

Translated from French

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991);
- International Convention for the Suppression of Terrorist Bombings (1997);
- International Convention for the Suppression of the Financing of Terrorism (New York, 1999);
- International Convention for the Suppression of Acts of Nuclear Terrorism;
- United Nations Convention against Transnational Organized Crime, known as the Palermo Convention (15 November 2000), and its three additional protocols, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition;
- Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, in 2003;
- Protocol to the OAU Convention on the Prevention and Combating of Terrorism.

In August 2016, a high-level awareness and consultation workshop on the importance of combating money-laundering and the financing of terrorism was organized by the Common Market for Eastern and Southern Africa in collaboration with the Ministry of Justice, the Ministry of Commerce and the Ministry of Economy. During the same period, Madagascar ratified the Convention on Extradition and Mutual Legal Assistance in Counter-terrorism, known as the Rabat Convention.

Madagascar is constantly developing bilateral cooperation agreements on criminal matters, including mutual legal assistance and extradition agreements with other countries. Act No. 2017-027 of 29 January 2018 on international cooperation in criminal matters is also in force.

In addition, Madagascar has developed a legal arsenal to combat terrorist acts, methods and practices and transnational organized crime in order to protect itself against and repress these phenomena and to benefit from international cooperation in this area. The legislation includes:

Report on the status and implementation of the agreements relating to international terrorism ratified by Madagascar and on the efforts made to implement General Assembly resolution 50/53 of 29 January 1996, entitled Measures to eliminate international terrorism

Background

Terrorism is constantly evolving and continues to represent a global threat. It undermines international peace and security, destroys societies and destabilizes entire regions. It is an affront to the common values enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. No country, including Madagascar, is immune to this threat. Terrorism is a transnational threat that no Government or organization can combat alone; multilateral and concerted action at the national, regional, subregional and global levels is needed.

Madagascar has implemented Security Council resolution 1373 (2001) and other relevant United Nations resolutions against terrorism, including Security Council resolution 1267 (1999). These resolutions, adopted under Chapter VII of the Charter of the United Nations, are binding and thus have a binding force on all States Members of the United Nations. They essentially recommend that Member States criminalize terrorist incidents and acts in their national legislation.

Initial efforts have been made in this regard. At the international level, Madagascar has ratified many international legal counter-terrorism instruments. At the national level, Act No. 2014-005 of 17 July 2014 on combating terrorism and transnational organized crime, which is described in more detail in the “Legal framework” section below, was adopted, and the national steering structure for combating terrorism and transnational organized crime was established by Decree No. 2015-050 of 3 February 2015.

In July 2015, experts from the Counter-Terrorism Committee Executive Directorate came to Madagascar to conduct a country assessment mission. A seminar was organized for this purpose. This was not the first visit of experts from the Executive Directorate to the island (a mission was previously conducted in 2008). At the end of the mission, the Executive Directorate included additional information and updates in its report. According to the Executive Directorate, Madagascar is one of the countries at risk. To tackle this threat, the Prime Minister at the time, Jean Ravelonarivo, stated that “it is time to take preventive measures not only to ensure the security of the country, but also to prevent the situation from deteriorating, especially since the prevention of terrorism and transnational organized crime underpins national stability”.

Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

At the regional level, Madagascar ratified the Organization of African Unity Convention on the Prevention and Combating of Terrorism and the Protocol thereto and the Convention on Extradition and Mutual Legal Assistance in Counter-terrorism, known as the Rabat Convention.

Madagascar is constantly developing bilateral cooperation agreements on criminal matters, including mutual legal assistance and extradition agreements. Act No. 2017-027 of 29 January 2018 on international cooperation in criminal matters is also in force.

In addition, Madagascar has developed a legal arsenal to combat terrorist acts, methods and practices and transnational organized crime in order to protect itself against and repress these phenomena and to benefit from international cooperation in this area. The legislation includes:

6¹. Act No. 2014-005 of 17 July 2014 on combating terrorism and transnational organized crime, which is one of the first instruments adopted with a view to including the international conventions against terrorism and transnational organized crime ratified by Madagascar in domestic legislation, addressing developments in terrorist activities and their transnational nature, and meeting the needs of international cooperation. Under Act No. 2014-005, persons involved in terrorist acts or activities or acts of transnational organized crime can be prosecuted and punished;

7. Act No. 2016-021 of 22 August 2016, which seeks to establish within the Malagasy criminal justice system specialized courts for combating corruption in each provincial capital of Madagascar that are, inter alia, authorized to prosecute, investigate and punish persons who have committed offences punishable under Act No. 2014-005 of 17 July 2014 on combating terrorism and transnational organized crime;

8. Act No. 2018-

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