention, the Council General Secretariat and independent candidates.
5. The General Secretariat Office shall prepare a special report in order to maintain the official list of the qualified elected persons consistent and periodically updated, including the personal data, qualifications, expertise and professional experience. A notice of vacancy shall be announced.
6. Elected candidates shall not be permitted to have a double mandate of a Rapporteur, Representative and Expert.
7. The elected representatives shall have only one mandate for four (4) years.
8. Any member of a government or any other organization or institution in a position of a Rapporteur, Representative and Expert shall avoid conflict of interests when fulfilling the duties according to their mandate.
9. Proposals on the candidates for the positions of a Rapporteur, Representative or an Expert shall be prepared by a specially established Consultative Group and submitted to the Chairman of the Council. A list of nominated candidates with the most appropriate qualifications related to each specific mandate, as well as adherence to the basic values and principles of the mandate shall be created. This shall be completed not less than one (1) month prior to the session dedicated to the election.
10. The Consultative Group is entitled to exclude selected candidates from the list in order to facilitate the work of the Council.
11. At the beginning of the Annual Session of the Council, the regional groups shall be tasked to elect its member representatives in the Consultative Group. He / she shall perform the corresponding duties of the mandate in coordination with General Secretariat Office.
12. The Consultative Group has the authority to substitute selected members on the general list with candidates with similar or more relevant qualifications for the position, providing necessary clarifications and documentation that endorse and prove these qualifications to the Chairman of the Council.

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13. The Consultative Group shall take into consideration, when necessary, the recommendations of the stakeholders, appointees in office, including those at the end of their mandates, to amend the list of requirements on expertise, qualifications and other competencies related for each mandate.
14. The Chairman of the Council shall select candidates for a specific vacant position based (1) on the recommendations issued by the Consultative Group and (2) on a consultation with the regional coordinators. Following the selection, a list of elected persons shall be submitted to the States' Members and Observatory States, no less than two (2) weeks prior to the beginning of the election session.
15. The Chairman of the Council shall make additional consultations if deemed necessary in order to guarantee the acceptance of the suggested candidates. These consultations shall be completed upon later acceptance of the Council; and suggested candidates shall be appointed prior to the end of the session.

### **Article (26)**

#### **Rapporteur, Representative and Expert Mandate Review, Rationalization and Improvement**

1. The review, rationalization and improvement of the mandate of the Rapporteur, Representative and Expert shall be based upon neutrality, objectivity, non-selectivity, international constructive dialogue and cooperation in order to achieve the highest level of security and peace. This aims at countering all forms of terrorism, continues to promote human rights, and encourages the States to fight the root causes of terrorism.
2. Rapporteur, Representative and Expert Mandate Review, Rationalization and Improvement shall be conducted in the framework of consultations, independently from the standard negotiations within the Council and related procedures.
3. Review, rationalization and improvement of the mandate of a Rapporteur, Representative and an Expert shall concentrate on the importance of these mandates and their scope, and set criteria in the framework of International Law, including International Humanitarian and Human Rights Law, International Customary Law and other relevant legal mechanisms, as set by the United Nations General Assembly, other United Nations bodies, international courts and organizations.
4. Any decision to simplify, integrate or terminate the representatives' mandates must be guided by the principles of countering terrorism and promoting and protecting human rights.
5. The Council shall permanently:
  - a. Improve the mandates of a Rapporteur, Representative and an Expert to enhance their capability of countering terrorism while protecting and promoting human rights.
  - b. Promote impartiality by creating equilibrium between countering terrorism and preserving the achievements of humanity in promoting rights of groups and individuals.
  - c. Make all possible efforts to avoid double standards.

