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SUPPLEMENTARY ITEM

DRAFT RESOLUTION

ON

TERRORISM BY SUICIDE BOMBERS

Principal Sponsor
Senator Luigi COMPAGNA
Italy

WASHINGTON D.C., 1 TO 5 JULY 2005

Supplementary Item on terrorism by suicide bombers
sponsored by Senator Luigi Compagna

1. Whereas the horror of historically unprecedented terrorist violence - whose purpose is to kill and massacre, to die in order to kill more people, to practise the cult of death, to express personal desperation only through death, to worship the god of death as their own - has given rise in some languages, appropriately or otherwise, to the term "kamikaze terrorism";
2. recalling that in the opinion of the 1986 Nobel Peace Prize Laureate, Elie Wiesel, unlike the Japanese soldiers who, towards the end of the Second World War chose to sacrifice their lives by attacking exclusively military targets, today's suicide terrorists prefer to attack defenceless and unarmed civilians, children and women, in order to inculcate in the minds of individuals and the masses a total, in many respects worse than racist, aversion to the "enemy/infidel", and to totally dehumanise conflicts;
3. denouncing the fact that some leaders of terrorist groups (Al Qaeda, Hamas, Hezbollah, the Islamic Army in Iraq, and so on) approve, encourage and extol in these mass murders, without hesitating to endow them with a value, based above all on a hate-filled and distorted interpretation of certain sacred texts;
4. noting that - while the Muslim community, on the whole, has always tended to reject all forms of violence and fanaticism - a growing number of people, often very young, are being induced to rethink the prescriptions of the Koran in the light of the mysticism of suicidal terrorism which, by that token, is alien to the Koran and to Islam;
5. recalling that the most devastating terrorist attacks perpetrated in the world in the past few years have been committed against this disturbing background: the immense tragedy in New York and Washington on 11 September 2001, the Madrid attacks on 11 March 2004, and the heinous attacks in various places in Israel, Russia, the Philippines, India, Pakistan, Afghanistan, Iraq, and the massacres in Bali, Casablanca, Istanbul and Jakarta;
6. noting that a firm warning against terrorism was significantly uttered by the Holy Father, John Paul II, who on numerous occasions stated that "Those who kill by acts of terrorism actually despair of humanity, of life, of the future" (message of his Holiness John Paul II to celebrate World Peace Day, 1 January 2002);
7. agreeing in this same perspective, that the Simon Wiesenthal Centre, which for decades has been committed to promoting religious tolerance and to combating anti-Semitism, has explicitly promoted a mobilisation campaign to get the international community to recognise that terrorist suicide attacks are real "crimes against humanity";
8. considering that dealing in death in this manner is a blatant attack on the most elementary human rights and on the international legal order, because it constitutes an intolerable violation of "the general principles of law recognized by civilized nations" (article 38(I)(c) of the Statute of the United Nations International Court of Justice), by virtue of which human life enjoys universal protection;
9. considering also that the Statute of the International Criminal Court (approved by the Treaty of Rome of 17 July 1998) marked a major milestone in the historical process of establishing the

legal notion of crimes against humanity as a category in their own right, confirmed for over 50 years in International customary law, as crimes forming part of the so-called *jus cogens*; and that these are therefore crimes for which the law can admit of no exception, and to which the guarantees provided for political crimes, or for time-barring, immunity and circumstances exempting from responsibility do not apply, and that they are subject to universal jurisdiction, such that all States are duty-bound to prosecute or extradite the guilty, regardless of the nationality of the guilty parties and the place in which the crime is committed;

10. noting, however, that the Statute did not expressly include in this category of crimes acts of terrorism, due to contingent negotiating reasons of a political/diplomatic nature;
11. recalling, lastly, that the OSCE Assembly in its Berlin Declaration adopted in July 2002 specifically addressed this issue in paragraph 93 of the Declaration, urging "all participating States to ratify the statute for the International Criminal Court, and to seek broadening of its scope to include terrorist crimes";

The Parliamentary Assembly of the OSCE:

12. considers that also in the light of the provisions solemnly sanctioned by the Statute of the International Criminal Court, it must be agreed that suicide attacks of the terrorist nature constitute "crimes against humanity" in that they are deliberately committed " as part of a widespread or systematic attack directed against any civilian population" which involves the multiple commission of murders of defenceless civilians "pursuant to or in furtherance of (...) organizational policy to commit such attack " (Art.7(I) of the Statute of the International Criminal Court);
13. expresses forcefully this conviction, also because the "closing provision" of subparagraph k) of article 7 of the Statute of the International Criminal Court, includes among the crimes against humanity "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health";
14. expresses the hope that the OSCE member states will make representations before the United Nations General Assembly, clearly and unequivocally, that terrorist acts committed by suicide attacks are, for all the intents and purposes of current international law, very serious "crimes against humanity" that cannot be time-barred, for which the leaders of the States and groups which order or facilitate their commission must be called to account before the international courts responsible for prosecuting universal crimes;
15. supports the recent position adopted by the Council of Europe Parliamentary Assembly in its Resolution 1400 of 6 October 2004, stating that "Every act of terrorism... is a challenge to democracy and must be considered a crime against humanity", and calls on all the OSCE member states of the Council of Europe to adopt and implement the fundamental 1977 European Convention on the Suppression of Terrorism;
16. endorses the "Guidelines on Human Rights and the Fight Against Terrorism" adopted on 11 July 2002 by the Committee of Ministers of the Council of Europe, considering in particular that every action to combat terrorism must be taken in respect for human rights and fundamental freedoms, as stated in the Resolution on Human Rights and the War on Terrorism adopted by the OSCE Assembly at its Berlin session in July 2002;

17. requests that, according to the binding commitments set out in the fundamental United Nations Security Council Resolution 1373, adopted in the wake of the 11 September 2001 tragedy, any OSCE member states that have not yet done so, namely 30 out of 55, ratify and implement the 12 United Nations Conventions and the relevant Protocols on combating terrorism, as expressly requested in the OSCE Bucharest Plan of Action For Combating Terrorism, adopted by the Ministerial Council in December 2001, which recognised this set of international agreements as being "the basis for the global legal framework for the fight against terrorism";
18. endorses the affirmation in the Statement on Preventing and Combating Terrorism adopted by the Sofia Ministerial Council in December 2004 that "the OSCE efforts to counter terrorist threats should be taken in all OSCE dimensions, the security dimension, including the political-military area, the economic and environmental dimension, and the human dimension";
19. requests - in the knowledge that the OSCE's comprehensive approach to security gives the organisation a comparative advantage in addressing factors across the OSCE dimensions that may engender terrorism - the implementation of the activities put into place within ATU, the OSCE Action against Terrorism Unit, instituted in 2002 to report to the Secretary General, above all in order to step up the coordination of all the Organisation's operational instruments to counter terrorism; and
20. Welcomes the commitments recently undertaken by the governments of the OSCE in the matter of combating terrorism, and in particular those set out in the OSCE Charter on Preventing and Combating Terrorism and in the Decision on Implementing the OSCE Commitments and Activities on Combating Terrorism, as adopted by the Porto Ministerial Councils in 2002, in which, among other things, the SALW (Small Arms and Light Weapons) Programme is indicated as a priority area of interstate cooperation.

AMENDMENT TO SUPPLEMENTARY ITEM
ON
TERRORISM BY SUICIDE BOMBERS

[Set out text of Amendment here:]

Principal Sponsor:

Mr/Mrs	Family Name in Capital Letters	Country	Signature

Co-sponsored by:

Mr/Mrs	Family Name in Capital Letters	Country	Signature