

AFRICAN UNION

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**AFRICAN UNION HIGH-LEVEL
INTER-GOVERNMENTAL MEETING ON THE
PREVENTION AND COMBATING OF
TERRORISM IN AFRICA**

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**PLAN OF ACTION OF THE
AFRICAN UNION HIGH-LEVEL INTER-GOVERNMENTAL MEETING ON
THE PREVENTION AND COMBATING OF TERRORISM IN AFRICA**

PLAN OF ACTION OF THE AFRICAN UNION
FOR THE PREVENTION AND COMBATING OF TERRORISM

I. PREAMBLE

1. Member States of the African Union have long espoused the need to counter terrorism at both the individual and collective levels. This concern led to the adoption of the Convention on the Prevention and Combating of Terrorism by the 35th Assembly of Heads of State and Government of the Organization of African Unity in Algiers in July 1999.

2. In the Dakar Declaration against Terrorism, adopted by the African Summit of October 2001, Member States reaffirmed their unequivocal rejection of terrorism. The Declaration recognized the destructive effects of terrorism, and the obstacle it poses to development and stability on the African Continent.

3. Eradicating terrorism requires a firm commitment by Member States to pursue common objectives. These include: exchange of information among Member States on the activities and movements of terrorist groups in Africa; mutual legal assistance; exchange of research and expertise; and the mobilization of technical assistance and cooperation, both within Africa and internationally, to upgrade the scientific, technical and operational capacity of Member States.

4. Joint action must be taken at the inter-governmental level. This includes: coordinating border surveillance to stem illegal cross-border movement of goods and persons; developing and strengthening border control-points; and combating the illicit import, export and stockpiling of arms, ammunition and explosives. These actions would assist in curbing terrorist networks' access to Africa. Informal and illegal channels for the transfer of funds and goods used to finance and support terrorism must be closed.

5. The concerted response reflected in this Plan of Action is situated in the context of the provisions contained in the Constitutive Act establishing the African Union, particularly the principles enunciated in Article 4, and in the operationalization of the New Partnership for Africa's Development (NEPAD) and the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA).

6. Severe conditions of poverty and deprivation experienced by large sections of the African population provide a fertile breeding ground for terrorist extremism. Few African governments are in a position, on their own,

to marshal the requisite resources to combat this threat. Pooling resources, therefore, is essential to ensure the effectiveness of counter-terrorism measures.

7. Terrorism is a violent form of transnational crime that exploits the limits of the territorial jurisdiction of States, differences in governance systems and judicial procedures, porous borders, and the existence of informal and illegal trade and financing networks.

8. The implementation of the Algiers Convention is urgent, given Africa's vital role in the global struggle against terrorism, and its international legal obligations in terms of the United Nations Security Council Resolution 1373.

9. This Plan of Action is intended to give concrete expression to these commitments and obligations, to enhance and promote African countries' access to appropriate counter-terrorism resources through a range of measures establishing a counter-terrorism co-operation framework in Africa. To this end, Member States of the African Union hereby agree to take the measures detailed hereunder, in the spirit of the Constitutive Act of the African Union, particularly Articles 9(e) and 23(2) thereof, on monitoring implementation of the policies and decisions of the Union.

II. GENERAL PROVISIONS

10. Member States undertake to:

- a. sign, ratify and fully implement the Algiers Convention on the Prevention and Combating of Terrorism and, where necessary, seek the assistance of other Member States or the international community to amend national legislation so as to align such legislation with the provisions of this Convention;
- b. sign, ratify and fully implement all relevant international instruments concerning terrorism and, where necessary, seek assistance for amendments to national legislation so as to comply with the provisions of these instruments;
- c. encourage interaction amongst various institutional players engaged in counter-terrorism and terrorism prevention activities, namely: legislative authorities; security forces; judicial authorities; financial authorities; investigative authorities, police, border surveillance and customs authorities; the military; civil protection services etc.;

- d. take into consideration the intimate relationship between terrorism and related scourges such as drug trafficking, illicit proliferation and trafficking of small arms and light weapons, corruption and money laundering – all of which are variants of transnational organized crime; and
- e. promote policies aimed at addressing the root causes of terrorism, in particular poverty, deprivation and marginalization. To this end, steps should be taken for the speedy establishment of the World Solidarity Fund referred to in UN General Assembly Resolution 55/210 adopted on 20 December 2001, and the decisions of the World Summit on Sustainable Development held in Johannesburg from 26 August to 4 September 2002.