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

- d. Create mechanisms to enhance the current mandates, and to raise awareness of these important issues among the concerned stakeholders, in order to best meet the needs of regions that may be suffering from negative effects of terrorism and human rights violations.
- e. Modify the titles of the elected representatives as deemed necessary and amend the procedures of their selection and nomination to enhance procedural transparency.
- f. Renew the representatives' mandates' term can only at the meeting of the Council and according to the agenda. The terms of the mandates shall be two years (2) and for the geographic regional representatives, the term shall be one (1) year.
- g. Renew the mandates' term in the first round until the date of their review by the Council and according to the program action.
- h. Consider decisions related to the creation, reviewing or discontinuing a State's representation, based on the principles of cooperation and genuine dialogue with the objective of encouraging the capacity of States' Parties to fulfill their commitments with respect to countering terrorism and promoting human rights.
- i. Implement the principles of impartiality, objectivity as well as the equal treatment and prevention of double standards.

### **Article (27)**

#### **Consultative Committee of the International Council for Counter-Terrorism**

The Consultative Committee of the International Council for Counter-Terrorism shall be composed of nineteen (19) experts. The Committee shall be viewed as the intellectual institution of the Council working under its guidelines. This sub-committees will be created based on the following principles:

#### **A. Selection:**

1. All the States' Members in the Convention may propose or recommend elected representatives from their regions in consultancy with their national counter-terrorism institutions and national civil society organizations when selecting their representatives.
2. The primary objective is to facilitate the participation of the most suitable Experts for the Consultative Committee of the International Council for Counter-Terrorism.
3. Decision-makers of any government, governmental organization, or any other institution shall be excluded from the Consultative Committee of the International Council for Counter-Terrorism in order to avoid a conflict of interest.
4. Each representative of the Consultative Committee of the International Council for Counter-Terrorism shall have only one mandate exclusively in this Committee to guarantee full dedication to their work.

#### **B. Election:**

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

1. The Council shall elect the members of the Consultative Committee of the International Council for Counter-Terrorism from the list of selected persons presented, in accordance with the aforementioned selection criteria. This shall be conducted by secret ballot.
2. The list of selected candidates shall be closed two (2) months prior to the election date. The General Secretariat of the Council shall make the list public to the States' Parties, with all the related information, no less than one (1) month prior to the election date.
3. To give due consideration to the issues of gender equality, fair geographic representation, representation of all legislative systems, as well as full awareness of cultural diversity.
4. Geographical distribution will be as follows:
  - a. African countries: five (5)
  - b. Asian countries: six (6)
  - c. Eastern European countries: two (2)
  - d. Latin American countries and the Caribbean sea countries: three (3)
  - e. Western European counties and others: three (3)
5. The members of the Consultative Committee of the International Council for Counter-Terrorism shall be elected for a three (3) year term and may be reelected for one additional term.

### **C. Functions:**

1. The Consultative Committee of the International Council for Counter-Terrorism shall provide expertise to the Council according to its requirements. Its primary focus is to conduct research and provide advice and recommendations accordingly for the purpose of eradicating the root causes of terrorism. This will promote an international culture and initiatives that eradicate terrorism.
2. The Consultative Committee of the International Council for Counter-Terrorism will submit its findings to the Executive Committee and its consultative mandate will be limited to issues related to the Council's mandate, which is countering terrorism, as well as promoting and protecting human rights.
3. The Consultative Committee of the International Council for Counter-Terrorism shall not adopt decisions or resolutions, however the Consultative Committee may submit proposals in the framework of the mandate as defined by the Council. The latter will consider and accept these proposals with the objective of promoting the efficiency of procedures and research in the framework of the mandate defined by the Council.
4. The Council shall issue the specified guidelines for the Consultative Committee when invited to participate objectively in the Review Process. These guidelines may be revisited by the Council as deemed necessary.

