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DRAFT
INTERNATIONAL CONVENTION
FOR THE
PREVENTION OF
INCITEMENT TO TERROR

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- New Challenges, New Responses”

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INTRODUCTION

Incitement of a particular community – whether in religious institutions, through the education system in kindergartens, schools, colleges and universities, through state and private political machinery and more recently, incitement and manipulation of the general community through the electronic media - has become one of the major tactical weapons in the arsenal of certain governments terror organizations and societies in advocating terror, violence and hatred.

Similarly, and no less powerful, the growing trend to officially glorify terrorists through posting their pictures in classrooms, dedicating streets or public squares to such terrorists, and repeatedly airing songs and videos glorifying such people, clearly constitutes an integral component of the more subtle usage of incitement to manipulate the mindset of the public.

But while such incitement in the past, prior to the era of mass media and the internet, had been relatively local in scope and largely restricted to specific communities of mosque attendees at Friday morning prayers, the industry of mass usage of the incitement weapon to manipulate and influence millions has now become a realistic and caustic weapon. Spreading unfounded rumors by word of mouth from village to village is no longer necessary when weapons like Al-Jazeera, and social networking have the capability to incite millions through net messaging televised images and nuanced reporting, all intended to rouse anger and hatred among a public that has the capacity and propensity to be incited and to turn to violence and terror, all this with the ostensible blessing of the religious or political authority instigating the incitement.

While some in Western societies might in the past have preferred to look down on localized incitement as an acceptable trait of religious culture in non-democratic, archaic, or feudal societies, and even as a form of freedom of expression in democratic societies, **the international community can no longer dismiss modern incitement as such.**

In the context of the Arab-Israel conflict, as observed by Professor Robert S. Wistrich, Professor of Jewish History at the Hebrew University of Jerusalem and Head of the Vidal Sassoon International Center for the Study of Anti-Semitism, popular and influential mass media bring this kind of incendiary incitement daily into countless homes; TV stations, including Al-Jazeera, reinforce on a regular basis the image of a demonic Israel that not only criminally murders defenseless Arab children, but deliberately spreads drugs, deadly viruses, vice, and prostitution into the Arab world or tries to poison Palestinian food and water.

The Protocols of the Elders of Zion, the most notorious anti-Semitic fabrication in history, has long been a best-seller in the Moslem world. In 2002 it was “dramatized” for Egyptian television in a multimillion-dollar blockbuster series, “*Horseman without a Horse*,” that was screened during the Ramadan festival. No less appalling, a year later, was the hideously anti-Semitic Syro-Lebanese TV series “Al-Shattat (the Diaspora),” which included revolting scenes reconstructing the “blood libel” calumny as if it were a normal Jewish ritual practice. Indeed, the medieval European myth that Jews murder Christian children and use their victims’ blood for Passover matzot is extensively propagated and widely believed in the Arab world.

While the international community has attempted to deal with the various forms of international terror through a series of international counter-terror conventions adopted over the years, constitutional provisions for freedom of speech in national legislation and have restricted serious discussion of prohibiting or criminalizing incitement to terror through some form of international instrument.

Perhaps the most pertinent international instrument that deals with the scourge of incitement to terror is UN Security Council Resolution 1624 (2005) which may be seen to be indicative of the opinion of the international community. This resolution, in its preambular paragraphs, refers to the need to condemn in the strongest terms incitement of terrorist acts and to repudiate attempts at the justification or glorification of terrorist acts that may incite further terrorist acts. It expresses concern that “incitement of terrorist acts motivated by extremism and intolerance poses a serious and growing danger to the enjoyment of human rights, threatens the social and economic development of all States, undermines global stability and prosperity, and must be addressed urgently and proactively by the United Nations and all States”.

More importantly, the resolution emphasizes the need to take all necessary and appropriate measures in accordance with international law at the national and international level to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to prohibit by law incitement to commit a terrorist act or acts and to prevent such conduct, and to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct.

The Resolution calls upon states to “continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters”.

The United Nations Global Counter-Terrorism Strategy, adopted as a resolution by the UN General Assembly in September 2006, in its annexed Plan of Action, addressed the issue of incitement, expressing determination “To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct.”

