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Draft report

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Addendum

Strengthening international cooperation and technical assistance in preventing and combating terrorism

1. At its 7th and 8th meetings, on 14 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 6, entitled “Strengthening international cooperation and technical assistance in preventing and combating terrorism”. The Commission considered the item by conducting a senior-level discussion on progress made with regard to the criminal justice aspects of terrorism and international cooperation and to the universal conventions and protocols related to terrorism. In accordance with a request by the General Assembly, the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) of 28 September 2001 and relevant intergovernmental organizations were invited to participate in the discussion.
2. The Commission had before it the following documents:
 - (a) Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism (E/CN.15/2004/8 and Add.1);
 - (b) Draft model law on extradition (E/CN.15/2004/CRP.10);
 - (c) Revised manuals on the Model Treaty on Extradition and the Model Treaty on Mutual Assistance in Criminal Matters (E/CN.15/2004/CRP.11).
3. In order to provide further information on the work of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, the following materials were made available:



(a) The *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*;¹

(b) A CD-ROM containing a draft compendium of legal instruments and useful technical assistance tools to prevent terrorism and other related forms of crime;

(c) A note summarizing the activities of the Terrorism Prevention Branch.

4. Following an introductory statement by the Executive Director of the United Nations Office on Drugs and Crime, the Commission heard statements by the representatives of the Counter-Terrorism Committee and of Algeria, Angola (on behalf of the Group of African States), Austria, Azerbaijan (speaking on behalf of the States Members of the United Nations that are members of the GUUAM Group (Azerbaijan, Georgia, the Republic of Moldova, Ukraine and Uzbekistan)), Burundi, Canada, China, Colombia (on behalf of the Group of Latin American and Caribbean States), Croatia, Cuba, Egypt, El Salvador, the Republic of Korea, India, Indonesia, the Islamic Republic of Iran, Ireland (on behalf of the European Union and the candidate and potential candidate States), Pakistan, the Russian Federation, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Commission also heard statements by the observers for Angola, Argentina, Australia, Azerbaijan, France, Germany, Jordan, Kuwait, Morocco, Panama, Sweden, the Syrian Arab Republic, Uganda, the United Arab Emirates and Yemen. The observers for the Institute for Security Studies, the International Monetary Fund, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the League of Arab States, the Office of Legal Affairs of the Secretariat and the United Nations Interregional Crime and Justice Research Institute, also made statements. The Chief of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, as well as the Coordinator of the project being carried out by the Branch on strengthening the legal regime against terrorism, also addressed the Commission. Due to lack of time, written statements were submitted by the representatives of Brazil and Paraguay and the observer for the International Association of Prosecutors.

A. Deliberations

5. The Executive Director of the United Nations Office on Drugs and Crime introduced the agenda item by providing statistics on the increasing number of international terrorist attacks, as well as the number of armed attacks of a domestic nature, stressing the need for enhanced international cooperation. He noted the attacks on international organizations, such as the International Committee of the Red Cross and the United Nations, which had been deliberately targeted. He highlighted examples of the progress being made with regard to international, regional and national measures to counter terrorism, noting that the Global Programme against Terrorism had provided legislative assistance to over 75 States, 38 of which had received direct bilateral assistance, with terrorism prevention

¹ United Nations publication, Sales No. E.04.V.7.

experts being strategically placed in the field to support and follow up assistance activities. He suggested, inter alia, the establishment of a mentorship programme to provide in-depth assistance to those States with special needs.

6. The observer for the Counter-Terrorism Committee highlighted the principle courses of action of the United Nations in its fight against terrorism and, more specifically, the reasons for the involvement of the Security Council. He also outlined the results of the action taken by the Council, in particular the strong commitment of the international community, as well as obstacles faced by Member States to combat the phenomenon. The importance of Security Council resolution 1373 (2001), in which the Council called upon States to criminalize terrorism and the financing of terrorism, to take administrative measures to control the movement of terrorists and to cooperate internationally in police, judicial and other matters, was also highlighted. Having stressed that the existing 12 universal instruments against terrorism represented the legal basis for international cooperation, he highlighted the work of the Committee, as well as the complementary work carried out by other international and regional entities, such as the United Nations Office on Drugs and Crime, noting the exemplary nature of cooperation between the Counter-Terrorism Committee and the Office.

