

# CENTRAL AFRICAN ECONOMIC AND MONETARY COMMUNITY

## Convention on the Fight against Terrorism in Central Africa<sup>1</sup>

*Done at Libreville on 27 May 2004.*

*Entry into force: In accordance with article 7*

*Depositary: The Gabonese Republic*

The Council of Ministers,

*Having regard* to the Treaty establishing the Central African Economic and Monetary Community (CEMAC) of 16 March 1994 and the Addendum thereto of 26 July 1996 concerning the Community's legal and institutional system,

*Having regard* to the Convention governing the Central African Economic Union,

*Having regard* to Regulation No. 11/99-UEAC-025-CM-02 on the rules for the organization and functioning of the Council of Ministers,

*Having regard* to CEMAC Additional Act No. 9 of 14 December 2000 making the Central African Police Chiefs Committee (CCPAC) a specialized organ of the Community,

*Considering* that cooperation on criminal police matters among the States of Central Africa will help to ensure that the goals of CEMAC are achieved in conditions of security,

*Bearing in mind* the international environment, the recurrent threats of terrorism and the need to prevent and combat the phenomenon of terrorism in all its forms and manifestations in Central Africa,

*On the proposal* of the Executive Secretary,

*Having consulted* the Inter-State Committee,

At its meeting on 5 February 2005

Hereby adopts

The following Regulation:

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<sup>1</sup> Regulation No. 08/05-UEAC-057-CM-13 to which the Convention is attached was signed in Libreville, 7 February 2005

### *Article 1*

The Convention between the States members of the Central African Police Chiefs Committee on the Fight against Terrorism, annexed hereto, is hereby adopted.

### *Article 2*

The present Regulation shall enter into force on the date of its signature and shall be published in the Official Gazette of the Community.

Libreville, 7 February 2005

President

Paul Toungui

## CONVENTION BETWEEN THE STATES MEMBERS OF THE CENTRAL AFRICAN POLICE CHIEFS COMMITTEE ON THE FIGHT AGAINST TERRORISM

### PREAMBLE

The Government of the Republic of Cameroon,  
The Government of the Central African Republic,  
The Government of the Republic of Chad,  
The Government of the Republic of the Congo,  
The Government of the Democratic Republic of the Congo,  
The Government of the Republic of Equatorial Guinea,  
The Government of the Gabonese Republic,  
The Government of the Democratic Republic of Sao Tome and Principe,  
Hereinafter referred to as “the States Parties”,

Considering the Agreement on Cooperation on Criminal Police Matters between the States of Central Africa,

Considering the Statute and the rules of procedure of the Central African Police Chiefs Committee (CCPAC),

*Considering* the Treaty establishing the Central African Economic and Monetary Community (CEMAC),

*Considering* the Cooperation Agreement between the Economic and Monetary Community of Central Africa and the International Criminal Police Organization-INTERPOL of 26 March 2001,

*Considering* CEMAC Additional Act No. 9 of 14 December 2000 making CCPAC a specialized organ of the Community,

*Considering* the Extradition Agreement between the States members of CEMAC,

*Considering* the Agreement on Judicial Cooperation between the States members of CEMAC,

Considering the Regulation on the Prevention and Suppression of Money-Laundering and of the Financing of Terrorism in Central Africa,

Bearing in mind the provisions of the Charter of the United Nations, the Constitutive Act of the African Union and all other international treaties and agreements to which the States Parties are signatories,

Bearing in mind the international environment and the recurrent threats of terrorism,

Determined to effectively prevent and combat terrorism in all its forms and manifestations in Central Africa,

*Hereby agree as follows:*

## CHAPTER 1: DEFINITIONS AND SCOPE

### *Article 1: Definitions*

Under the present Convention:

1. “State Party” means a State member of the Central African Police Chiefs Committee (CCPAC), as defined in the Agreement on Cooperation on Criminal Police Matters between the States of Central Africa and the Statute of CCPAC, or a State that has expressed its consent to be bound by the present Convention.

