

International Convention for the Suppression of Terrorist Bombings,

New York, 15 December 1997

Objectives

The Convention expands the existing legal framework for international cooperation in the investigation, prosecution, and extradition of persons who engage in terrorist activities by establishing a regime of universal jurisdiction to punish the crime of terrorist bombings.

The aim of the Convention is to provide a uniform mechanism for ensuring a consistent global application of the penalization of the offences set forth in the Convention. It provides that each State party must adopt such measures as may be necessary to establish as a criminal offence under its domestic law such offences and to make those offences punishable by appropriate penalties that take into account the grave nature of the offences. Furthermore, there is an obligation to establish the offences under the Convention as criminal offences under a State party's domestic law where they are intended or calculated to provoke a state of terror in the general public.

Key Provisions

State parties to the Convention are required to criminalize, under their domestic laws, the unlawful and intentional use of explosives and other lethal devices in, into or against various defined public places with intent to cause death or serious bodily injury, or with intent to cause extensive destruction of a public place. Furthermore, State parties are required to extradite or submit for prosecution persons accused of committing or aiding in the commission of such offences.

The Convention also covers attempts to commit the offence defined therein, as well as contributions to the commission of the offence by a group of persons acting with a common purpose.

The Convention does not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other

State has a basis for exercising jurisdiction.

The scope of the Convention extends beyond bombing attacks *strictu sensu* since it encompasses attacks with "explosive or other lethal devices". In addition, the Convention includes a wider range of potential targets than in prior terrorism conventions by including references to Government or infrastructure facilities, public transportation systems and any places of public use.

The provisions of the Convention are not applicable to military activities during armed conflict, nor to military activities within the exercise of the official duties of the military but not during armed conflict.

As regards the jurisdiction over the offences, the Convention sets out a system of mandatory and discretionary jurisdiction. A State must take measures to establish the necessary jurisdiction in the event that an alleged offender is not extradited to a State with jurisdiction. The Convention does not exclude the exercise of any criminal jurisdiction established by a State party in accordance with its domestic law. The Convention also prohibits the exercise of extraterritorial enforcement jurisdiction.

One of the core provisions of the Convention covers the principle of extradition or prosecution, whereby a State party that does not extradite an alleged offender is obliged to proceed with the prosecution at the domestic level.

The Convention also provides that the offences established therein are deemed to be extraditable in any existing extradition treaty prior to the entry into force of the Convention and that they are to be included in future extradition treaties. In cases where a State party makes extradition conditional upon the existence of a treaty and another State party requests an extradition when there is no extradition treaty in force, then the Convention may be considered as a legal basis for the extradition. Offences under the Convention shall be recognized as extraditable offences between State Parties in cases where extradition is not conditional on the existence of a treaty.