7. All speakers recognized terrorism as one of the most serious threats to freedom, democracy and human rights and as a main source of destabilization for States and societies. Terrorism had to be condemned in all its forms and manifestations, irrespective of the place where terrorist acts were committed or who committed them. It was stressed that there was no excuse for acts of terrorism and that there should be no distinction between “good” and “bad” terrorism. Furthermore, a number of speakers stressed that terrorism was not linked to any specific religion. There was recognition that terrorism was a cross-border phenomenon and that it could only be defeated with the active participation of all States and regional organizations. Speakers referred to recent terrorist attacks, as well as to acts of terrorism committed in their countries, expressing their deep sympathy for the tragic loss of life caused. In that regard, the representative of Ireland (speaking on behalf of the European Union and the candidate and potential candidate States), recalled that 11 March had been declared European Day for the Victims of Terrorism and that States Members of the European Union had been invited to create special funds for victims of such acts.

8. Some speakers underlined the importance of addressing the root causes and breeding grounds of terrorism, identifying such root causes as a mixture of social, political and economic factors. One speaker noted that measures to prevent terrorism should include awareness-raising, dialogue and the teaching of co-existence. Another delegation listed measures, including victim compensation, the improvement of social conditions and the criminalization of discrimination based on sex, religion or religious affiliation, as valuable means to fight the causes of terrorism.

9. Several speakers highlighted the need to make progress in the work on the draft comprehensive convention on international terrorism and to enhance the international legal framework against terrorism, in particular with a view to developing a clear definition of terrorism. The importance of having a global legal framework, with the corresponding provisions to detect, prevent, prosecute and

convict terrorists, with full respect for human rights and the rule of law, was stressed.

10. Some speakers noted with concern the links between terrorism and other forms of criminal behaviour, such as trafficking in drugs and arms and money-laundering, which had already been recognized by the Security Council in its resolution 1373 (2001). One speaker reported that terrorists were taking advantage of new technologies and were engaging in cyber-crime. Many speakers made reference to the information contained in the report of the Secretary-General (E/CN.15/2004/8 and Add.1) and expressed their satisfaction with the analysis of the information received. It was also noted that France had just provided the United Nations Office on Drugs and Crime with information on the links between terrorism and other forms of crime. Most speakers supported an integrated approach to the fight against terrorism and other forms of organized crime. The representative of Azerbaijan (on behalf of the GUUAM Group) noted that the fight against terrorism could not be successful in isolation from organized crime, armed separatism, extremism, drug trafficking and the proliferation of small arms and weapons of mass destruction. Many speakers, including the observer for Colombia (on behalf of the Group of Latin American and Caribbean States), emphasized the importance of international cooperation in the fight against terrorism and other forms of crime. One speaker, while recognizing the links between terrorism and other forms of crime, emphasized the difference between the two phenomena, including the different motivations behind them, which in some instances might require different preventative action and countermeasures.

11. Many speakers noted the record of their Government in ratifying existing universal and regional instruments related to the prevention and suppression of international terrorism. Several speakers outlined the recent accession by their Governments to such instruments and mentioned specific measures taken internally in the process of adjusting national legislation to international standards in order to implement the ratified instruments and comply with the requirements of Security Council resolution 1373 (2001). Measures adopted included criminalization of new offences, enhancing capacity to prevent, prosecute and sanction terrorist acts and specific steps to prevent the financing of terrorism, including regulation of alternative means for the transfer of funds and new provisions for the seizure and confiscation of funds. A number of speakers also referred to the need to strengthen international cooperation and reported on measures taken to expedite judicial cooperation and mutual legal assistance, including the signing and ratification of extradition and other bilateral or subregional agreements. In that regard, some speakers specifically referred to their work with relevant regional organizations, such as the Asia-Pacific Economic Cooperation, the Association of South-East Asian Nations, the European Union, the Gulf Cooperation Council, the League of Arab States, the Organization of American States and the Organization for Security and Cooperation in Europe (OSCE).

12. The view was also expressed that international cooperation in combating terrorism needed to be strengthened through international instruments, in full respect for international law, human rights and humanitarian law, in order to uphold the principles of the rule of law. In that regard, some speakers underlined the crucial role of the criminal justice system and the need for technical assistance to reinforce the capacities of judicial and prosecutorial offices in their fight against terrorism.

One speaker stressed the need to recall that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted on 25 June 1993 by the World Conference on Human Rights, recognized that terrorism constituted a serious violation of human rights.

13. Speakers welcomed the update contained in the report of the Secretary-General on the status of technical assistance activities of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and on efforts made to initiate joint activities with other relevant actors.