The draft international convention proposed in this paper represents an effort to move forward from the above resolutions, with a view to placing before the international community a draft instrument that attempts to address specifically the issue of incitement and to criminalize it in international law.

Alan Baker, Ambassador

Director, Institute for Contemporary Affairs, Jerusalem Center for Public Affairs

DRAFT INTERNATIONAL CONVENTION FOR THE PREVENTION OF INCITEMENT TO TERROR¹

(PP1) *Having* in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good-neighbourliness and friendly relations and cooperation among States,²

(PP2) *Deeply concerned* by the worldwide escalation of acts of terrorism in all its forms and manifestations, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,³

(PP3) *Reaffirming* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,⁴ including incitement thereto.

(PP4) *Reaffirming* also that terrorism, including any incitement thereto, cannot and should not be associated with any religion, nationality, civilization or ethnic group,⁵

(PP5) *Noting* that existing multilateral legal provisions do not adequately address incitement to acts of terror,⁶

(PP6) *Recognizing* that incitement to terror as set forth in this Convention, as well as acts of terror resulting from such incitement, by whoever perpetrated, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and recalling the obligation of all Parties to prevent such offenses and, if not prevented, to prosecute and ensure that they are punishable by penalties that take into account their grave nature;⁷

1 This draft convention is based on several international conventions and resolutions dealing with various aspects of international terror, as well as on legal articles and drafts regarding terrorism that have been suggested over the years. Where possible, the author has indicated in footnotes the source of the particular provision of this convention. Changes and adaptations have been included in order to meet the needs of incitement to terror in light of technological developments in the era of the internet and electronic information transfer. For ease of reference, the preambular paragraphs are listed as PP...

2 Based on first preambular paragraph (PP1) of the International Convention on the Suppression of Terrorist Bombings http://www.nti.org/e_research/official_docs/inventory/pdfs/aptbomb.pdf; (hereinafter "TB") and PP1 of the International Convention for the Suppression of the Financing of Terrorism (hereinafter "FT").

3 TB PP2, FT PP2, Draft International Convention on the Suppression of Terrorism [ICST] PP4

4 The United Nations Global Counter-Terrorism Strategy, (A/RES/60288/), PP7

5 Ibid PP8

6 Terrorist bombing convention (see footnote 1) at PP8

7 Council of Europe Convention on the Prevention of Terrorism, 2005, PP6

(PP7) *Deeply concerned* that incitement of terrorism, as well as acts of terror resulting from such incitement, by whomever perpetrated, motivated by extremism and intolerance pose a serious and growing danger to the enjoyment of human rights, threaten the social and economic development of all States, undermine global stability and prosperity, and must be addressed urgently and proactively by the United Nations and all States, and emphasizing the need to take all necessary and appropriate measures in accordance with international law at the national and international level to protect the right to life,⁸

(PP8) *Expressing concern* over the rise in recent years of acts of incitement to hatred, which have targeted and severely affected racial and religious communities and persons belonging to racial and religious minorities, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources;⁹

(PP9) *Reaffirming* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, shall be prohibited by law¹⁰.

(PP10) *Recalling* that the Plan of Action adopted as an Annex to the United Nations Global Counter Terrorism Strategy (A/RES/60/288 dated 20 September 2006), dealing with measures aimed at addressing the conditions conducive to the spread of terrorism, calls upon States “to continue to work to adopt such measures as may be necessary and appropriate and in accordance with our obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct”¹¹.

(PP11) *Recalling* the right to freedom of expression reflected in Article 19 of the Universal Declaration of Human Rights adopted by the General Assembly in 1948 (“the Universal Declaration”), and recalling also the right to freedom of expression in Article 19 of the International Covenant on Civil and Political Rights adopted by the General Assembly in 1966 (“ICCPR”) and that any restrictions thereon shall only be such as are provided by law and are necessary on the grounds set out in paragraph 3 of Article 19 of the ICCPR¹²,

(PP12) *Recalling* also that the International Covenant on Civil and Political Rights, states inter alia that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”;¹³

(PP13) *Recalling also* that the International Convention on the Elimination of All Forms of Racial Discrimination mandates states to “declare an offense punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence and incitement to such acts against any race or group of persons of another color or ethnic origin”;¹⁴

8 *ibid* PP 5

9 Outcome document of the Durban Review Conference 2009 http://www.un.org/durbanreview2009/pdf/Durban_Review_outcome_document_En.pdf para. 68

