



**Fourth Plenary Assembly**  
Brasilia, Brazil, May 19-21, 2005

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## **Working Group N° 1: Terrorism**

On May 19, 2005, the Working Group on Terrorism met for its first working session at the *Congresso Nacional do Brasil* in the city of Brasilia, under the auspices of the Fourth Plenary Assembly of the Inter-Parliamentary Forum of the Americas (FIPA), with twenty-seven deputies and senators from twelve member countries of the Forum in attendance.

In its first session, the Working Group elected Mexican Senator SILVIA HERNÁNDEZ as its chair.

After the session was formally opened by Senator Hernández, parliamentarians introduced themselves, indicating their positions, names and countries of origin.

Immediately afterwards, Dr. MAURO MIEDICO, an official with the United Nations Office on Drugs and Crime (*UNODC*), gave a presentation on the role of parliaments in the war on terrorism in which he emphasized following:

- The 12 international instruments dealing with terrorism, including their contents;
- The main problems encountered with regard to legislation governing terrorism: the difficulties in drafting a statutory definition of “acts of terrorism” under each country’s laws; the relatively small number of countries that have ratified international conventions; the frequent failure to pass proposed legislation; limited success in harmonizing anti-terrorism laws; and the slow pace of efforts to incorporate international conventions into domestic legislation.

### **1. Working Group Discussion**

During working sessions, the attending parliamentarians participated actively in vigorous discussions resulting in a broad exchange of information and ideas.

There was general agreement on the need for the various member countries of the Forum to work together to combat terrorism, implementing joint measures, coordinating efforts and using each country’s unique capabilities to best advantage.

It was clear that despite the existence of specialized security agencies, a broader view of the policies for combating terrorism is needed, underscoring the vital role that our parliaments must play in drafting

appropriate legislation on both individual and collective security, and thus providing the tools for preventing terrorist acts.

The participating parliamentarians also recognized that terrorism no longer respects political or ideological borders and has spread indiscriminately into virtually every corner of the world. Accordingly, it is a suitable topic for discussion in multilateral forums whose members can work in harmony to develop joint solutions that benefit all parties.

The members were aware that measures proposed by the international organizations are generally not incorporated into the domestic legislation of some countries to the proper extent or with the required speed, either because they are not given priority or due simply to a lack of the political will to do so. There was consensus as well on the need for countries to ratify and implement the international conventions and protocols on terrorism.

In this connection, the representatives from Paraguay, Venezuela, Chile and Brazil gave brief presentations outlining the legislative process for ratification of international treaties in their respective countries.

Attention was drawn as well to the importance of harmonizing anti-terrorism legislation to facilitate prosecution of terrorist acts. This would aid efforts to deal with the complexity of a field that ranges from isolated acts by extremist groups to state-sponsored terrorism.

The member parliamentarians exchanged views on the association between terrorism and transnational crime—drug trafficking, organized crime, money laundering, smuggling of arms and people, kidnapping, etc.—which not only directly supports terrorism but also serves as a source to finance its operations.

A question of particular importance was raised concerning the need to exclude ideological aspects in fighting terrorism since, in the view of some, certain acts of terrorism could be seen as justifiable if perpetrated to advance a noble cause.

Particularly evident was the need for international organization and parliaments to develop closer ties of technical cooperation in combating terrorism.

Before concluding their first working session, the representative parliamentarians noted the vulnerability of those countries that do not have appropriate and up-to-date laws against terrorism since it is precisely this gap in their legal systems that terrorists exploit to carry out their attacks.

For this reason, the participants expressed the need for countries to speed up efforts to pass updated laws and regulations for preventing and combating terrorism, emphasizing as well the importance of ensuring that all countries in the hemisphere not having done so already should accede to and ratify the Inter-American Convention on Terrorism, along with the 12 United Nations conventions and protocols dealing with this scourge.

In the second working session on May 20th, Mr. KEVIN NEWMAYER, Director of Programming for the Inter-American Committee against Terrorism (CICTE) of the Organization of American States (OAS), described the different forms of support available to help countries combat terrorism, including provision

of training for government officials such as those of the judicial and legislative branches. He noted in particular the importance of strengthening efforts to detect money laundering in various secrecy havens, singling out certain islands in the Caribbean that will need to amend their laws in this area.