14. Several speakers expressed their satisfaction with the work carried out by the Terrorism Prevention Branch with regard to cooperation with regional and international organizations. In that regard, the complementary, non-duplicative work carried out by the United Nations Office on Drugs and Crime in support of the overall role of the Counter-Terrorism Committee was noted. Some speakers called for further strengthened coordination between the two United Nations entities. In that regard, they welcomed the revitalization of the Counter-Terrorism Committee, as presented in Security Council resolution 1535 (2004) of 26 March 2004, and the appointment of an Executive Director of the Counter-Terrorism Committee Executive Directorate, who was to be in charge of implementing resolutions and directives of the Committee. Some speakers made specific reference to the Follow-up Meeting to the United Nations Counter-Terrorism Committee Special Meeting of 6 March 2003, with participants from international, regional and subregional organizations, which had been organized by OSCE in cooperation with the United Nations Office on Drugs and Crime in Vienna on 11 and 12 March 2004. The Vienna Declaration emanating from that meeting (S/2004/276, annex), in which the participating organizations committed themselves to joint activities, was welcomed. The observer for the League of Arab States expressed the readiness of the League to host, together with the Office and the Counter-Terrorism Committee, the next such follow-up meeting, in Cairo. In order to further enhance cooperation between organizations, the representative of Ukraine stated that a common matrix of joint counter-terrorism activities should be developed by the Counter-Terrorism Committee, further noting that the efforts and resources of international organizations should be coordinated in order to react adequately to threats to peace and security. The cooperation of the Office with regional organizations was particularly welcomed.

15. In referring to the technical assistance activities already carried out by the Terrorism Prevention Branch in their respective States, many speakers expressed their appreciation for the legislative advisory services provided. Several speakers made reference to specific national, subregional and regional workshops for the ratification and implementation of the universal anti-terrorism instruments. A particularly important aspect of the mandate of the Branch was identified in its contribution to the universalization of the United Nations instruments against terrorism to create a global, encompassing legal framework.

16. Some speakers expressed a need for future assistance and advice on the implementation of the universal instruments, including legislative assistance, as well as for specific training, establishment of national bodies and provision of equipment. The representative of Angola (on behalf of the Group of African States) and the representative of Colombia (on behalf of the Group of Latin American and

Caribbean States) called upon the international community and the Office to provide continued, reinforced assistance.

17. While some speakers expressed the view that the United Nations Office on Drugs and Crime should maintain its focus on legal reform, other speakers advocated a greater role for the United Nations and for the Office in fighting terrorism. Most speakers agreed that it was crucial, once the instruments had been ratified, for the Office to provide assistance in building capacity to implement the global instruments effectively at the national level. Concerning other possible areas of work for the Terrorism Prevention Branch, the following suggestions were made: (a) a study to analyse the various hindrances to prosecution of terrorists in different States; (b) the launching of a media campaign against terrorism as a means of creating awareness among people, in particular young people, about the negative effects of supporting terrorists or terrorist organizations; (c) the compilation and regular updating of data on terrorism and terrorist organizations; and (d) the preparation of a global survey on terrorism.

18. Many speakers stressed the need for the Terrorism Prevention Branch to have adequate financial resources to carry out its tasks effectively. The United Kingdom announced a contribution of almost US\$ 500,000 and France announced it would contribute €200,000. The representative of the United States stated that his Government would provide the Branch with additional resources. The representative of Canada recalled her country's financial support for the United Nations Office on Drugs and Crime/Organization of American States seminar, held in Costa Rica in January 2004, on the implementation of the universal legal instruments against terrorism and the Inter-American Convention against Terrorism, pledging additional funds for follow-up activities. The representative of Austria noted that, after Austria's donation of US\$ 1 million, other donor countries had provided the necessary financial resources, which had allowed the Terrorism Prevention Branch to fulfil its mandate, and encouraged other donor countries to make additional contributions.

19. The representative of the Office of Legal Affairs of the Secretariat briefed the Commission on international instruments related to international terrorism, as well as on the draft comprehensive convention prepared by the Ad Hoc Committee on International Terrorism established by the General Assembly.

20. The speakers for the Institute for Security Studies, the International Monetary Fund, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the League of Arab States and the United Nations Interregional Crime and Justice Research Institute provided examples of their terrorism prevention activities, including joint activities carried out with the United Nations Office on Drugs and Crime, and stressed the need for strengthened sharing of information and best practices. The speaker for the United Nations Interregional Crime and Justice Research Institute also announced the launching of a joint project with the Max Planck Institute to publish a journal on terrorism and organized crime.

21. At the request of some speakers, the Chief of the Terrorism Prevention Branch and the Coordinator of the project being carried out by the Branch on strengthening the legal regime against terrorism gave short briefings on the activities of the Branch. The Chief of the Branch thanked all Member States that had expressed appreciation for its work.

B. Action taken by the Commission

22. At its [...] meeting, on [...] May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled “Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime”, sponsored by Austria, France, Italy, Spain, Turkey and the United States of America (E/CN.15/2004/L.8/Rev.1). (For the text, see chapter I, section A, draft resolution [...]).