10 *Ibid* para. 13

11 *Ibid* Article 1, para. 4

12 Based on UN Security Council Resolution 1624(2005), PP6

13 ICCPR Article 20, Section 2

14 CERD Article 4

(PP14) *Condemning* in the strongest terms the incitement of terrorist acts and repudiating attempts at the justification or glorification (*apologie*) of terrorist acts that may incite further terrorist acts,¹⁵

(PP15) *Deeply concerned* by the increasing number of victims, especially among civilians of diverse nationalities and beliefs, caused by terrorism and by incitement to terrorism motivated by intolerance or extremism in various regions of the world, reaffirming its profound solidarity with the victims of terrorism and their families, and stressing the importance of assisting victims of terrorism and providing them and their families with support to cope with their loss and grief,¹⁶

(PP16) *Re-emphasizing* that continuing international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent incitement to the indiscriminate targeting of different religions and cultures, and addressing unresolved regional conflicts and the full range of global issues, including development issues, will contribute to strengthening the international fight against terrorism,¹⁷

(PP17) *Stressing* the importance of the role of the media, the internet, civil and religious society, the business community and educational institutions in those efforts to enhance dialogue and broaden understanding, and in promoting tolerance and coexistence, and in fostering an environment that is not conducive to incitement of terrorism,¹⁸

(PP18) *Recognizing* the importance that, in an increasingly globalized world, States act cooperatively to prevent terrorists from exploiting sophisticated technology, communications, internet, social networking and other resources to incite to, and support for acts of terror,¹⁹

(PP19) *Recalling* that all States must cooperate fully in the fight against terrorism, in accordance with their obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of, and incitement to terrorist acts or provides safe havens,²⁰

(PP20) *Calling* upon all States to take such measures as may be necessary and appropriate and in accordance with their obligations under international law to prohibit by law incitement to commit a terrorist act or acts, and further calling upon all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters²¹;

Have agreed as follows:

15 UNSC Res 1624 of Sept. 14, 2005, PP4

16 Ibid PP9

17 Ibid PP12

18 Ibid PP13, with the addition of the reference to the internet

19 Ibid PP14, with the addition of the reference to the internet

20 Ibid PP15

21 UNSC Res 1624 of Sept. 14, 2005 operative paragraph 1.

ARTICLE 1

1. Any person commits an offense within the meaning of this Convention if that person unlawfully and intentionally incites others to commit an act of terror.²²
2. Direct or indirect incitement to commit an act of terror shall be considered to be an international crime.
3. For the purposes of this convention, “incitement to commit an act of terror” means directly or indirectly calling upon, provoking, urging, instigating, encouraging, advocating, or persuading others, whether groups of persons, members of the population or the public at large, to initiate, organize, participate or engage in an act, or acts of terror against any person, group of persons or members of any religious, national or ethnic group, where such conduct, whether or not directly advocating terrorist offenses, causes a danger that one or more such offenses may be committed.²³
4. An offense within the meaning of this Convention includes incitement by the following methods:
 - a. speeches, shouting or threats uttered orally in public places or at public gatherings,²⁴
 - b. sale or dissemination, offer for sale or display of written material or printed matter in public places or at public gatherings through the public display of placards or posters,
 - c. use of the mass media, television, radio²⁵, internet or any other means of communication, including by employing broadcasts, publications, drawings, images, or speeches,²⁶
 - d. public vilification or disparagement of a target group with the aim of instigating, causing, bringing about or provoking terror or violence against that group, where

22 Based on Article 2(1) of the Terrorist Bombings Convention

23 Based *inter alia* on the crime of “public provocation to commit a terrorist offense” as defined in the 2005 European Framework Convention, Article 5(1), (2).

