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**Strengthening international cooperation and technical
assistance in preventing and combating terrorism**

Report on the International Seminar on Crime Prevention “Building International Cooperation against Terrorism”

Statement submitted by the Asia Crime Prevention Foundation**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31 of 25 July 1996.

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The Asia Crime Prevention Foundation

Non-Governmental Organization in consultative status with the Economic and Social Council (general category)

Report on the International Seminar on Crime Prevention "Building International Cooperation against Terrorism"

Summary

The Indonesian Crime Prevention Foundation (ICPF), a chapter of the Asia Crime Prevention Foundation (ACPF), held, on 27 – 28 February 2006, its International Seminar on Crime Prevention in Jakarta, under the title "Building International Cooperation against Terrorism Focusing on Suicide Bombing as a Symptom of Terrorism".

The seminar, addressed by H. E. Dr. H. Susilo Bambang Yudhoyono, the President of the Republic of Indonesia, and Hon. Alexander Downer, Minister of Foreign Affairs of Australia, was held against the background of Security Council resolution 1373 (2001), adopted after the terrorist acts of 11 September 2001 in the United States of America and Security Council resolution 1438 (2002), adopted after the bombing attacks of 12 October 2002 in Bali (Indonesia).

Over 500 high ranking officials, including senior diplomats, criminal justice officials, lawyers, researchers and mass-media representatives from 13 countries of Asia and the Pacific Rim (Australia, Bangladesh, Indonesia, Japan, Malaysia, Mongolia, Pakistan, Papua New Guinea, the Philippines, the Republic of Korea, Sri Lanka, Thailand and the United States of America), took part in this International Seminar.

The following recommendations emerged from the International Seminar:

- (a) in the interest of a more efficient and effective fight against terrorism, there should be a common legal definition of terrorism;
- (b) each country should have legal regulations in place that criminalize accessory offences which support acts of terrorism;
- (c) there should be a continuous effort to develop new extradition agreements between and among countries;
- (d) there should be information networks for information exchange on countering acts of terrorism, as well as accessory offences;
- (f) there should be an acknowledgment of the legal evidence provided by any party, because different legal systems might otherwise limit the scope of cooperation; and
- (g) there should be more dialogue and interaction between countries in order to deal with the roots of terrorism and in order to win the battle for the hearts and minds of people who are exposed to the propaganda of terrorists; there should also be greater tolerance between cultures.

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I. Introduction

1. The Indonesian Crime Prevention Foundation (ICPF), a chapter of the Asia Crime Prevention Foundation (ACPF) had decided to hold this large-scale seminar in order to help to promote joint efforts to fight terrorism which has to become a world-wide commitment. The bombing attacks which took place in Kuta on the Indonesian island of Bali in 2002, killing 202 persons and injuring another 209, were the deadliest acts of terrorism in Indonesian history. They showed the dreadfulness of terrorism both to Indonesia and to the world, and illustrated both the complexities of the causes and the *modus operandi* of terrorists.

2. The seminar was opened by Mr. Da'i Bachtiar, Chairman of the ICPF, and Mr. Minoru Shikita (Dr. h.c.), Chairman of the Board of Directors of the ACPF. The latter expressed his appreciation to the ICPF for holding such a significant meeting on international cooperation against terrorism, as witnessed by the attendance of the President of the Republic of Indonesia and the keynote speeches delivered by Hon. Alexander Downer, Minister of Foreign Affairs of Australia and Dr. Sutanto, the Chief Police General of the Republic of Indonesia.

3. The President of the Republic of Indonesia noted that terrorist attacks threaten the physical security of citizens, undermine the values of a country, can damage its economy, harm the social fabric, and can even cause strategic tension between nations. Indonesia endured all of this while it was trying to build a new democracy, recover from an economic crisis, and resolve ethnic conflicts. The President noted that Indonesia was a frontline state when it comes to fighting terrorism. Terrorism was a clear and present danger to the people, and to address this challenge has been a top priority for Indonesia's national security policy.