III. SPECIFIC PROVISIONS

A. Police and Border Control

- 11. Member States undertake to:
 - a. enhance border control and surveillance, as well as the necessary means to prevent the forgery and falsification of travel and identity documents;
 - b. ensure that identity documents contain advanced security features that protect them against forgery;
 - c. issue machine-readable travel documents that contain security features which protect them against forgery;
 - d. keep a Passport Stoplist containing information of individuals whose applications would require special attention or who may not be issued with travel documents;
 - e. check applications against the Passport Stoplist and the population register before the document is issued;
 - f. develop and upgrade the regulations governing border control and security procedures including land, sea and air exit and entry points so as to curb infiltration and promote co-operation among police agencies having due regard for relevant provisions of relevant regional and continental agreements on the free movement of persons and goods;

- g. computerize all points of entry in order to monitor the arrival and departure of all individuals;
- h. inspect all passports for authenticity, acceptability and prior endorsement;
- i. provide regular training to immigration officials with regard to the profiling of travelers and the verification of the authenticity of documents;
- n. ensure that an asylum seeker is not involved, directly or indirectly, in terrorism related activities prior to granting asylum to the concerned person; and
- o. expedite the finalization and adoption of the draft Convention on Extradition and the draft Convention on Mutual Legal Assistance.

B. Legislative and Judicial Measures

- 12. Member States undertake to:
 - a. amend, where necessary, national laws relating to bail and other criminal procedural issues so as to give effect to the requirements of expeditious investigation and prosecution of those involved directly or indirectly in the crime of terrorism. These measures should include issues such as the protection of witnesses, access to dockets and information, and special arrangements on detention and access to hearings;
 - b. harmonize the standards and procedures regarding proof for terrorism-related crimes;
 - c. promote specialized training and reinforce the capacities of the judiciary;
 - d. harmonize legal frameworks pertaining to the prevention and combating of terrorism;
 - e. improve knowledge of the legal institutions of Member States, such as the judiciary and the different levels of jurisdiction, and facilitate access to these institutions within the framework of official proceedings initiated by Member States;
 - f. conclude extradition and mutual legal assistance agreements, where necessary, and adopt the legislation that would enable Member States to cooperate effectively;

- g. identify, if need be, the national authorities for processing extradition and mutual legal assistance requests and, where necessary, establish mechanisms to ensure coordination between competent national authorities in this regard;
- h. review existing extradition and mutual legal assistance legislation, and adapt such legislation with a view to ensuring effective and expeditious handling of extradition and mutual legal assistance requests;
- i. simplify and streamline extradition and mutual legal assistance procedures, including the provision of sufficient information to the concerned States, to enable extradition and mutual legal assistance, as well as explore new arrangements for the transfer of criminal proceedings;
- j. give effect to the principle of systematic extradition to the State where the terrorist act has been perpetrated and ensure, in conformity with international law, that claims of political motivation are not recognized as grounds for refusing requests for the extradition of persons directly or indirectly involved in the commission of terrorist acts. If a Member State does not extradite an alleged terrorist, it should take measures to prosecute the person so accused;
- k. make provision in the national laws of Member States, for the establishment of jurisdiction over persons accused of terrorist acts, in conformity with relevant international obligations;
- l. for purposes of criminal responsibility, place the mastermind, the apologist, the accomplice, the instigator and the sponsor of a terrorist act on the same pedestal as the perpetrator of such an act;
- m. describe, in national legislation, a terrorist act as a particularly serious crime, and establish levels of punishment proportionate to the gravity of such acts; and
- n. take adequate measures to prevent and outlaw the printing, publication and dissemination, by one or several persons residing on the territory of any Member State, of news items and press releases initiated by apologists of terrorist acts which are prejudicial to the interest and security of any other Member State.

C. Suppressing the Financing of Terrorism

13. Member States undertake to:
- a. operationalize the International Convention for the Suppression of the Financing of Terrorism (1999), which criminalizes the act of financing terrorism and makes it mandatory to take all measures to detect, identify and freeze or seize any funds used or allocated for the purpose of committing terrorist acts;
 - b. carry out a stringent control of funds belonging to individuals, enterprises or organizations suspected of financing terrorist groups. Make it mandatory for financial institutions and other business entities to alert competent authorities in the event of movements of capital suspected of being linked to terrorism;
 - c. introduce legislation to criminalize the financing of terrorism and money laundering;
 - d. ensure that financial institutions in Africa take reasonable measures to obtain information about the true identity of the person or institution on whose behalf an account is opened or being operated;
 - e. put an end to the keeping of anonymous accounts or accounts in obviously fictitious names. Financial institutions should be required to identify such accounts, on the basis of official or reliable identifying documents, and record the identity of their clients, either occasional or casual, when establishing business relations or conducting fiduciary transactions, renting safe deposit boxes or performing large cash transactions;
 - f. regulate the public collection of funds and ensure that the proceeds are not used to finance terrorism;
 - g. confiscate movable and immovable assets intended for the financing of terrorist acts, and which may give shelter to terrorist groups and elements, and access to their support networks;
 - h. establish financial intelligence units in Member States in accordance with the recommendations of international financial institutions and, where necessary, seek bilateral, regional or international assistance;

- i. train personnel in charge of preventing and combating money laundering, with international technical assistance where necessary; and
- j. cooperate with International Financial Institutions for the development of a global, comprehensive, Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) methodology and assessment process.

