

28 September 2012

JOINT COMMENTARY OF FRANCE, GERMANY AND ITALY
ON
THE PROGRESS REPORT ON HUMAN RIGHTS AND ISSUES RELATED TO
TERRORIST HOSTAGE-TAKING
(A/HRC/AC/9/CRP.1)

France, Germany and Italy generally share the views of the Advisory Committee on the importance of the fight against global terrorism and its human rights violating implications. Nevertheless, further clarifications are necessary.

Concerning the study on human rights and issues related to terrorist hostage-taking, France, Germany and Italy share the view that there is a need to adopt a more victim-oriented approach when adopting policies and more specific measures in the fight against it and to strengthen the international cooperation against terrorism. However, some of the proposals contained in the progress report do not seem to be covered by the mandate the Advisory Committee was given by the Human Rights Council in Resolution 18/10. In particular, the proposal to draft a new international instrument on this matter seems at least premature, as the Advisory Committee has merely been asked for "an assessment of the adequacy of the response contained in existing international human rights instruments", but not for proposals how to address a situation where this assessment came to a negative conclusion.

There is no consensual UN language on the criminalisation of ransom payments, which do not account for a crime under the provisions of the International Convention for the Suppression of the Financing of Terrorism. Hence, France, Germany and Italy cannot support any statement, conclusion or recommendation that calls for the adoption of international rules on this issue, whose controversial and complex nature is acknowledged by the progress report itself.