



Estudios Latinoamericanos para la Democracia Contemporánea

Fundación Abravanel is about to publish its first book on international terrorism and human rights.

We would like to share with our readers some important news: the prestigious publishing house of Buenos Aires University, EUDEBA, after an exhaustive assessment has decided to publish under its seal the book **TERRORISMO Y DERECHOS HUMANOS: APUNTES PARA UNA LEGISLACIÓN ANTI-TERRORISTA (Terrorism and Human Rights: Notes on Antiterrorist Legislation)** written by Fundación Abravanel's researchers team.

The book presentation for the public will take place in December, 2008, and will be sponsored by DAIA and the American Jewish Committee.

Below we offer our readers an **executive summary** of our upcoming publication.

*“Fundación Abravanel’s publication entitled **TERRORISMO Y DERECHOS HUMANOS: APUNTES PARA UNA LEGISLACIÓN ANTI-TERRORISTA (Terrorism and Human Rights: Notes on Antiterrorist Legislation)** serves as an introduction to the necessary debate on antiterrorist and human rights legislation, which has not taken place thus far in Latin American countries in general (with the honorable exception of the Dominican Republic) and in the Southern Cone countries in particular.*

The political and legal analysis this work provides is indispensable in times when our region faces serious challenges affecting the fragile democracies in Latin American countries, due to the emergence and consolidation of populist and demagogic governments which encourage and abet international terrorism elements and organizations which have operated or even settled in these areas of the world, risking the lives of their inhabitants in general and of their vulnerable minorities in particular.

In 2007, the Argentine Congress passed the wrongly designated “Antiterrorist Act” (no. 26.268). Despite the fact that it provides a significant advance in the struggle against the financing of international terrorism, it does not constitute an autonomous and complete legal framework for combatting the scourge of terrorism effectively, since it solely introduces a minor modification in the National Criminal Code. Thus, it fails to deepen into the substantial legal matters regarding antiterrorism, such as: the investigation of, prevention of, procedures for combating, prosecution of, listing of and international cooperation against terrorism. In this respect, the legal situation in the rest of the Southern Cone countries suffers from a degree of similar inactivity and insufficiency. Fundación Abravanel’s publication, consequently, makes an analysis of the incomplete Argentine act, revealing its omissions and shedding light on the actual legal and institutional questions which must be included within the legislation for combatting international terrorism efficiently, but always abiding by the law and the Constitution.

It is with the firm belief that the struggle against the scourge of international terrorism must take place completely within the legal framework that we have conducted the investigation resulting in this publication.



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The concrete aim of this work is to offer legal tools in order to begin a constructive and peaceful dialogue in the political and institutional times of our region, which in the near future will allow the enactment of serious, complete and reasonable antiterrorist legislation under the international standards on human rights and the international customs in force on the matter.

The core of this work is that which reaffirms the necessity to avoid futile discussions about the complex and ideologized definition of “terrorism”, replacing it for a clear punishment for “terrorist acts”, which are always morally and legally unjustifiable inasmuch as they constitute deliberate attacks against defenseless civilians.

In a few words, the first chapter of the book (to be published by the Buenos Aires University Press, Eudeba) tackles the question of Antiterrorist International Law in depth, by analysing the international and regional documents on the matter; the treatment of international terrorism before and after September 11, 2001; the analysis of the regional tools: especially, the Inter-American Convention Against Terrorism, the antiterrorist legislation adopted by the EU, its Conventions and the making of lists of terrorist groups; the different motivations of international terrorist organizations; terrorism and International Humanitarian Law; the question of the terrorist attacks against the Embassy of Israel and the AMIA; and, lastly, an analysis regarding how international terrorism affects the democratic system altogether.

The second chapter of the book tackles the question of Compared Antiterrorist Law, beginning with a critical analysis of the Argentine act no. 26.268 and then it presents an analysis of Compared Law. Within this framework, the USA Patriot Act is dealt with critically and other examples of antiterrorist legislations in force are analysed as well, such as those enacted by Canada, Australia, Spain, Germany and Great Britain.

For the appendix of our book we have selected and translated into Spanish some extracts from the USA Patriot Act. Furthermore, we introduce in our country the recently enacted Antiterrorist Act of the Dominican Republic given its importance and the example it sets for the region. Finally, there is a transcription of the lecture delivered by Dr Claudio Grossman, Dean of American University Washington College of Law (WCL) and former President of the Inter-American Commission on Human Rights. His lecture was presented during the debate on Antiterrorist Legislation and Human Rights organized by Fundación Abravanel on April 3, 2008 at Buenos Aires University College of Law.

We hope this investigation will contribute valuable elements to the necessary discussion of future antiterrorist legislations to be enacted by the democracies in our region in their struggle against the scourge of international terrorism and for the respect for human.”