4. The Minister of Foreign Affairs of Australia cited research showing that there was no special linkage between suicide bombings and Islam, and noted that both suicide and murder were forbidden in Islam. He emphasized the damage extremists sought to wreak in many nations, and observed that one of the greatest challenges of our age was to ensure that as we fight terrorism, extremism and intolerance, one does not at the same time trigger broader conflict between civilizations.

5. Following the keynote speech by the Chief Police General of the Republic of Indonesia, in which he focused on the law enforcement aspects of the fight against terrorism, the Chairman of the ACPF recalled the relevant regional and global instruments against terrorism, including conventions and resolutions of the United Nations General Assembly and the Security Council and underlined the importance of taking action in the framework of these instruments. He also pointed out that the role of this seminar was to strengthen the international *resolve* to counter terrorism. Finally, he explained the functions and history of the ACPF which continues to support the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), its alumni, as well as relevant crime prevention and criminal justice activities.

6. The International Seminar adopted the following agenda items:

- (1) *Modus operandi* of terrorism: an international comparison;
- (2) Correlative factors of suicide bombing of terrorism in Indonesia;
- (3) Case handling of terrorism;
- (4) Impact of terrorism; and
- (5) National and international efforts to prevent terrorism.

Its Rapporteur, Dr. Muhammad Mustofa, Professor of Criminology, University of Indonesia, summarized in his concluding remarks the speakers' presentations and discussions. Hereunder is the summary of his report.

II. Rapporteur's summary of presentations and discussions

A. *Modus operandi* of terrorism

7. From a number of papers on the *modus operandi* of terrorism, the international seminar gathered that there had been a remarkable increase in suicide bombings in recent years. It seems that suicide bombing is replacing other forms of attacks as preferred *modus operandi* for some terrorist groups. The seminar was further informed about the modalities of the terrorist bombings in Indonesia which resulted in a large number of victims of various nationalities. It was held by some speakers that the characteristics of modern terrorism are such that it was immune to some conventional crime-prevention techniques. Terrorists are highly mobile, exploit technological advances, operate in small, often autonomous groups and continually change their techniques to evade detection and capture.

8. In order to fully understand the phenomenon of suicide-bombings, one has to search for the roots of the problem. Based on the study of the existing literature, researchers and writers appear to agree that there are multiple determining factors behind what militants call martyrdom operations and most others suicide bombings. There still exists disagreement on terminology and on the definition of terrorism. Many definitions of terrorism do not link the phenomenon to particular parties but prefer linking it to the nature of the act. In this sense, terrorism is a tool that can be used by any group in society which tries obtaining its objective by violence without moral restraint.

9. The fact that some groups responsible for certain terrorist attacks, in particular *Al Qaeda* and *Jamaah Islamiah* as well as some other Islamic groups are motivated by a *jihadi* ideology, should not narrow our perspective on the causes of terrorism. That would be a wrong conclusion since violent and terrorist activities are not the sole prerogative of Islamist groups. History shows that acts of terrorism have been committed by secular groups as well as professed adherents of other religions. Regarding the concept of *jihad*, it was noted that *jihad* has several meanings in Islam and that there has been a great deal of abuse and manipulation of its real and valid meanings. This assertion was supported by the fact that acts of suicide bombing were not only used by Islamist groups but also by ethno-nationalist groups, i.e. in Sri Lanka. In terms of perpetrators, acts of terrorism can be the work of small groups of terrorists against society or involve the terrorization by a government of its own citizens or other groups which it considers its enemy. To get a fuller understanding of terrorism, one must acknowledge that terrorists base their decisions on what they know, or believe they know, about the realities of the political situation in which they operate.

B. Correlative factors of suicide bombing

10. Several speakers confirmed that, according to many studies, there were no specific psychopathological characteristics found in individuals who are prepared to commit suicide bombings. Rather, what one can often find as common characteristics in groups practising suicide bombings are a sense of devotion and experiences of collective humiliation, oppression, or awareness of historical injustice. These lead to a perceived obligation to redeem this predicament through acts of martyrdom, sometimes in the framework of an ideology of *jihad*. Based on such characteristics, one should view such acts in the context of what is often a social conflict.