24 Sub paras. a. and b. are based on Article 91(4) of the Rwandan Penal Code as quoted in para. 553 of the Akayesu Judgement, ICTR-964--T

25 Incitement through use of radio or media broadcasts appears in several UN Security Council resolutions including SC Res. 837(1993) of 6 June 1993 preambular para. 10, operative para. 5; Security Council Res1040(1996) of 29 January 1996 operative para.4; SC Res. 1049(1996) of 5 March 1996 preambular para. 5, operative paras. 3, 5; SC Res. 1161(1998) of 9 April 1998 operative para.5; SC Res. 1296(2000) of 19 April 2000 operative para. 17; SC Res. 1565(2004) of 1 October 2004 operative para. 17, SC Res. 1572(2004) of 15 November 2004 preambular para. 5; SC Res. 1738(2006) of 23 December 2006 operative para. 4. In all these resolutions, the Security Council referred expressly to ‘radio broadcasts’, ‘media broadcasts’, ‘incitement by radio stations’ and ‘use of the media’. SC Res. 1417 [2002] of 14 June 2002 operative para. 5 refers to the events of 14 May 2002, when a group of soldiers took control of the Kisangani local radio station RTNC and aired declarations inciting the population to insurrection and murder on an ethnic basis, against Rwandans.

26 Based on the definition of incitement in the Encyclopedia of the US Holocaust Memorial Museum, Washington D.C., last updated April 1, 2010 D:/users/alan/documents/incitement to genocide in international law.mht and the discussion on the definition of incitement to terror in Yael Ronen INCITEMENT TO TERRORIST ACTS UNDER INTERNATIONAL LAW Research Paper No. 1509- August 2009 Published by the International Law Forum of the Hebrew University of Jerusalem Law Faculty, at page 20

such incitement creates a danger that such an act or acts of terror may be committed.

1. Any person also commits an offense if that person attempts or participates as an accomplice in the commission of an act of incitement to terror as set forth in this article.
2. Any person also commits an offense if that person:
 - a. Provides funds or resources, directly or indirectly, to enable, assist, encourage or reward an act of incitement to terror as set forth in this article, or provides financial or other compensation to those involved in the commission of an act of incitement; or
 - b. In any other way contributes to the commission of an act of incitement as set forth in this article.

ARTICLE 2

Each state party shall adopt such measures as may be necessary:

- a. To establish as criminal offenses under its domestic law the offenses set forth in Article 1 of this Convention;
- b. To make those offenses punishable by appropriate penalties which take into account the grave nature of those offenses²⁷.

ARTICLE 3

Each State Party shall ensure that the establishment, implementation and application of the criminalization of incitement to commit an act of terror, provocation and other terrorism-related offenses, are carried out while respecting human rights obligations, in particular the right to freedom of expression, freedom of association and freedom of religion, and other obligations under international law.²⁸

ARTICLE 4

Each State Party shall adopt such measures as may be necessary including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.²⁹

ARTICLE 5

For an act to constitute an offense as set forth in Article 1 of this Convention, it shall not be necessary that a terrorist offense be actually committed.³⁰

²⁷ TB Art 4, ICST Art 3

²⁸ 2005 European Framework Convention, Article 12(1).

²⁹ Based on Article 5 of the Terrorist Bombings Convention, Article 6 of the Terrorist Financing Convention and the Draft International Convention on the Suppression of Terrorism (DICST)

³⁰ 2005 European Framework Convention, Article 8

ARTICLE 6

1. States Parties shall refrain from organizing, instigating, facilitating, financing, assisting, participating or acquiescing, encouraging or tolerating activities in territories under their jurisdiction which may involve incitement to terror as set forth in Article 1.
2. States Parties shall also take all measures within their power, in conformity with the purposes and principles of the Charter of the United Nations and other relevant rules of international law, to prevent and impede any form of incitement to terror that may be carried out in the territory of another state.
3. States parties shall also refrain from any kind of activities or expressions which condone, glorify, support, reward, or justify acts of incitement to terror as set forth in article 1, and shall take all measures within their power, including the adopting of necessary criminal legislation, to ensure that educational, religious, media and other public and private bodies, agencies, organizations and persons within their territorial jurisdiction, do not engage in any activity or expression that is tantamount to incitement to terror.³¹

ARTICLE 7

1. Each State party shall take such measures as may be necessary to establish its jurisdiction over acts of incitement to terror as set forth in article 1 when:
 - a. The offense is committed in the territory of that state or on board a vessel flying its flag or an aircraft registered therein; or
 - b. The offense is committed by a national of that state.³²
2. A state party may also establish its jurisdiction over any act of incitement to terror when:
 - a. The offense is committed against a national of that state
 - b. the offense is committed against a facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or
 - c. the offense is committed by a stateless person who has his or her habitual residence in the territory of that State; or
 - d. the offense is committed in an attempt to compel that State to do or abstain from doing any act; or
3. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offenses set forth in article 1 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the State Parties that have established their jurisdiction in accordance with paragraph 1 or 2.