D. Exchange of Information

14. Member States undertake to:
- a. enhance exchange of information and intelligence on:
 - i. the activities and criminal acts of terrorist groups as well as their regroupement and training camps; their means and sources of finance; the weapons, types of arms, ammunitions and explosives used, and other attack, massacre and destruction devices; and
 - ii. the communication and propaganda devices used by terrorist groups, their methods of work and means of travel as well as travel documents used, and steps that should be taken to counter the falsification and forgery of identity and travel documents.
 - b. enhance intelligence exchange, training and capacity-building (with the assistance of INTERPOL), including basic and improved specialized training for staff in charge of combating terrorism;
 - c. identify individuals, groups and entities engaged in terrorist activities, including those who encourage and support such individuals, groups or entities financially or by other means, and take action under appropriate national laws against such individuals, groups and entities;
 - d. share lessons learnt and experience gained on counter-terrorist tactics;
 - e. establish a common Terrorism Activity Reporting (TAR) schedule as data collection instrument on names of identified organizations, persons, places and resources by Member States. The TAR should then provide the source information

to the content of an AU database that shall provide timely exchange of information, experience and lessons learnt on counter terrorism tactics over a secured electronic network*;

- f. facilitate exchange of experience and lessons learnt on counter-terrorism tactics, including evaluation of emergency communication and response systems;
- g. establish or develop anti-terrorist units and provide them with access to specific equipment and the requisite training to enhance the efficiency of their counter-terrorism units, particularly in matters of intervention, protection and detection;
- h. establish a register within the Departments, responsible for processing travel documents, to ensure that such documents are only issued to those persons entitled thereto; and
- i. encourage access to specialized training and capacity-building in counter-terrorism operations relying on the resources available in Africa and internationally.

E. Coordination at Regional, Continental and International Levels

15. Member States undertake to:
- a. establish contact points at regional level to follow-up and liaise on matters relating to implementation of the Plan of Action; and
 - b. prepare model legislation and guidelines to assist Member States to adapt their legislation to the provisions of the relevant African Union and international instruments.

F. Role of the Peace and Security Council (PSC)

16. Under Article 7 of the Protocol relating to the Establishment of the Peace and Security Council of the African Union, the Peace and Security Council is charged to, among other things, ensure the implementation of the Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions and instruments, and harmonize and coordinate efforts at regional and continental levels to combat

* The delegation of Nigeria submitted a Terrorism Activity Reporting Format to the Commission during the meeting for the consideration by member states in the future.

international terrorism. It is understood that pending the entry into force of the Peace and Security Council the Central Organ shall assume responsibilities for all matters relating to terrorism. The Peace and Security Council shall:

- a. prepare, publicize and regularly review a list of persons, groups and entities involved in terrorist acts. The list shall be drawn up on the basis of precise information or material proof from Member States and other sources that indicate that a decision has been taken by a competent authority in respect of the persons, groups and entities concerned. To this end, the Council shall make appropriate contacts with Member States as well as non-Member States on all matters relating to terrorism and the activities of terrorist groups;
- b. request all Member States, on an annual basis, to report on the steps taken to prevent and combat terrorism and, where appropriate, on the implementation of the Algiers Convention;
- c. present an annual report to the Assembly of the Union on the situation in the continent as far as terrorism is concerned; and
- d. monitor and make recommendations on the implementation of this Plan of Action.

G. Role of the Commission

17. The Commissioner in charge of Peace and Security shall be entrusted with the task of following-up on terrorist related matters, as provided for under the Statutes of the Commission of the African Union.

18. The Commissioner, who will be assisted by professional staff, shall, inter alia:

- a. examine the reports submitted by Member States in relation to paragraph 16.b. of the Plan of Action;
- b. review and make recommendations to update the Plan of Action;
- c. provide advice on matters pertaining to counter-terrorism action including preparation of model legislation and guidelines to assist Member States; and
- d. follow-up with Member States and any other States on decisions taken by the Peace and Security Council and other organs of the Union on terrorism and activities of terrorist groups.

H. African Center for the Study and Research on Terrorism

19. Member States undertake to establish an African Center for Study and Research on Terrorism in Algiers, Algeria.

20. The African Center for the Study and Research on Terrorism shall serve to centralize information, studies and analyses on terrorism and terrorist groups and develop training programs by organizing, with the assistance of international partners, training schedules, meetings, and symposia.

21. Member States request the Commission to submit proposals on the modalities for the establishment of the Center, including the financial aspects.