11. Social conflict often involves a struggle over values, claims to status, power or scarce resources, in which the aims of the conflicting parties are sometimes not confined to achieving the desired aims but go beyond and may, in extreme cases, even result even in efforts to eliminate the rival group. Social conflict emerges from a disharmony of social interactions which, in turn, are often based on economic inequality, political domination and one-sided control of material resources. As such, conflicts in society are unavoidable but conflicts can be waged short of taking recourse to violence if the proper mechanisms for dialogue and conflict management between the conflict parties are in place.

12. Based on certain scientific explanations (Emile Durkheim/Max Weber) which are relevant to understanding suicide bombing terrorism, one is tempted to conclude that for individuals whose actions are motivated by certain strong beliefs, deterrent measures are of no avail. Prevention has to set in earlier and one should identify individuals and groups that have strong grievances and are prone to engage in violent forms of conflict-waging, in time to prevent disharmonic interactions. Where these already exist, one should try to restore harmony.

C. Case handling of terrorism

13. A number of papers focused on case handling of acts of terrorism brought before courts. It was held that one could collect and analyze the experiences which could lead to a theoretical framework that allows for enhancing the effectiveness of investigatory strategies aimed at acts of terrorism. Case handling should be supported by a variety of investigative measures. These, in turn, will determine whether or not the trial of terrorists will lead to a just and convincing conviction of those guilty of terrorist crimes.

14. It was held that the purpose of investigations into terrorist acts was to make sure that a given incident falls under the definition of terrorism, that the suspects are identified, that it is established whether or not they can be arrested and that there is enough legal evidence to bring a case to court. To carry out this process effectively, investigators should have the necessary professional skills and mastery of special investigatory techniques. In addition, they require a comprehensive knowledge about the nature of terrorism and the ability to sort out relevant from irrelevant evidence. Such skills can be sharpened by training. Yet technical expertise alone might not be sufficient. In this connection, it was asserted that some of the constraints faced by investigators are the result of the political context and might also emanate from human rights activists. As was pointed out in the case of Sri Lanka, this can prevent the introduction of new laws and procedures to tackle terrorism as a result of which some potential witnesses to acts of terrorism remain silent, intimidated by terrorist groups. Political and human rights proponents' constraints were also discussed in explaining the enactment of the Anti Terrorism Act (Law Number 15/2003) in Indonesia.

15. Furthermore, it was emphasized by some speakers that terrorism was a crime against humanity. In order to curb acts of terrorism effectively, one should appeal to the spirit of cooperation and exact strong commitments from neighbouring countries within the region despite the fact that each country has a different legal system. One expert, after describing the experience of Pakistan in combating terrorism, called for international attention towards the resolution of political problems of the Muslim world.

16. Based on the above and other contributions, it can be concluded that for the successful implementation of new and proven strategies in investigating terrorism, besides requiring professionally skilled investigators, there are some additional requirements that need to be fulfilled,

namely investigators understanding the nature of terrorism, its *modus operandi*, the differences among terrorist groups, as well as the sources of financing and funding of terrorist groups. Prosecutors should also seek international cooperation and community participation in their investigations.

17. One of the most difficult requirements to obtain by the police in investigating terrorism is community participation. Firstly, it may be affected by the state of police-community relations. If such a relationship is not good, investigators will face difficulties. Sometimes, a community may be sympathetic to the ideology of the terrorists or even support them. Where this is the case, it is difficult to expect the community to come forward and report on terrorists because it tends to hide or even protect the terrorist.

