In the second half of 2013, the Terrorism Prevention Branch (TPB) of the United Nations Office on Drugs and Crime (UNODC) further strengthened its legal and capacity building assistance to Member States aimed at enhancing the ability of their criminal justice systems to bring terrorists to justice.

During this period, TPB launched new important initiatives with partners such as the United Nations Counter-Terrorism Committee Executive Directorate (CTED), the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE) and the Global Counterterrorism Forum (GCTF). In particular, TPB, CTED and the EU launched a Global Initiative on “Effective Counter-Terrorism Investigations and Prosecutions while Respecting Human Rights and the Rule of Law”, sponsored by the Government of Switzerland and held on 2-3 October in Geneva. This project will initially be implemented in the Maghreb. TPB also joined efforts with the Transnational Threats Department of the OSCE in the organization of a regional expert workshop on “Implementation of the Universal Legal Instruments Against Terrorism as a Way to Enhance Counter-Terrorism Co-operation in the Mediterranean Basin” that took place on 17-18 September in Malaga, Spain (see above picture). TPB launched, in November, another major project jointly with Nigeria, CTED and the EU on “Partnership on Strengthening Criminal Justice Responses for Multidimensional Security (Counter-Terrorism)” for Nigeria’s criminal justice officials. TPB also organized a workshop on “Effective Counterterrorism Investigation and Prosecution Whilst Respecting Human Rights and the Rule of Law” in cooperation with GCTF, that was held in Bangkok on 12 and 13 November.

The increasingly complex nature of terrorism has triggered the need for TPB to continue develop specialized capacity building trainings for investigators, prosecutors and judges in areas such as the use of the Internet for terrorist purposes, supporting and assisting victims of terrorism, chemical, biological, radiological and nuclear terrorism, countering transport-related terrorism offences and countering the financing of terrorism. In order to support the efforts of States to implement the universal instruments against terrorism, TPB prepared several specialized technical assistance tools and is currently finalizing two new legal assistance tools that will form an integral part of our Counter-Terrorism Legal Training Curriculum: a Module on Human Rights and Criminal Justice Responses to Terrorism and another on Transport related (Civil Aviation and Maritime) Terrorism Offences. Both modules will be available in early 2014.

I invite you to read this new issue of our newsletter for updates on TPB’s recent work in preventing and combating terrorism.

With best regards,  
Marta Requena  
Chief, Terrorism Prevention Branch
Launch of the Global Initiative on Effective Counter-terrorism Investigations and Prosecutions while Respecting Human Rights and the Rule of Law

This Global Initiative launched by the Terrorism Prevention Branch (TPB) of the United Nations Office on Drugs and Crime (UNODC) and the United Nations Counter-Terrorism Committee Executive Directorate (CTED) are jointly implementing, intends to support States to bring terrorists to justice by effectively investigating, prosecuting and adjudicating terrorism cases.

The Global Initiative was officially launched at a joint TPB-CTED conference sponsored by the Government of Switzerland held in Geneva from 2 to 3 October 2013. The conference provided an opportunity to present the Global Initiative to Member States and international and regional organizations, to discuss effective national practices in counter-terrorism prosecutions and investigations, identify needs and priority areas and regions for the implementation of the initiative, as well as discuss the coordination of this initiative with other regional and global initiatives.

Moreover, it provided a forum for discussion of the identified good practices and challenges to be addressed during subsequent activities. It also led to identification of stakeholders to partner with TPB and CTED in the delivery of sub-regional and national capacity-building training, coordinate the various planned activities under this initiative with other initiatives conducted by other stakeholders, as well as discuss with donors, stakeholders and Member States the concrete implementation of activities in the Maghreb and other regions.

The event was opened by interventions of Mr. Michael Lauber, Attorney General of Switzerland, Mr. Jean-Paul Laborde, Executive Director of CTED and Ms. Marta Requena, Chief of TPB.

Further, interventions by TPB and CTED staff provided a description of the joint TPB, CTED and EU initiative’s component on supporting rule-of-law-compliant investigations and prosecutions in the Maghreb region, for the duration of 4 years beginning from 2014 and for the benefit of Algeria, Libya, Mauritania, Morocco and Tunisia, for which a funding agreement with the EU is being finalized.