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### **D. Methodology of Work:**

1. The Consultative Committee of the International Council for Counter-Terrorism shall convene in two (2) annual sessions for the duration of 10 working days. Additional sessions may be scheduled on an as-needed basis and with prior consent of the Council.
2. The Council may ask the Consultative Committee of the International Council for Counter-Terrorism to handle joint tasks through a small group or individually and must provide the a report on these efforts to the Council.
3. The Consultative Committee of the International Council for Counter-Terrorism is encouraged to establish a link between the sessions at the level of individuals or joint groups in order to avoid the creation of sub-bodies in the absence of the Council's approval.
4. The Consultative Committee of the International Council for Counter-Terrorism is encouraged to interact with the States, the international and national institutions, non-governmental organizations and other institutions of the civil society who are tasked with countering terrorism and promotion of human rights, when assuming their tasks according to the procedures of the Council.
5. To maximize efficiency and encourage greater participation, the States' Parties, Observatory States, including non-member States in the Council, specialized agencies, governmental bodies, non-governmental organizations and civil society institutions who are tasked with countering terrorism, may be invited through special invitation to participate in the work of the Consultative Committee
6. The Council shall choose to adopt the most appropriate mechanisms to facilitate the work of the working groups responsible for the protection of population, minorities, groups and individuals threatened by terrorism.

### **Article (28)**

#### **International Intelligence Committee**

1. Within the Council, an International Intelligence Committee shall be created to facilitate the exchange of information and tracking of parties involved in, instigating or inciting terrorist actions and issue of early warnings on terrorism suspects, based on information provided.
2. The permanent office of the International Intelligence Committee shall be in the city of -----, in the state of ----- and its legal status will be governed by the Convention of the host country with all the immunity and freedom of action in order to fulfil their working duties.

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

3. The States' Parties and Observatory States are entitled to appoint a professional Liaison Officer and a coordination team with a maximum three (3) members of the Committee.
4. Each State party shall assume the fees and expenses of its delegation to the Committee.
5. The International Intelligence Committee shall be located at a permanent operations center and preemptive actions center in order to counter terrorism. Delegates of the International Intelligence Committee may work independently or in groups.
6. The objective of the International Intelligence Committee is to facilitate cooperation and coordination and a flexible mechanism among States for the exchange of information.
7. The Committee shall hold a general meeting once per week and may hold additional meetings when deemed necessary.
8. The Committee shall issue recommendations to the International Council for Counter-Terrorism when deemed necessary.
9. The meetings of the Committee are kept confidential unless decided otherwise.
10. The Committee shall decide its working mechanism and elects a Chairman among its members as well as a Vice-Chairman, while considering the regional coordination adopted by the Convention.
11. The Committee will annually arrange and facilitate the working plan for the heads of intelligence services and is entitled to choose announcing the time and place or keep them confidential, if deemed necessary.
12. All the States' Parties in the Committee shall work in accordance to the principles of full collaboration, capacity building and exchange of experiences.
13. The Committee shall listen to the reports of the other bodies when deemed necessary and shall coordinate its actions independently.

### **Article (29)**

#### **Procedures Related to Reporting and Claims of Non-Member States**

1. The objective of the reporting and claims procedure is to effectively address the dynamics of evolvement of terrorism and prevent its potential spread. This shall be implemented considering the grave violations supported by authenticated evidence from any part of the world and under any circumstances.

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2. Claims' procedures must be impartial, objective and effective with the objective of serving the victims and must be introduced in due time. These procedures shall be kept confidential in order to reinforce coordination with the concerned State.
3. The reporting must be related to the presence of aspects of terrorism or human rights violations in the framework of the countering terrorism. In order to be accepted, reporting must fulfill the following conditions:
  - a. Be politically neutral and its objective; must respect the United Nations Charter as well as the Universal Declaration of Human Rights as well as other applicable conventions and covenants. Reporting must not be in contradiction with any article of the present conventions.
  - b. Must include a description of the facts and violations alleged, or the crimes alleged including the rights subject to these violations, on the basis of these allegations.
  - c. The language used must not be vulgar and offensive. The reporting shall be only be accepted when fulfilling the agreed criteria and after removing any offensive comments.
  - d. Claims issued by persons, groups of individuals, institutions, including non-governmental organizations who act with good intentions, and in accordance with the principles of countering terrorism and the promotion of human rights, reporting on the victims of terrorism or human rights violations in the framework of the fight against terrorism, shall be accepted only when authenticated evidence, even if the evidence has been previously used.
  - e. Must not be based entirely on reports issued by the media.
  - f. Must not mention a case revealing a static type which was dealt with in the past through a special procedure.
  - g. The facts must not be prior the entry into force of the present convention.

