

Protocol to the OAU Convention on the Prevention and Combating of Terrorism (2004/2014)

Adopted in Addis Ababa, Ethiopia on 8 July 2004. The Protocol entered into force on 2 July 2014. Full text available at www.au.int

Excerpts

We, the Heads of State and Government of the member states of the African Union;

Gravely concerned at the increasing incidence of terrorist acts worldwide, including in Africa, and the growing risks of linkages between terrorism and mercenarism, weapons of mass destruction, drug trafficking, corruption, transnational organised crimes, money laundering, and the illicit proliferation of small arms;

Determined to combat terrorism in all its forms and manifestations and any support thereto in Africa;

Aware of the capabilities of the perpetrators of terrorist acts to use sophisticated technology and communication systems for organising and carrying out their terrorist acts;

Bearing in mind that the root causes of terrorism are complex and need to be addressed in a comprehensive manner;

Convinced that acts of terrorism cannot be justified under any circumstances;

Determined to ensure Africa's active participation, co-operation and co-ordination with the international community in its determined efforts to combat and eradicate terrorism;

Guided by the principles and regulations enshrined in international conventions and the relevant decisions of the United Nations (UN) to prevent and combat terrorism, including resolution 1373 adopted by the Security Council on 28 September 2001, and the relevant General Assembly resolutions;

Reaffirming our commitment to the OAU Convention for the Elimination of Mercenarism in Africa, adopted in Libreville, Gabon, in July 1977;

Reaffirming our commitment to the Code of Conduct for Inter-African Relations adopted by the thirtieth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU) held in Tunis, Tunisia, from 13 to 15 June 1994;

Reaffirming our commitment to the OAU Convention on the Prevention and Combating of Terrorism adopted by the 35th OAU Summit in Algiers, Algeria, in July 1999;

Recalling the Dakar Declaration against terrorism adopted by the African Summit meeting, held in Dakar, Senegal, in October 2001;

Further recalling the Plan of Action for the Prevention and Combating of Terrorism adopted by the Intergovernmental High Level meeting of member states of the African Union, held in Algiers, Algeria, in September 2002;

Considering the Constitutive Act of the African Union, as well as the Protocol Relating to the Establishment of the Peace and Security Council of the African Union adopted by the Inaugural Summit of the Union in Durban, South Africa, in July 2002;

Reiterating our conviction that terrorism constitutes a serious violation of human rights and a threat to peace, security, development, and democracy;

Stressing the imperative for all member states of the African Union to take all necessary measures to protect their populations from acts of terrorism and to implement all relevant continental and international humanitarian and human rights instruments; and

Desirous of ensuring the effective implementation of the OAU Convention on the Prevention and Combating of Terrorism.

HEREBY AGREE as follows:

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Article 3: Commitments by states parties

1. States parties commit themselves to implement fully the provisions of the Convention. They also undertake, among other things, to:

(a) take all necessary measures to protect the fundamental human rights of their populations against all acts of terrorism;

(b) prevent the entry into, and the training of terrorist groups on their territories;

(c) identify, detect, confiscate and freeze or seize any funds and any other assets used or allocated for the purpose of committing a terrorist act, and to establish a mechanism to use such funds to compensate victims of terrorist acts or their families;

(d) establish national contact points in order to facilitate the timely exchange and sharing of information on terrorist groups and activities at the regional, continental and international levels, including the co-operation of States for suppressing the financing of terrorism;

(e) take appropriate actions against the perpetrators of mercenarism as defined in the OAU Convention for the Elimination of Mercenarism in Africa, adopted in Libreville, in 1977, and other relevant applicable international instruments;

(f) strengthen national and regional measures in conformity with relevant continental and international conventions and treaties, to prevent the perpetrators of terrorist acts from acquiring weapons of mass destruction;

(g) co-operate with the international community in the implementation of continental and international instruments related to weapons of mass destruction;

(h) submit reports to the PSC on an annual basis, or at such regular intervals as shall be determined by the PSC, on measures taken to prevent and combat terrorism as provided for in the Convention, the AU Plan of Action and in this Protocol;

(i) report to the PSC all terrorist activities in their countries as soon as they occur;

(j) become parties to all continental and international instruments on the prevention and combating of terrorism; and

(k) outlaw torture and other degrading and inhumane treatment, including discriminatory and racist treatment of terrorist suspects, which are inconsistent with international law.

2. States parties shall implement the provisions of paragraph 1 above on the basis of all relevant African and international conventions and treaties, in conformity with article 22 of the Convention.

Article 4: Mechanism for implementation

The Peace and Security Council (PSC) shall be responsible for harmonising and coordinating continental efforts in the prevention and combating of terrorism. In pursuing this endeavour, the PSC shall:

(a) establish operating procedures for information gathering, processing and dissemination;

- (b) establish mechanisms to facilitate the exchange of information among states parties on patterns and trends in terrorist acts and the activities of terrorist groups and on successful practices on combating terrorism;
- (c) present an annual report to the Assembly of the Union on the situation of terrorism on the Continent;
- (d) monitor, evaluate and make recommendations on the implementation of the Plan of Action and programmes adopted by the African Union;
- (e) examine all reports submitted by states parties on the implementation of the provisions of this Protocol; and
- (f) establish an information network with national, regional and international focal points on terrorism.

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