Technical presentations from several Member States, including Algeria, Libya, Morocco, Tunisia, as well as international and regional organizations, such as the EU, stressed the importance of this initiative in the Maghreb region.

UNODC/TPB and OSCE Join Efforts to Enhance Counter-Terrorism Cooperation in the Mediterranean Basin

On 17-18 September 2013, the regional expert workshop on “Implementation of the Universal Legal Instruments Against Terrorism as a Way to Enhance Counter-Terrorism Co-operation in the Mediterranean Basin” took place in Malaga, Spain. This event was jointly organized by TPB and the Transnational Threat Department of the Organization for Security and Cooperation in Europe (OSCE), in partnership with the Governments of France, Spain and Switzerland.
With a particular focus on enhancing counter-terrorism co-operation in the Mediterranean Basin and strengthening the implementation of the universal instruments against terrorism, this workshop aimed at facilitating dialogue between senior criminal justice officials from Algeria, Belgium, Bosnia and Herzegovina, Egypt, France, Israel, Italy, Jordan, Morocco, Russian Federation, Serbia, Spain, Switzerland, Tunisia, Turkey, Ukraine, United States of America, as well as from the Council of Europe, Eurojust, Europol, League of Arab States and the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE.

This event provided an opportunity to combine the areas of expertise of TPB and OSCE, to share best practices and to help identify areas where additional focus was needed to help achieve effective implementation of the universal instruments against terrorism. The participants welcomed TPB’s ongoing efforts to assist requesting Member States in this process.

Participants discussed the challenges existing while ensuring effective investigation and prosecution of terrorist activities in the region, co-operation in the exchange of intelligence and other information, and international and regional co-operation in the investigation and prosecution of terrorist cases, including cooperation on extradition and mutual legal assistance.

The discussions concluded that regional counter-terrorism co-operation in the Mediterranean Basin remains essential and that there is room and a common will among expert participants to enhance their co-operation against terrorism. It was also agreed that a follow-up event in this format would provide an excellent forum to pursue additional co-operation in the fight against terrorism.

Protecting and Supporting Witnesses and Victims in Terrorism Cases

Support and protection for witnesses and victims of terrorism is not only an important responsibility of each State but also forms a crucial part of a comprehensive system to effectively investigate and prosecute terrorist cases. Without a system that earns the confidence of witnesses and victims, it may be difficult to secure their cooperation and testimony which is essential to ensuring that victims obtain the justice they deserve and those responsible for terrorist acts are held accountable.

There are many aspects to developing an effective system of support and protection for witnesses and victims including considerations for their physical and psychological well-being, privacy, dignity, and respect for their human rights. And these programs need to consider support from the initial law enforcement investigation until after the trial which means that coordinated policies are required across the criminal justice sector.

On 7 and 8 October 2013, in Kathmandu, Nepal, TPB with the support of the UNODC Regional Office for South Asia, held, in cooperation with the United Nations Counter-Terrorism Committee
Executive Directorate (CTED), a regional workshop on “Strengthening Criminal Justice Responses for the Protection and Support of Witnesses and Victims in Criminal Proceedings related to Terrorism”. Eight countries of the South Asian Association for Regional Cooperation (SAARC) - Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Sri Lanka and Pakistan - participated in the workshop with delegates from the police, prosecution and justice sectors.

During the two-day workshop, participants provided an overview on how each country is dealing with terrorism and witness and victims protection in their national legal and institutional systems. Experts from Austria and Indonesia explained the nature, scope, success, and challenges of their national programmes. TPB and CTED provided information on their on-going work related to the implementation of Conventions and Security Council resolutions relevant to countering and prosecuting acts of terrorism.

During the workshop, the role of victims in criminal proceedings, as well as their need for support and protection emerged as an important, but often neglected aspect that needs increased attention. Although some countries have established measures that recognize and support the role of victims in criminal proceedings, and provide them with adequate compensation, such recognition and support through specific legislation and policies are still absent in many countries. Accordingly, TPB and CTED are now including the protection and support of witnesses and victims as part of their ongoing work with SAARC countries in South Asia interested in strengthening their national capacity to successfully prosecute the perpetrators of terrorist acts.

