

EXTRADITION OF AND DENIAL OF SAFE HAVEN TO TERRORISTS:
MECHANISMS FOR COOPERATION IN THE FIGHT AGAINST TERRORISM

(Adopted at the fourth plenary session, held on June 6, 2006)

THE GENERAL ASSEMBLY,

HAVING SEEN, with satisfaction, the instruments adopted in the framework of the Organization of American States, as an expression of the political will of member states to strengthen reciprocal cooperation in the fight against terrorism;

RECALLING the Inter-American Convention against Terrorism; resolution RC.23/RES. 1/01 rev. 1 corr. 1, “Strengthening Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism,” adopted at the Twenty-third Meeting of Consultation of Ministers of Foreign Affairs, held in Washington, D.C., on September 21, 2001; and United Nations Security Council resolution 1373 (2001), adopted on September 28, 2001;

REITERATING the commitment undertaken in paragraph 23 of the Declaration on Security in the Americas, to the effect that “[i]n the legal framework referred to in the previous paragraph [paragraph 22], *we shall foster*, in the countries of the Hemisphere, the capacity to prevent, punish, and eliminate terrorism. We shall strengthen the Inter-American Committee against Terrorism and bilateral, subregional, and hemispheric cooperation, through information exchange and the broadest possible mutual legal assistance to prevent and suppress the financing of terrorism, prevent the international movement of terrorists, without prejudice to applicable international commitments in relation to the free movement of people and the facilitation of commerce, and ensure the prosecution, in accordance with domestic law, of those who participate in planning, preparing, or committing acts of terrorism, and those who directly or indirectly provide or collect funds with the intention that they should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts. We undertake to identify and fight new terrorist threats, whatever their origin or motivation, such as threats to cyber security, biological terrorism, and threats to critical infrastructure”;

UNDERSCORING the importance of cooperation among law enforcement authorities and of international cooperation on criminal matters, including mutual legal assistance and extradition, in the fight against terrorism, as well as the importance of observing the international instruments adopted by member states, in particular the Inter-American Convention against Terrorism and the instruments referred to in its Article 2;

RECALLING that the Fifth Meeting of the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V) reaffirmed that “the damage caused and the threat posed by the different types of transnational organized crime and terrorism, to our citizens and to our democracies and the economic and social development of our states, make it necessary and urgent to continue to strengthen and enhance mutual legal and judicial cooperation at the hemispheric level, as well as to enact laws, procedures, and new mechanisms, if they have not done so, to enable them to combat these crimes effectively”;

REAFFIRMING that the fight against terrorism must be waged with full respect for the law, human rights, due process, and democratic institutions, so as to preserve the rule of law, freedoms, and democratic values in the Hemisphere; and

REAFFIRMING ALSO that all member states have a duty to ensure that all measures adopted to combat terrorism, including extradition, are in compliance with their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law,

RESOLVES:

1. To urge all member states of the Organization of American States (OAS) to comply fully with their obligations as established in the relevant instruments adopted to combat terrorism to which they are party, in particular the applicable provisions regarding the provision of mutual legal assistance and the extradition of anyone participating in the planning, preparation, financing, or commission of terrorist acts or, where appropriate, the attempted commission of said offenses.

2. To urge all member states to prosecute and, as appropriate, extradite, in accordance with their domestic laws and relevant treaties and conventions, anyone participating in the planning, preparation, commission, or financing of terrorist acts or, where appropriate, the attempted commission of said offenses.

3. To exhort member states to adopt as applicable, in conformity with Articles 12 and 13 of the Inter-American Convention against Terrorism, appropriate measures in accordance with the pertinent provisions of domestic and international law to ensure that neither refugee status nor asylum is granted to persons in respect of whom there are reasonable grounds for considering that they have committed an offense established in the international instruments listed in Article 2 of the aforementioned Convention.

4. Also to urge member states to deny, in accordance with United Nations Security Council resolution 1373 (2001), safe haven to those who finance, plan, support, or commit terrorists acts, or provide safe haven.

5. In the implementation of this resolution, member states shall take into consideration Article 15.2 of the Inter-American Convention against Terrorism, which states: "Nothing in this Convention shall be interpreted as affecting other rights and obligations of states and individuals under international law, in particular the Charter of the United Nations, the Charter of the Organization of American States, international humanitarian law, international human rights law, and international refugee law."

6. To support the efforts and work of the member states and the organs, agencies, and entities of the OAS, carried out in accordance with the mechanisms established to combat terrorism.

7. To ratify the recommendations of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V) by continuing to consider actions to build up hemispheric legal cooperation in the matter of extradition, including temporary extradition when appropriate, in keeping with national legislation, and to proceed with the preparation of the sections on mutual legal and judicial cooperation of a hemispheric plan of action to fight transnational organized crime and terrorism, including measures for administration of cases by the requesting state so as not to overburden the requested state.

8. To welcome the recommendations regarding extradition of the Second Meeting of Central Authorities and Other Experts on Mutual Assistance in Criminal Matters, held in Brasilia, Brazil, from September 1 to 3, 2005, which were endorsed by REMJA-VI, in particular the recommendation that cooperation in this field be effective, efficient, and diligent.

9. To urge member states to ensure, in the framework of their international commitments, that no one who is extradited shall be subjected to human rights violations or to cruel, inhuman, or degrading punishment.