### **Article (30)**

#### **Principles of the Council's Work and its Mechanisms:**

1. Entirety (Global Nature)
2. Impartiality
3. Objectivity
4. Non-Selectivity
5. Cooperation and Constructive Dialogue
6. Preemptive
7. Flexibility

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

8. Transparency
9. Accountability
10. Balance
11. Comprehensiveness
12. Non-Discrimination
13. Implementation and Follow-up of Decisions

### **Article (31)**

#### **Work Methods of the International Council for Counter-Terrorism**

1. Work Methods of the International Council for Counter-Terrorism must be transparent, clear, objective, impartial, just, realistic, comprehensive and updated and modified in a timely manner.
2. Decisions and resolutions must include related information for consideration of the delegations. Decisions and resolutions proposed by the delegations must be prepared by the concerned delegations.

### **Article (32)**

#### **Public Meetings of the Chairman: Decisions, Resolutions and Related Actions**

1. The Public Meetings of the Chairman shall present information on the status of negotiations with regard to draft-decisions or draft-resolutions that are designed to provide the delegations with a comprehensive idea on the process of drafting these projects. The consultations must have an informative function along with the external network of information that is prepared with transparency and in a comprehensive way.

### **Article (33)**

#### **Non-Official Consultations of the Principal Sponsors Concerning the Proposals**

1. These unofficial consultations must be the unique means to enter negotiations regarding draft-decisions or draft-resolutions. The principal sponsors shall assume the responsibility of organizing these consultations. At least one non-official open meeting shall be convened for these consultations with regard to each project, decision or resolution prior to their adoption and implementation of the Council. These consultations shall be held in a timely and transparent manner considering the limitations and reservations of all concerned States.

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## International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms

### Article (34)

#### General Secretariat

1. The General Secretariat assumes the functions of handling procedural and organizational issues and ensures the coordination of meetings in an orderly manner. This is managed by the issuance of an Executive Summary in due time.
2. Other functions may include discussion sessions, seminars and round-table sessions.
3. The General Secretariat shall choose the use of additional actions including issues and methods depending on each specific case. These tools may be used by the General Secretariat as a means to promote dialogue and mutual understanding relating to some cases to be used in the framework of the Council's agenda and annual action plan and to complete the international governmental aspect. These actions cannot be used to replace the current tools and mechanisms as well as the current actions.
4. The General Secretariat receives documents, reports, Council's decisions as well as its committees and bodies, in all United Nations official languages, for translation, printing, and distribution. The General Secretariat shall make translate official statements in the meetings, prepare, print and distribute the meeting documents and maintain them in the archives of the Council in a manner. It will also distribute all the Council's documents among the States Members', Observatory Members and shall assume all the support work required by the Council.

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

### **Article (35)**

#### **High Level Segment**

1. High Level Segment Meeting shall be convened annually during the Council's principal session. This meeting shall be followed by a General Meeting to present general information to the delegations that were not able to participate in the High Level Segment Meeting.

