

International Convention for the Suppression of the Financing of Terrorism *(New York, 9 December 1999)*

OBJECTIVES

The objective of the Convention is to enhance international cooperation among States in devising and adopting effective measures for the prevention of the financing of terrorism, as well as for its suppression through the prosecution and punishment of its perpetrators.

KEY PROVISIONS

Any person commits an offence within the meaning of the Convention if that person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or with the knowledge that they are to be used, in full or in part, to carry out any of the offences described in the treaties listed in the annex to the Convention, or an act intended to cause death or serious bodily injury to any person not actively involved in armed conflict in order to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act. Any person also commits such an offence if that person attempts to commit an offence as set forth above or participates as an accomplice in an offence, organizes or directs others to commit an offence or contributes to the commission of such an offence by a group of persons acting with a common purpose. For an act to constitute an offence, it is not necessary that funds were actually used to carry out an offence as described above. The provision or collection of funds in this manner is an offence whether or not the funds are actually used to carry out the proscribed acts. The Convention does not apply where an act of this nature does not involve any international elements as defined by the Convention.

The Convention requires each State party to take appropriate measures, in accordance with its domestic legal principles, for the detection and freezing, seizure or forfeiture of any funds used or allocated for the purposes of committing the offences described. The offences referred to in the Convention are deemed to be extraditable offences and States parties have obligations to establish their jurisdiction over the offences described, make the offences punishable by appropriate penalties, take alleged offenders into custody, prosecute or extradite alleged offenders, cooperate in preventive measures and countermeasures, and exchange information and evidence needed in related criminal proceedings. The offences referred to in the Convention are deemed to be extraditable offences between States parties under existing extradition treaties and under the Convention itself.

ENTRY INTO FORCE

The Convention entered into force on 10 April 2002, the thirtieth day following the date of deposit of the twenty-second instrument of ratification, acceptance, approval or accession (article 26).

HOW TO BECOME A PARTY TO THE CONVENTION

The Convention is closed for signature. It is subject to ratification, acceptance or approval by signatory States. The Convention is open to accession by any State (article 25).

OPTIONAL AND/OR MANDATORY DECLARATIONS AND NOTIFICATIONS

Upon ratifying, accepting, approving or acceding to the Convention, a State party which is not a party to a treaty listed in the annex to the Convention may declare that, in the application of the Convention to the State party, the treaty shall be deemed not to be included in the annex referred to. Such declaration ceases to have effect as soon as the treaty enters into force for the State party, which shall notify the depositary of this fact (article 2(2)(a)).

When a State party ceases to be a party to a treaty listed in the annex to the Convention, it may make a declaration referred to in article 2(2)(a), with respect to that treaty (article 2(2)(b)).

Pursuant to article 7(2), a State party may establish additional jurisdiction over offences under the Convention when the offence is committed under certain circumstances. Upon ratification, acceptance, approval or accession to the Convention, each State party shall notify the Secretary-General of the jurisdiction it has established in accordance with article 7(2) (article 7(3)).

The State party where an alleged offender is prosecuted shall, in accordance with its domestic law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General (article 19).

RESERVATIONS

The Convention is silent with regard to reservations. Pursuant to article 24(2), States may declare that they do not consider themselves bound by article 24(1), according to which disputes among States parties relating to the interpretation or application of the Convention which are not settled by negotiation will be submitted to arbitration and, failing agreement on the organization of the arbitration six months after the date of the request for arbitration, to the International Court of Justice (article 24).

WITHDRAWAL/DENUNCIATION

Any State party may denounce the Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall take effect one year following the date on which notification is received by the Secretary-General (article 27).