UNODC/TPB Steps up its Efforts to Promote the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism

The Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM/A) and the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) are two of the key instruments for the prevention and prosecution of nuclear terrorism that were adopted in 2005. While ICSANT has been in force since 2007 and has 89 States Parties, the Amendment has yet to enter into force. It will do so after two-thirds of the CPPNM/A States Parties ratify, accept or approve it. As of November 2013, 30 States have yet to adhere to it for the Amendment to enter into force.

Recognizing the importance of this significant instrument promptly entering into force, and the need to have an increase in the number of adherences to both the Amendment and ICSANT as well as for States to adopt adequate legislation at the national level to implement their provisions, TPB has stepped up its efforts in the past months to assist States in this regard.

For example, between 16 and 18 October 2013, TPB conducted a workshop that brought together senior officials from Comoros, Djibouti, Kenya, Madagascar, Mozambique, Rwanda, Sudan, Swaziland, Tanzania and Uganda gathered at UNODC’s Regional Office in Nairobi, Kenya, to discuss the importance of the ratification and legislative implementation of both instruments.

The workshop provided participants with a forum to discuss the benefits and challenges of becoming party to these instruments and incorporating their provisions into national legislation. It also offered an opportunity to discuss, analyze and consider various challenges faced by them with regard to international cooperation in criminal matters concerning acts of nuclear and radiological terrorism. Participating countries also had the occasion to present on their relevant domestic legislation.

A similar workshop, on the above-mentioned universal legal instruments, was conducted by TPB on 5 and 6 June, which included senior officials from Burkina Faso, Cameroon, Cape Verde, Cote d’Ivoire, Djibouti, Kenya, Madagascar, Maldives, Mozambique, Rwanda, Sudan, Swaziland, Tanzania, Uganda and United Arab Emirates.”

d’Ivoire, Equatorial Guinea, Guinea, Guinea Bissau, Senegal and Togo. The workshop took place at the UNODC Regional Office in Dakar, Senegal.

Both workshops were made possible thanks to generous funding provided by the Government of the United Kingdom and benefited from the participation of representatives of the African Union, the Expert Group of the Committee established pursuant to United Nations Security Council resolution 1540 (2004), the Institute for Security Studies, the International Atomic Energy Agency (IAEA) and the United Kingdom.

Additionally, TPB contributed to an IAEA workshop on the Promotion of the Entry into Force of the Amendment to the CPPNM held in Brussels, Belgium, on 7 and 8 November which was attended by delegates from eight francophone African countries. TPB briefed participating States on the criminalization provisions of the Amendment and on relevant legislative assistance being offered by TPB.

It is also worth noting that TPB participated in the International Atomic Energy Agency’s “International Conference on Nuclear Security: Enhancing Global Efforts”, which was held from 1 to 5 July 2013 in Vienna, Austria. The event, with more than 1300 participants, including some 34 Government Ministers and other heads of delegations from 125 States, provided a forum for Ministers, policymakers and senior officials to formulate views on future directions and priorities to strengthen nuclear security. The Chief of TPB presented at the session on Implementing and Enhancing the International Nuclear Security Framework. It should be highlighted that in the President’s Findings on the Conference, it was recognized that “the universalization of the international legal instruments in the area of nuclear security is of utmost importance and should be promoted, not only by the States concerned, but also by international bodies such as the IAEA and UNODC.”

UNODC/TPB Strengthens Support for Nigeria’s Counter-terrorism Efforts, in Partnership with the European Union and UN/CTED

In November 2013, TPB and the UNODC Country Office for Nigeria (CONIG) commenced a reinforced programme for supporting Nigeria’s counter-terrorism efforts, in close partnership with the European Union and the United Nations Counter-Terrorism Committee Executive Directorate (CTED).

