



COVITE
COLECTIVO DE VÍCTIMAS DEL TERRORISMO EN EL PAÍS VASCO

Assembly of States Parties to the Rome Statute
Eighth session The Hague 18-26 November 2009

Terrorism International Crime

Mr President,

COVITE, (Collective of Victims of Terrorism in the Basque Country) proposes to amend the Statute of Rome to include terrorism in the list of crimes within the jurisdiction the International Criminal Court in the occasion of the Review Conference in 2010.

COVITE welcomes the Proposal of the Netherlands on the inclusion of the Crime of Terrorism in the Rome Statute.

COVITE is an association of victims of terrorist organisations mainly of ETA, born in 1998 to denounce institutional neglect, vindicate victims' rights and eliminate areas of **impunity** for terrorists.

Terrorism is a **singularly reprehensible crime** for three main reasons:

1. The **exemplary nature of the terrorist action**. Terrorism threatens large segments of a population through the implementation of an **exemplary** and **selective** violence.
2. The **dehumanization of the victim**. For terrorists human life is a simple means to reach a collective achievement of a presumed superior character.
3. Terrorism attempts to undermine democratic structures and societies. What terrorists can not get through a democratic way, becomes an aim linked to terror.



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There are **two legal ways** to include terrorism in the Rome Statute that COVITE includes in its technical report and puts at the representatives disposal:

1. To include terrorism as a new and **independent international crime** of Article 5
2. To include Terrorism as a particular offence among **international crimes against humanity**, of article 7

The Convenience of the Proposal

The proposed amendment is in accordance with the universal persistence of terrorism, which afflicts the entire international community as a major security problem and with Resolution E of the Conference of Rome which recommended a review conference to include Terrorism in the list of crimes within the jurisdiction of the Court.

COVITE proposes that a **Special Working Group on the Crime of Terrorism** would be assembled.

The haunting definition problem will need to be confronted. Defining terrorism is filled with difficulties political rather than legal. COVITE puts forward the definition provided in the Security Council Resolution 1566¹ of «Acts of terrorism» as acts committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act”.

To include the crimes of terrorism within the jurisdiction of the International Criminal Court has multiple advantages: it would avoid impunity, it would guarantee the non-applicability of statute of limitations for the crimes of terrorism, it would ensure the right of victims in the application of Justice, it would reinforce the international position and role of victims of terrorism.

The victims of terrorism who have rejected the vengeance defend the need for international improvement of a universal justice that recognizes and protects them in the deep dimension of their victimization.

Thank you Mr President

¹ Resolution 1566 (2004) of 8 October 2004, paragraph 3 adopted by the Security Council acting under Chapter VII of the Charter of the United Nations