Next he discussed the question of databanks designed for the purpose of detecting the movements and activities of potential terrorists, as well as the activities of companies linked to terrorism and the personnel who work in their operations. On the down side, he noted that such measures can have negative effects as well including invasion of privacy and curtailment of individual liberties.

In the course of these discussions, the parliamentarians vigorously defended the right of any person to be considered innocent until proven otherwise, for which reason all such investigations must be carried out under the supervision of a judge of competent jurisdiction, and the information used must be lawfully obtained.

Another proposal called for the creation of an international body to deal with cases of terrorism and extradition.

The members were particularly adamant that measures to combat terrorism be carried out within the framework of international law, emphasizing respect for individual guarantees and human rights.

Legislators from several different countries described specific cases of terrorism which, in one way or another, came to be treated as something other than acts of terrorism, with the result that the perpetrators went unpunished.

The Chair of the Working Group on Terrorism pointed out that while FIPA does not produce final declarations, the discussions that take place and the exchange of ideas among representatives is very important so that parliamentarians have a clear perception of these issues.

Finally, the members were again urged to call for combating terrorism in all its forms, including state terrorism.

## 2. Recommendations

*Approved by the Plenary Assembly, May 21<sup>st</sup>, 2005.*

We, parliamentarians of the Americas, recommend to:

1. **Condemn** terrorism in all its forms and whatever the cause, including that sponsored by extremist groups and state terrorism;
2. **Define** terrorist acts as serious offences and crimes against humanity, regardless of when they occur or in which part of the world;
3. **Repeat** the urgent need for ratification, implementation and enforcement of the international instruments for confronting terrorism, particularly the Inter-American Convention against Terrorism, the 12 United Nations Conventions and Protocols, and related resolutions of the UN Security Council;

4. **Incorporate** within each country's domestic legislation those measures proposed by the international organizations for combating and preventing terrorism, while emphasizing respect for individual guarantees and human rights;
5. **Work** to develop common definitions that will permit speedy prosecution of crimes related to terrorism;
6. **Develop** joint activities and cooperative efforts for combating and preventing terrorism, making best use of parliamentary experience in each country.
7. **Strengthen** ties of technical cooperation between the multilateral agencies and our parliaments, especially with the organizations of the United Nations system and the Organization of American States;
8. **Combat** international criminal acts committed by organized crime groups (drug trafficking, money laundering, arms smuggling, kidnapping and trafficking in persons) related to terrorist activities, whether by directly supporting or providing the financing for such activities;
9. **Request** that the Inter-American Committee against Terrorism (CICTE) prepare an information manual containing useful elements that will aid parliamentarians in pushing ratification of international instruments and drafting domestic legislation governing terrorism.

**Mrs. Silvia Hernández,**  
Senator of Mexico  
Chair of the Working Group on Terrorism

**Mr. Sérgio Fernandes Senna Pires**  
Rapporteur

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### **3. Appendix 1 – Participants**

#### **Parliamentarians**

Argentina	Congressman Mauricio Bossa
Argentina	Congresswoman Rosario Romero
Argentina	Congresswoman Margarita Stolbizer
Brazil	Congresswoman Janete Capiberibe
Brazil	Congresswoman Maria José Maninha
Canada	Senator Madeleine Plamondon
Canada	Senator Michel Biron
Chile	Congressman Waldo Mora
Chile	Congressman Ivan Alejandro Moreira Barros
Chile	Senator Jose Garcia Ruminot
Chile	Congressman Luis Ivan Paredes Fierro
Costa Rica	Congressman Mario Calderón Castillo
Cuba	Congressman Tuval Paez Hernández
Ecuador	Congresswoman Ana Lucia Cevallos
Ecuador	Congressman Geovanny Flores
Guatemala	Congressman Gudy Rivera Estrada
Honduras	Congressman Francisco Ramos
Mexico	Congressman Luis Eduardo Espinoza Pérez
Mexico	Congressman Rogelio Flores Mejía
Mexico	Senator Silvia Hernandez Enriquez
Paraguay	Congressman Roberto Espinola
Paraguay	Congressman Alfredo Ratti
Paraguay	Congressman Miguel Saguier Carmona
Paraguay	Senator Milciades Alejandro Velazquez Ugarte
Venezuela	Congresswoman Cilia Flores
Venezuela	Congresswoman Eulogia Pérez
Venezuela	Congresswoman Desiree Santos Amaral