2. “Terrorist act” means:

(a) Any act or threat that is a violation of the criminal laws of a State Party and that may endanger the life, physical integrity or freedom of a person or group of persons or that causes or may cause damage to public or private property, natural resources, the environment or cultural heritage and is intended:

(i) To intimidate or provoke terror or to force, coerce or induce any government, body or institution, or the general public or any segment thereof, to do or abstain from doing any act or to adopt or abandon a particular position or to act according to certain principles; or

(ii) To disrupt the normal functioning of public services or the delivery of essential services to the public or to create a public emergency; or

(iii) To create general insurrection in a State Party;

(b) Any promotion, financing, contribution, order, aid, incitement, encouragement, attempt, threat, conspiracy, organization or pro-

curement by any person with the intent to commit any act referred to in subparagraph (a) (i) to (iii).

### *Article 2: Scope*

The present Convention shall apply to all the States Parties; its purpose shall be to prevent and suppress all terrorist acts as defined in article 1, paragraph 2, above, including the offences referred to in the international legal instruments listed below, apart from exclusions mentioned in the laws of the States Parties:

- The Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)
- The Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970)
- The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971) and the additional protocol thereto (Montreal, 1988)
- The Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)
- The International Convention against the Taking of Hostages (1979)
- The United Nations Convention on the Law of the Sea (1982) and the United Nations Convention against Transnational Organized Crime and the Protocols thereto
- The Organization of African Unity Convention on the Prevention and Combating of Terrorism.

## CHAPTER 2: COUNTER-TERRORISM MEASURES AND COOPERATION MEASURES

### *Article 3: Measures to combat terrorist offences*

In order to combat the terrorist threat in a coordinated and effective manner, the States Parties shall:

1. Use all means to prevent, in their respective territories, the preparation, financing and commission of terrorist acts or the establishment of organizations considered by the United Nations to be terrorist organizations;

2. Prohibit, in their territories, all forms of propaganda for or advocacy of crime in general and terrorism in particular and all forms of support for terrorist organizations, as referred to in subparagraph 1 above;

3 Implement the CEMAC Regulation on the Prevention and Suppression of Money-Laundering and of the Financing of Terrorism in Central Africa;

4. Establish, within each State Party, special operational units and strengthen the existing arrangements with regard to roads, national maritime areas and airspace, in accordance with each Party's border control and protection procedures;

5. In the case of States that have not yet done so, adapt their domestic laws to the current context of international crime, taking into account the phenomenon of terrorism, which is at increasing risk of spreading in Africa;

6. Initiate specialized training programmes for the staff of authorities responsible for combating terrorism;

7. Initiate any action that may contribute to the effective implementation of the present Convention.

#### *Article 4: Cooperation to combat terrorist offences*

In order to combat terrorist offences effectively, the States Parties shall, in accordance with their domestic laws and procedures:

1. Provide each other, through their competent authorities, with all forms of assistance set out in the CEMAC Agreement on Mutual Legal Assistance, the Agreement on Cooperation on Criminal Police Matters between the States of Central Africa and any other legal instrument in force among them;

2. Establish, through the Central African Police Chiefs Committee (CCPAC), a joint databank relating to persons under investigation for terrorism and terrorist groups, movements and organizations, as referred to in article 2 above;

3. Detain and bring before their competent courts persons who have committed or attempted to commit terrorist offences as defined above;

4. Extradite to the requesting State the perpetrators of terrorist offences, in accordance with the CEMAC Extradition Agreement or any other agreements to which the requesting State and the requested State are parties;

5. Hand over, from police force to police force, subject to the agreement of the competent judicial authorities, persons detained in connection with terrorism and also objects (arms, ammunition, explosives, vehicles, procedural files or documents, judicial acts or decisions) seized during such procedures, in accordance with the relevant provisions of the Agreement on Cooperation on Criminal Police Matters between the States of Central Africa and the provisions of the Extradition Agreement

between the States members of CEMAC and the Agreement on Judicial Cooperation between the States members of CEMAC;

6. Establish effective cooperation between the counter-terrorism authorities and the public;

7. Guarantee the right to defence, making assistance to suspects mandatory;

8. Promote a policy and culture of assistance to victims of terrorism;

9. Exchange all information concerning terrorist offences that have been committed or are in preparation in the territory of a State Party;

10. Conduct studies and research on terrorism, share the results and exchange experiences regarding the prevention of this form of crime.

