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Measures to eliminate international terrorism

Swiss Statement

presented by
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Mr. Chairman

Switzerland firmly condemns terrorism in all its forms and manifestations, whoever the perpetrators are and whatever the locations and the purpose. Likewise, Switzerland firmly believes in the full observance of the rule of law, human rights law and international humanitarian law while countering terrorism. Ultimately, respect for international law within and outside armed conflict not only makes counter-terrorism more legitimate but also more effective.

Mr. Chairman

This year, we commemorate the tenth anniversary of the 9/11 attacks against the Twin Towers and the Pentagon. The United Nations have come a long way in responding to terrorism around the globe since 2001. The Global Counter-Terrorism Strategy of the United Nations of 2006 provides a comprehensive framework for a coherent international response to terrorism. The Counter Terrorism Implementation Task Force, bringing together 31 international entities, is an institution designed to bring the four pillars of the strategy to bear across the board of United Nations activities.

And yet, it still remains the unfulfilled responsibility of this Committee to heed the call of the final outcome document of the 2005 World Summit and the UN Global Counter-Terrorism Strategy to conclude a Comprehensive Convention on International Terrorism. The successful conclusion of our negotiations would underscore the role of the General Assembly as the principle organ whose legitimacy is universally recognized and which has unique authority in setting standards, including in the area of combating terrorism.

Mr. Chairman

We commend the efforts of our Coordinator, Mrs. Maria Telalian, for her 2007 compromise proposal. The draft Convention is a criminal law enforcement instrument that establishes individual criminal responsibility. Article 2 of the proposal provides a very detailed definition of terrorism, where the elements of the crime are clearly described. This is the long-sought after, long-eluded definition of terrorism in international law, which forms the basis for the cooperation to counter terrorism that the Convention seeks to promote. Article 3, at the heart of the compromise proposal, carefully explains the relationship between the Convention and other branches of international law. The integrity of international humanitarian law is preserved. At the same time, under international humanitarian law, acts of terrorism committed during an armed conflict will almost always constitute war crimes. As with the Convention, the obligation arises to ensure accountability of perpetrators. Likewise, the activities of military forces of a State outside of an armed conflict remain under the scrutiny of international criminal law and human rights law, giving rise to similar duties to prosecute offenders. In conclusion, it would seem that the problems associated with the 2007 draft Convention are often overstated while its advantages have not been appreciated.

Mr. Chairman

Switzerland continues to believe that the approach taken by the Coordinator's proposal is the only one forward. The number of delegations that have indicated their willingness to go along with the 2007 proposal has grown steadily, and seems to continue to grow. This would imply that we are reaching a point where outstanding issues, in particular those on substance, could be fruitfully discussed within our Working Group, and that preparations for such discussion within the Working Group could be undertaken today. In short, Switzerland reiterates its interest in entering a substantive discussion on the Convention and to seek creative ways how the present negotiations can be brought to an end. In this vein, we also recall our proposal, presented a year ago, to combine the conclusion of the Convention with the other item within the mandate of the Working Group, the high-level conference under the auspices of the United Nations.

Thank you.