



PRESS RELEASE

THE AFRICAN UNION WELCOMES THE RATIFICATION BY THE REPUBLIC OF MOZAMBIQUE OF THE PROTOCOL TO THE OAU CONVENTION ON THE PREVENTION AND COMBATING OF TERRORISM

Addis Ababa, 23 August 2011: The Chairperson of the Commission of the African Union (AU), Dr Jean Ping, welcomes the deposit by the Republic of Mozambique, on 22 August 2011, of the instrument of ratification of the Protocol to the OAU Convention on the Prevention and Combating of Terrorism.

The Chairperson commends the decision of the Republic of Mozambique to ratify the Protocol, which is a testimony to its strong commitment to the fight against terrorism.

The Chairperson highlights the importance of the Protocol, whose entry into force will greatly enhance the effective implementation of the 1999 OAU Convention on the Prevention and Combating of Terrorism.

The Chairperson therefore seizes the opportunity to urge Member States that have not yet done so, to ratify the Protocol to the OAU Convention on the Prevention and Combating of Terrorism in order to ensure its early entry into force.

Note to the Editors

About the 1999 OAU Convention on the Prevention and Combating of Terrorism and its 2004 Protocol

Africa's efforts to combat terrorism have a long history. In 1992, the Organization of African Unity (OAU), meeting at its 28th Ordinary Session, held in Dakar, adopted a Resolution on the Strengthening of Cooperation and Coordination among African States in which the Organization pledged to fight the phenomena of extremism and terrorism. At its 30th Ordinary Session held in Tunis in June 1994, the OAU adopted the Declaration on the Code of Conduct for Inter-African Relations, in which it rejected all forms of extremism and terrorism, whether under the pretext of sectarianism, tribalism, ethnicity or religion. The Declaration also condemned, as criminal, all terrorist acts, methods and practices, and expressed its resolve to enhance cooperation to combat such acts.

Increasing terrorist activities around the world throughout the 1990s, and particularly in Africa, gave impetus to efforts aimed at developing an adequate legislative framework that complements international instruments and assists African countries in their counter-terrorism efforts. These efforts culminated in the 1999 OAU Convention on the Prevention and Combating of Terrorism adopted by the 35th Ordinary Session of the OAU held in Algiers in July 1999.

The Convention requires that States Parties criminalize terrorist acts under their national laws as defined in the Convention. It defines areas of cooperation among States, establishes State jurisdiction over terrorist acts, and provides a legal framework for extradition as well as extra-territorial investigations and mutual legal assistance. The Convention entered into force in December 2002 and, to date, 40 Member States have ratified it.

In pursuance to Article 21 of the Convention, an additional Protocol was adopted by the 3rd Ordinary Session of the Assembly of the Union, held in Addis Ababa in July 2004. The Protocol provides for adequate measures for the suppression of terrorist financing, human rights protection safeguards, as well as addresses the risks of terrorists acquiring weapons of mass destruction. It also provides for the establishment of an implementation mechanism through which the Peace and Security Council of the African Union shall be responsible for harmonizing and coordinating continental efforts in the prevention and combating of terrorism. The Protocol also contains provisions on the role of the AU Commission and the Regional Mechanisms for Conflict Prevention,

Management and Resolution in the areas of capacity building, promoting regional coordination and cooperation and harmonization of practices among States Parties.

To date, the Protocol has been ratified by 11 States. It will enter into force thirty days after the deposit of the fifteenth instrument of ratification.

About the 2002 AU Plan of Action on the Prevention and Combating of Terrorism

To give concrete expression to the commitments and obligations of Member States under the 1999 Convention, the 2004 Protocol and the other international counter-terrorism instruments, the AU High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, held in Algiers in September 2002, adopted the AU Plan of Action on the Prevention and Combating of Terrorism. The Plan of Action adopts practical counter-terrorism measures that substantially address Africa's security challenges. Under the Plan of Action, Member States are expected, *inter alia*, to:

- enhance their border control capacity, including through the issuing of more secure travel and identity documents and the provision of regular training for immigration, customs and other related officials;
- update and harmonize legal systems, both national and regional, to keep abreast with challenges;
- finalize African extradition and mutual legal assistance instruments;
- suppress the financing of terrorism, including through the strengthening of legislative measures and the establishment of financial intelligence units within Member States;
- enhance the exchange of information and intelligence relating to terrorist groups, entities and individuals, their methods of work and means and source of finance.