³¹ ICST Art 5

³² TB Art 6; TF Art 7; ICST Art 9

4. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

ARTICLE 8

1. Upon receiving information that a person who has committed or who is alleged to have committed an act of incitement to terror as set forth in Article 1 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.
2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.
3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled to:
 - a. communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;
 - b. be visited by a representative of that State;
 - c. be informed of that person's rights under subparagraphs (a) and (b).
4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.
5. The provisions of paragraphs 3 and 4 shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 7, to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.
6. When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 6, and, if it considers it advisable, any other interested States Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The State that makes the investigation contemplated in paragraph 1 shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.³³

³³ TB Art. 7; TF Art. 9; ICST Art. 6

ARTICLE 9

1. The State Party in the territory of which the alleged offender is present shall, in cases to which Article 8 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offense was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offense of a grave nature under the law of that State.³⁴
2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of that person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

ARTICLE 10

1. Incitement to acts of terror as set forth in Article 1 shall be deemed to be included as extraditable offenses in any extradition treaty existing between any of the State Parties before the entry into force of this Convention. States Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be subsequently concluded between them.
2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offenses set forth in Article 1. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize acts of incitement to terror as set forth in Article 1 as extraditable offenses between themselves, subject to the conditions provided by the law of the requested State.
4. If necessary, the offenses set forth in Article 1 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with Article 5, paragraphs 1 and 2.
5. The provisions of all extradition treaties and arrangements between States Parties with regard to offenses set forth in Article 1 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.³⁵

³⁴ TB Art. 8; TF Art 10; ICST Art. 10

³⁵ TB Art. 8; TF Art. 11; ICST Art. 8

ARTICLE 11

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.³⁶

ARTICLE 12

None of the offenses set forth in Article 1 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offense inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offense may not be refused on the sole ground that it concerns a political offense or an offense connected with a political offense inspired by political motives.³⁷

ARTICLE 13

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offenses set forth in Article 1 or for mutual legal assistance with respect to such offenses has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, or political opinion, or that compliance with the request would cause prejudice to that person's position for any of these reasons.³⁸

ARTICLE 14

1. With a view to enhancing coordination and cooperation between States in order to maximize the effort to deal with and to counter incitement to terror, the States Parties to this Convention hereby agree to transmit information concerning incitement to terror to the United Nations Security Council Committee on Terrorism established and functioning pursuant to the Council's resolution 1373.³⁹
2. States Parties shall cooperate in the prevention of incitement to terrorism by providing to the Security Council Committee, and exchanging between themselves, accurate and verified information in accordance with their national law, and coordinating administrative and other measures taken as appropriate to prevent incitement to acts of terror.

³⁶ TB Art. 9; TF Art. 12; ICST Art. 7

³⁷ TB Art. 11; TF Art. 14

³⁸ TB Art. 12; TF Art. 15

³⁹ <http://www.un.org/News/Press/docs/2001/sc7158.doc.htm> and <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N0143/557//PDF/N0155743.pdf?OpenElement>

ARTICLE 15

Nothing in this Convention shall affect other rights, obligations and responsibilities of States, including the right of self-defense, under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.⁴⁰

ARTICLE 16

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiations within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.⁴¹
2. Each State may the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.
3. Any State which has made a reservation in accordance with paragraph 2 may, at any time, withdraw that reservation by notification to the Secretary-General of the United Nations.

ARTICLE 17

1. This Convention shall be open for signature by all States from until at the United Nations Headquarters in New York.
2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.⁴²

ARTICLE 18

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the fifteenth instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.
2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the fifteenth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.⁴³

40 TB Art. 19; TF Art. 21

41 TB Art. 20; TF Art. 24

42 TB Art. 21; TF Art. 25

43 TB Art. 22; TF Art. 26

ARTICLE 19

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.⁴⁴

ARTICLE 20

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.⁴⁵

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at on

⁴⁴ TB Art. 23; TF Art. 28

⁴⁵ TB Art. 24; TF Art. 28



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