**Experts**

Inter-American Committee against Terrorism, Organization of American States (OAS)	Mr. Kevin Newmeyer
United Nations Office on Drugs and Crime (UNODC)	Mr. Mauro Miedico

**Others**

Embassy of Argentina	Mr. Guillermo Devoto
Embassy of Bolivia	Mr. Apolinar Aguilar
Mexican Delegation	Mr. Mauricio Davila
Venezuelan Delegation	Mrs. Jucondy Quijada

## 4. Appendix 2 – Thematic Agenda and Program

### Working Group N° 1

### Terrorism:

### *Confronting the Threat of Terrorism*

#### **Objective:**

Following the second meeting of FIPA's Special Group on Terrorism, examine the role that parliamentarians could play in fighting terrorism in light of the decisions made at the fifth session of the Inter-American Committee against Terrorism (CICTE).

#### **Key Points in the Debate:**

Given the increasing significance given to the issue of terrorism and the importance of international cooperation in fighting this problem, it is essential that nations in the Americas sign and ratify the Inter-American Convention on Terrorism, as well as the twelve United Nations conventions on this subject. Signature and ratification of the recently adopted international convention on nuclear terrorism must also be considered.

Much remains to be done if we are to harmonize national legislation on these international instruments. National legislation is required in order to fight this scourge and facilitate international cooperation among countries in the hemisphere in combating terrorism, and turn the commitments made in these instruments into concrete action.

#### **Activities:**

The parliamentarians will identify difficulties in ratifying international conventions on terrorism, and will propose mechanisms for expediting this legislative process. They will also share their experiences of efforts to harmonize various nations' legislation in this field, taking into account the connection between terrorism and other security threats.

#### **Speakers:**

- **Mr. Mauro Miedico**, United Nations Office on Drugs and Crime (UNODC)
- **Mr. Kevin Newmeyer**, Inter-American Committee against Terrorism, Organization of American States (OAS)

## Working Group Meeting Terrorism National Congress of Brazil

### Program

#### Thursday, May 19, 2005

3:00-3:10 pm	<b>Welcome and presentation of the program and agenda</b> <i>Senator Silvia Hernández (México)</i> <i>Chair of the Terrorism Working Group</i>
3:10-4:30 pm	<b>Presentations</b> <ul style="list-style-type: none"> <li>▪ <b>Mr. Mauro Miedico</b>, United Nations Office on Drugs and Crime</li> <li>▪ <b>Mr. Kevin Newmeyer</b>, Inter-American Committee against Terrorism, Organization of American States (OAS)</li> </ul> <b>Initiation of discussions</b>
Break	
4:40-4:55 pm	<b>Workshop on the Virtual Parliament of the Americas</b> <i>Ms. Lola Giraldo, FIPA</i>
4:55-6:00 pm	<b>Continuation of discussions</b>

#### Friday, May 20, 2005

11:00am- 13:30pm	<b>Continuation of discussions</b> <b>Elaboration of recommendations</b>
1:00- 3:00 pm	Lunch
3:00- 3:10 pm	Presentation of the Federal Government Procurement Conference of the Americas <i>Mr. Bruce Fox, Canadian Commercial Corporation</i>
3:10- 6:30pm	<b>Finalisation of the recommendations</b> <b>Approval of the final report for presentation to the Plenary</b>

*The Terrorism Working Group wishes to acknowledge the support of:*



**UNITED NATIONS**  
*Office on Drugs and Crime*

**The Inter-American Committee against Terrorism  
 of the Organization of American States (OAS)**