About the African Centre for the Research and Study on Terrorism

As part of the implementation of the 2002 Plan of Action, the African Centre for the Study and Research on Terrorism (ACSRT), was established in 2004 in Algiers to serve as

a structure for centralizing information, studies and analyses on terrorism and terrorist groups, and to develop Counter-Terrorism capacity building programmes. The ACSRT also provides a forum for interaction and cooperation among Member States and Regional Mechanisms through their Focal Points.

Recent AU efforts in the Prevention and Combating of Terrorism

Prohibition of the payment of ransom to terrorist groups

As a result of the growing concern by Africa over the phenomenon of the payment of ransom to terrorist groups, the Assembly of the Union, at its 13th Ordinary Session, held in Sirte, from 1 to 3 July 2009, adopted decision Assembly/AU/Dec.256(XIII) to address this situation. In that decision, the Assembly strongly condemned the payment of ransom to terrorist groups in exchange of the release of hostages, stressed that the payment of ransom constitutes one of the main methods of financing international terrorism, reaffirmed the urgent need to consolidate the existing legal arsenal to combat terrorism, and requested the international community to consider the payment of ransom to terrorist groups as a crime. More specifically, the Assembly requested:

- the Security Council to adopt a restrictive resolution against the payment of ransom, building on UN Security Council resolutions 1267(1999) of 15 October 1999 and 1373(2001) of 28 September 2001;
- the United Nations General Assembly to include this issue in its agenda and to initiate negotiations with a view to elaborating a Supplementary Protocol to the 1979 International Convention Against the Taking of Hostages or the 1999 International Convention for the Suppression of the Financing of Terrorism.

Appointment of an AU Special Representative for Counter Terrorism Cooperation

In its decision on the prevention and combating of terrorism adopted at its 15th Ordinary Session, the Assembly, *inter alia*, underscored the need for renewed efforts and increased mobilization to combat the scourge of terrorism, and requested the Commission to initiate appropriate measures to this end. As a follow-up to this decision, the Chairperson of the Commission appointed, on 7 October 2010, Mr. Francisco Caetano Jose Madeira of Mozambique, as his Special Representative in charge of Counter-Terrorism Cooperation and, concurrently, as the Director of the African Centre for the Study and Research on Terrorism. Since his appointment, the Special Representative has been performing a critical role in promoting priorities and advancing

the AU's agenda in the area of counter-terrorism, mobilizing and coordinating international and regional action in the continent.

The African Model Law on Counter Terrorism

As part of the implementation of the 2002 AU Plan of Action on the Prevention and Combating of Terrorism, the African Model Law on Counter Terrorism was presented to the Member States' experts in a meeting held in Algiers from 15 to 16 December 2010. The main purpose of the African Model Law on Counter Terrorism is to promote national implementation of the continental and international instruments for the prevention and combating of terrorism. It will serve as a template that would guide Member States in developing, strengthening and/or updating their existing national laws, to meet their international and regional obligations.

The Peace and Security Council efforts

Furthermore, and as a follow-up to the decision of the 15th Ordinary Session, the Commission submitted a report to the 249th meeting of the Peace and Security Council, on 22 November 2010, outlining a number of recommendations based on the relevant AU and international instruments. The Council encouraged the Commission to pursue and intensify its efforts, with particular attention to capacity building for Member States, and requested the elaboration of an African Arrest Warrant for persons charged with or convicted of terrorist acts.

The Council further decided to present, as part of the Report on its activities and the State of Peace and Security in Africa, regular updates on terrorist activities in Africa and AU's efforts. It also decided to establish, as a subsidiary organ of Council, a Sub-Committee on Counter-terrorism to ensure the implementation of relevant AU and international instruments, prepare, publicize and regularly review a list of persons, groups and entities involved in terrorist acts, in line with the 2002 Plan of Action.