### **Article (36)**

#### **Work Culture**

Necessary actions to be taken:

1. Early notification;
2. Early presentation of draft-decisions or draft-resolutions, preferably before the end of the week prior any session;
3. Early distribution of all reports, in particular those containing special actions, among the delegations in due time, and at least fifteen (15) days before considering them by the Council and in all official languages adopted by the Council;
4. Any party proposing a resolution concerning any State shall assume the responsibility to have the largest support to reinforce their initiatives (preferably 15 Member States) prior to taking the decision;
5. Reservations may be introduced with regard to decisions to avoid multiplicity, without jeopardizing the right of the State to take a decision on the proposed projects by:
  - a. Eliminate the double standards of the Third Committee in the General Assembly's initiatives;
  - b. Gathering the agenda items;
  - c. Scheduling the process of submitting decisions and resolutions regarding Agenda and issues' items;
  - d. Other outcomes than decisions and resolutions. These outcomes may include recommendations, summaries, discussions, and the Chairman's statements. They also have different legal effects and must not replace decisions and resolutions.

### **Article (37)**

#### **Extraordinary Sessions of the Council**

1. The Council adopts the internal regulation of extraordinary sessions.
2. Proposal to convene an extraordinary session must be submitted to the Chairman and the General Secretariat of the Council. The proposal must name the item subject of consideration including all the related information that the sponsors wish to provide.
3. The extraordinary session must be convened as soon as possible after submitting an official note – the earlier convenient time is two (2) working days and latest five (5) working days –

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

after the date of receipt of the official request. The extraordinary session shall not extend past three (3) days unless the Council deems this a significant need.

4. The General Secretariat of the Council shall contact all the States Members as soon as the conditions mentioned in article (14) item (8) are met, concerning the convening of an extraordinary session as well as other additional information submitted by the Sponsors relating to the request and to the fixed time. All information must be made available to the specialized agencies, other intergovernmental organizations, national institutions and non-governmental organizations with consultative status, through the fastest and convenient tool of communication. Papers related to the extraordinary session related to decisions and resolutions, must be distributed in all official languages adopted by the Council among all States in due time and with transparency.
5. The Chairman of the Council shall make open informative consultations before the special session regarding the Council's conduct and organization. In this context, the Council can ask the General Secretariat to provide it with all additional information including details of the methods of its work during the previous extra-ordinary sessions.
6. The Members of the Council, the concerned States, the Observatory States, the specialized agencies, other intergovernmental organizations, national institutions and non-governmental organizations with consultative status are authorized to participate in the extraordinary session in accordance according to by-laws of the Council.
7. Make accessible the texts in accordance with by-laws of the Council in case the requesting State or other States want to submit draft-resolutions or draft-decisions in the extraordinary session. The Sponsors shall submit such texts as soon as possible.
8. The parties submitting the draft resolutions or draft decisions shall make open consultations on the text of the draft resolutions or draft decisions, proposed by them, in order to promote consensus and enhance participation in the decision-making process.
9. The extraordinary session will permit an open discussion on participation with the objective of achieving practical results and in order to implement these results in a way to enable their monitoring, and to submit a report relating them to the next ordinary session of the Council in order to take likely decisions regarding these results.

### **Article (38)**

1. The President shall assign one of his/her four Vice-Presidents to represent him/her if he/she deems it necessary to be absent from a meeting or part of it. The Acting President shall be assigned the power and duties of the President. If the President ceases to hold office, the members of the Executive Board shall appoint one of his/her Vice-Presidents to replace him/her pending the election of a new President.

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## International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms

2. If the President or any of his/her Vice-Presidents are no longer able to hold office or cease to be a representative of a Member State of the Council, or if a member of the Council has decided to withdraw its membership in the latter, such office shall then cease to be held, and a new President or Vice-President needs to be elected for the remainder of the term.

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

### **Article (39)**

1. Each State Party shall promote ratification, acceptance, approval or accession to the Convention, in order to encourage participation of all States in this Convention.
2. Each State Party shall notify their obligations under this Convention to all governments of States not parties to this Convention.

