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SUPPLEMENTARY ITEM

DRAFT RESOLUTION

ON

TERRORISM AND HUMAN RIGHTS

Principal Sponsor

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Denmark

WASHINGTON D.C., 1 TO 5 JULY 2005

RESOLUTION ON TERRORISM AND HUMAN RIGHTS

1. Reiterating its Resolution on Human Rights and the Fight against Terrorism adopted at the Annual Session in Berlin 2002,
2. Recalling its Resolution on the Prisoners Detained by the United States at the Guantanamo Base adopted at the Annual Session in Rotterdam 2003,
3. Recalling the United Nations' Security Council (UNSC) Resolution 1373 (2001) concerning threats to international peace and security caused by terrorism,
4. Concerned about the fact that not all participating states have fully implemented the provisions of UNSC Resolution 1373 (2001),
5. Welcoming the efforts of the UNSC Counter-Terrorism Committee (CTC) to monitor the implementation of UNSC resolution 1373 (2001) and to assist states increasing their capabilities to fight terrorism,
6. Deeply concerned by the increasing numbers of victims, including children, caused by acts of terrorism motivated by intolerance or extremism in various regions of the world,
7. Concerned about the fact that the terms "terrorist" and "terrorist acts" are open to widely differing interpretations and therefore may serve as basis for states to expand the power of the ruling authorities and restrict the exercise of fundamental freedoms and human rights,
8. Deploring all violations of international human rights law, humanitarian law as well as other relevant provisions of international law including non-compliance with commitments to prohibit torture and other cruel, inhuman or degrading treatment or punishment motivated by states' declared efforts to combat the threat posed by terrorism, real or perceived,

The OSCE Parliamentary Assembly:

9. Notes that respect for human rights, fundamental freedoms and the rule of law are essential tools in the effort to combat terrorism whereas violations of these basic privileges only facilitate the political and social conditions that give rise to terrorism;
10. Condemns in its strongest terms all acts of terrorism irrespective of their motivation, whenever and by whosoever committed, as one of the most serious threats to peace and security;
11. Urges all participating states to implement, with no delay, the provisions of UNSC resolution 1373 (2001);

12. Reminds all participating states of their obligations to combat terrorism in all its forms and manifestations by all means, in accordance with the Charter of the United Nations and international law;
13. Urges all participating states to cooperate actively with CTC in its efforts to monitor the implementation of UNSC resolution 1373 (2001);
14. Calls upon all participating states and relevant international, regional and sub regional organizations to strengthen their mutual cooperation in the fight against terrorism;
15. Reminds all participating states that they must ensure that any measures taken to combat terrorism comply with their obligations under international human rights law, humanitarian law as well as other relevant provisions of international law;
16. Reminds all participating states that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right and must be protected under all circumstances, including in times of terrorism or internal disturbances;
17. Reaffirms the absolute nature of the obligation under international law not to expel, return, extradite, or otherwise transfer any person to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or cruel, inhuman, or degrading treatment or punishment (prohibited ill-treatment);
18. Urges all participating states to ensure that any measure in response to terrorism do not undermine the very democratic principles they seek to defend and protect, nor otherwise subvert the democratic constitutional order which should, in accordance with OSCE commitments, already be in place;
19. Calls upon all participating states to sign the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
20. Supports the UN Secretary General's call for world leaders to agree on a definition of terrorism before the end of the sixtieth session of the General Assembly;
21. Encourages all participating states to support the UN Secretary General's call for the creation of a special rapporteur who would report to the Commission on Human Rights on the compatibility of counter-terrorism measures with international human rights laws.

AMENDMENT TO SUPPLEMENTARY ITEM
ON
TERRORISM AND HUMAN RIGHTS

[Set out text of Amendment here:]

Principal Sponsor:

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