D. Impact of terrorism

18. In a further series of presentations, the importance of the public as ears and eyes for investigating terrorism was mentioned. The seminar took note of a critical hermeneutical study which used focused group discussions, involving citizens from Indonesia, Malaysia, China and Vietnam, to explore their understanding on trade liberalization and doing business in the post-September 11th 2001 environment. From this study it emerged that there are many kinds of perceived discrimination, based on country- and religious profiling. There were also reports of name-profiling of individuals and business companies, especially when these were Muslim-sounding names. Other reported on the consequences of increased insurance-, freight- and security-related costs resulting from new anti-terrorist legislation by the United States. Furthermore, it was concluded in the study that, "the balancing act between the new security regulations and trade is becoming difficult, especially for developing countries. But if this difficulty is not addressed, the danger is that these countries, or operators using these countries as shield, will use whatever means available to them to take shortcuts that could make the whole point of [the] compliance exercise invalid." Finally, in another contribution it was stated that although many measures have been taken to prevent terrorist attacks in the transportation industries, these are not effective enough. According to one speaker, intelligence remains the key regardless of transportation mode; it requires the profiling of the potential perpetrators.

E. National and international efforts to prevent terrorism

19. Some papers on national as well as international preventive efforts emphasized the importance of the enactment of new laws as well as additional law enforcement activities. In this regard, it was pointed out that some new laws which were intended to curb terrorist activities, e.g. those contained in the USA Patriot Act, have become new impediments for doing business. It was suggested that businesses should adapt to this new situation and had no choice but comply with these new laws. In another paper, it was proposed that, in order to cope with the root causes of terrorism, a multicultural education was called for. It should be aimed at the young generation from the start, in order to promote understanding among different cultures, based on commonalities.

20. Some speakers pointed out that the utilization of the law in responding to terrorism tends to favour repression and limits people's activities. Accordingly, there are many aspects that should be taken into consideration in preventing terrorism attacks, side by side with law enforcement activities. As pointed out in some other papers, terrorism prevention should be based on the understanding of the nature and the determinants of terrorism itself.

21. According to several speakers, there are many determinants of terrorism. Some asserted that regions most likely to produce terrorist threats tend to have a long history of economic, political and cultural relations with the West, including the more recent phases of colonialism and economic and cultural penetration which are linked to an accelerated process of globalization. Many current terrorist ideologies single out US political and economic policies as objects of their opposition. This imparts a distinctive political cast to contemporary international terrorism, indicating a kinship with other forms of international conflict-waging. Some speakers held that consequences of unequal international relations included economic and political dislocation, new religious and secular values as well as the emergence of new economic classes and political groups, including those that form around the issue of either modernizing or preserving traditional ways of life.

22. In line with the ideas that have been mentioned above, it can be concluded that legal measures alone, without being supported by other measures, namely the restoration of balanced economic, political, social and cultural relations, will not succeed in preventing terrorism. Several practitioners of criminal investigations stressed that overcoming the suicide bombing problem will not be possible by law enforcement efforts alone.

23. In a contribution about the prospects of enhanced international cooperation against terrorism, it was pointed out that since terrorism is a matter of international concern, in order to cope with terrorism, international cooperation – both bilateral and multilateral – is required. This should involve not only governmental organizations but also civil society and its non-governmental organizations. Regarding international cooperation, it was also pointed out that the government of Indonesia had ratified a good number of international conventions related to the prevention and suppression of international terrorism and was also expanding bi-lateral and multi-lateral cooperation which had resulted in the successfully unravelling of some terrorist networks in Indonesia.

24. The presentations summarized here and the ensuing discussions have resulted in a catalogue of six measures that need to be taken in order to bring about a situation where both prevention and successful combating of international terrorism can be effectuated. These are, as indicated already in the introduction, the following:

- (a) in the interest of more efficient and effective fight against terrorism, there should be a common legal definition of terrorism;
- (b) each country should have legal regulations in place that criminalize accessory offences which support acts of terrorism;
- (c) there should be a continuous effort to develop new extradition agreements between and among countries;
- (d) there should be information networks for information exchange on countering acts of terrorism, as well as accessory offences;
- (e) there should be an acknowledgment of the legal evidence provided by any party, because different legal systems might otherwise limit the scope of cooperation; and
- (f) there should be more dialogue and interaction between countries in order to deal with the roots of terrorism and in order to win the battle for the hearts and minds of people who are exposed to the propaganda of terrorists; there should also be greater tolerance between cultures.