### CHAPTER 3: MUTUAL LEGAL ASSISTANCE

#### *Article 5: Extradition of criminals*

1. In accordance with article 4, paragraph 2, above, each State Party shall extradite any individual who is wanted for a terrorist offence and whose extradition is requested by any other State Party.

2. The extradition of persons under investigation for terrorism shall be effected in accordance with the CEMAC Extradition Agreement, multilateral or bilateral agreements, and the relevant domestic rules and procedures of each State concerned. However, extradition may not take place:

(a) If the individual whose extradition is sought is a national of the requested State. In such cases, the requesting State may request that the individual be prosecuted in the requested State;

(b) If, before the submission of the extradition request, the requested State has already begun an investigation or judicial proceedings in the same case;

(c) If the case has already been tried and an enforceable court decision has been handed down in the requested State or in another State Party;

(d) If, at the time of transmission of the extradition request to the requested State, the individual whose extradition is sought is serving a sentence for another conviction. In such cases, the individual shall not be extradited until the end of his or her sentence;

(e) If the act in question is not an offence in the requested State;

(f) If an amnesty has been granted to an individual who has committed one or more offences in the requesting State.

3. Where the individual whose extradition is sought is under investigation for or has been convicted of another offence in the requested State, his or her extradition must be deferred until the

investigation is completed or the sentence has been served. In such circumstances, the requested State may extradite the individual temporarily to the requesting State for the purposes of an investigation, provided that the individual is returned before the enforcement of the sentence that has been imposed in the requested State.

4. Under the present Convention, persons under investigation for terrorism may be extradited only if the offence is punishable by imprisonment for a term of at least one year under the law of both States concerned.

#### *Article 6: Representation in legal proceedings*

1. Each State Party may ask any other State Party to represent it in any legal proceedings initiated following the commission of a terrorist offence, in particular to:

- (a) Hear witnesses;
- (b) Produce legal documents;
- (c) Carry out inspections and confiscations;
- (d) Conduct interviews and examine evidence;
- (e) Obtain necessary documents or records or certified true copies of such documents or records.

2. Pursuant to the provisions of the present Convention, acts carried out through legal representation have the same executory value as if they were carried out by the competent authorities of the State that has requested representation.

### CHAPTER 4: FINAL PROVISIONS

#### *Article 7: Entry into force*

The present Convention shall enter into force upon completion by the States Parties of the formalities required under their domestic law and notification through diplomatic channels of the completion of those formalities by at least five (05) States Parties to the Gabonese Republic, the depositary State of the present Convention.

#### *Article 8: Amendments*

1. Any State Party may submit proposed amendments or revisions to the present Convention. Such proposals must be sent to the depositary State, which shall make them known to the other Parties.

2. Proposed amendments or revisions shall be considered by the Forum of Ministers of Security.

3. Proposed amendments or revisions must be approved by at least two thirds of the States Parties. These amendments or revisions shall enter into force in the manner set forth in article 7 above.

*Article 9: Withdrawal*

1. The provisions of the present Convention are hereby accepted by the States Parties, and no Party may withdraw without submitting written notification to the depositary State, which shall inform the other States Parties.

2. Withdrawal shall take effect only after the expiration of a period of six (06) months from the date of the notification mentioned in the preceding paragraph.

*Article 10: Settlement of disputes*

Any dispute arising from the application or interpretation of the present Convention shall be settled by negotiation between the Parties.

IN WITNESS WHEREOF the undersigned have signed the present Convention in three (3) original copies in the English, French and Spanish languages, all three (3) texts being equally authentic.

DONE at Libreville on 27 May 2004

The Government of the Republic of Cameroon

The Government of the Central African Republic

The Government of the Republic of Chad

The Government of the Republic of the Congo

The Government of the Democratic Republic of the Congo

The Government of the Republic of Equatorial Guinea

The Government of the Gabonese Republic

The Government of the Democratic Republic of Sao Tome and Principe