### **Article (40)**

#### **Signature and Ratification**

1. This Convention, which was drawn up on \_\_\_\_\_, shall be open for signature by all States in \_\_\_\_\_ until its entry into force.
2. This Convention is subject to ratification, acceptance or approval by signatory States.
3. This Convention shall be open to accession by all States who have not signed it.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the General Secretariat of the Convention.
5. This Convention shall enter into force on the first day of the sixth (6<sup>th</sup>) month after the month in which the thirtieth (30<sup>th</sup>) instrument of ratification, acceptance, approval or accession was deposited.
6. For each State ratifying, accepting, approving or acceding to this Convention after the deposit of the (30<sup>th</sup>) instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the first (1<sup>st</sup>) day of the sixth (6<sup>th</sup>) month after the date of deposit by such State of its instrument of ratification, acceptance, approval or accession.

### **Article (41)**

1. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States' Parties and the General Secretariat. The withdrawal instrument includes a full explanation of the reasons motivating such withdrawal.
2. Such withdrawal shall be effective only after six (6) months from the date of receipt of the withdrawal instrument by the General Secretariat.

### **Article (42)**

1. This Convention has been drafted in the six (6) official languages: Spanish, English, Russian, Chinese, French and Arabic, and shall be deposited in the archives of the signatory governments.

### **Article (43)**

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#### **First Draft**

**Proposed by: the Global Network for Rights and Development (GNRD)**, on the basis of the United Nations General Assembly decision contained in its resolution adopted on 8 September 2010 within the sixty-fourth session item (115) of its agenda item (6) contained in the document no. (A/RES/64/297), which states that the General Assembly (encourages civil society, including non-governmental organizations, to engage, as appropriate, in efforts to enhance the implementation of the Strategy, including through interaction with Member States and the United Nations system); and as stated in the General Assembly resolution of 29 June 2012 adopted in its sixty-sixth session item (118) of its agenda contained in item (8) of the document no. (A/RES/66/282).

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## **International Convention on Counter-Terrorism and Promotion of Preemptive Mechanisms**

1. This Convention does not include any provisions that may create an obstacle for the State parties to adopt any regional conventions relating to counter-terrorism measures in any territories.

### **Article (44)**

1. Any State Party to the Convention may propose any amendments thereto. The text of any proposed amendment shall be submitted to the General Secretariat, which shall transmit it to all States' Parties to the Convention. The General Secretariat shall convene a meeting of all States' Parties for the purpose of considering the proposed amendment, if at least one third (1/3) of the States' Parties to the Convention request to do so.
2. The approval of any amendment requires the majority of votes of all States' Parties to the Convention.
3. A conference of the States' Parties to the Conventions shall be convened in \_\_\_\_\_ after five (5) years from its entry into force to review the operation of the Convention, in order to ensure that it is achieving the goals of the Preamble and the Provisions of the Convention. Thereafter, similar conferences with the same purpose may be convened to review the operation of the Convention at intervals of five (5) years, if a majority of the States' Parties to the Convention transmit such proposition to the General Secretariat.
4. When this agreement enters into force and prior to the number of the States that ratify reach the minimum threshold, the applicable of Article 14 of the Convention is and unlike its last requirements, the election mechanism of the Council shall be:
  - a. Within the limits of the Signatory States;
  - b. Ensure proportionality provided in point two (2) of the Article as much as possible.

(This version is the First Draft of the Convention. It is subject to amendment and modification and is open to propositions from Members States before the final version is proposed to the States' Parties in Geneva on the sixteenth (16<sup>th</sup>) of February 2015).

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#### **First Draft**

**Proposed by: the Global Network for Rights and Development (GNRD)**, on the basis of the United Nations General Assembly decision contained in its resolution adopted on 8 September 2010 within the sixty-fourth session item (115) of its agenda item (6) contained in the document no. (A/RES/64/297), which states that the General Assembly (encourages civil society, including non-governmental organizations, to engage, as appropriate, in efforts to enhance the implementation of the Strategy, including through interaction with Member States and the United Nations system); and as stated in the General Assembly resolution of 29 June 2012 adopted in its sixty-sixth session item (118) of its agenda contained in item (8) of the document no. (A/RES/66/282).

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