The Branch has been working closely with the Nigerian authorities, during the past years, on strengthening the country’s legal regime against terrorism and on improving the capacity of criminal justice officials to implement the counter-terrorism legal provisions in accordance with the rule of law and human rights.

Building on these efforts, UNODC and Nigerian authorities have recently elaborated a multi-year programme of assistance which was validated by the Nigerian Planning Commission in July 2013. This has served as the foundation for a “Nigeria-EU-UNODC-CTED Partnership on Strengthening Criminal Justice Responses for Multidimensional Security (Counter-Terrorism)”. This partnership programme is funded by the European Union.

Its central pillar is a specialized training aimed at building the capacity of Nigerian judges, prosecutors, and investigators to deal with terrorism cases. Overall, the programme will pursue the following goals:

- Reinforce international criminal justice cooperation, especially with the Sahel, Western and Central African regions;
- Reinforce inter-agency collaboration and the sustainability and ownership of criminal justice responses to terrorism among relevant national entities;
- Reinforce knowledge of and support improvements to the national counter-terrorism legislation.

A Stakeholders’ Round Table was held in Abuja on 27 November 2013, which established an implementation work plan and elaborated specific roles and functions to be fulfilled by the various stakeholders. This will be followed by programme activities in December 2013, aimed at supporting the implementation of Nigeria’s Terrorism Prevention Act (as
amended) and the two international counter-terrorism treaties that Nigeria ratified in September 2013: the International Convention against the Taking of Hostages and the International Convention for the Suppression of Terrorist Bombings.

As part of the programme, in 2014 a selected group of national criminal justice officials will participate in a series of capacity-building workshops focusing on the investigation, prosecution and adjudication of terrorism-related offences. The programme will also include training sessions focusing on human rights aspects in countering terrorism.

UNODC/TPB’s workshop on Effective Counterterrorism Investigation and Prosecution whilst Respecting Human Rights and the Rule of Law, in Cooperation with GCTF

As part of TPB and the Regional Office for South East Asia and the Pacific (ROSEAP)’s ongoing work in Southeast Asia to enhance the capacity of national criminal justice systems to prevent and respond to terrorism within a rule of law framework, TPB in collaboration with the Global Counterterrorism Forum (GCTF) organized a regional workshop on “Effective Counterterrorism Investigation and Prosecution whilst Respecting Human Rights and the Rule of Law”, held on 12 and 13 November in Bangkok, Thailand.

The workshop was instrumental in enhancing participants’ understanding of the preventative criminal offenses articulated in the United Nations Counterterrorism Legal Framework and the GCTF’s Rabat Memorandum of Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector (specifically Good Practice 13 that relates to the criminalization of conspiracies, solicitation and other preparatory acts of terrorism). Furthermore, the workshop promoted among participants the use of rule of law-based strategies and criminal justice tools to develop legally sustainable cases that allow prosecutors and law enforcement officials in the region to proactively investigate, prosecute and adjudicate terrorist offences. This event was also instrumental in raising awareness of the need to respect human rights while countering terrorism, in particular the right of freedom of expression, freedom of religion or belief, and freedom of association.

Opening remarks were delivered by Ms. Marta Requena, Chief of the TPB, and Mr. Terry Kinney, Senior Resident Legal Advisor for the US Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training in Indonesia and representative of the US Co-Chair in GCTF. Ms. Requena underlined the need for establishing effective counter-terrorism measures and strong criminal justice systems to ensure that terrorists be brought to justice. In this regard, she stressed the importance of detecting and prosecuting terrorist activity before the terrorist act has been committed and highlighted the relevance of the mandate and unique positioning of TPB to assist Member States with developing their capacity to effectively respond to terrorist threats within a rule of law framework. Mr. Kinney highlighted that effectively prosecuting involvement in terrorism can shape societal attitudes and perceptions of terrorism, deterring those contemplating violent extremism. He described the importance of establishing criminal offenses to address these acts, and the usefulness of international legal tools, including the Rabat Good Practices.

There was a general agreement among all participants on the importance to continue developing their capacity to practically apply newly acquired skill-sets and knowledge, in particular with regard to criminalise, investigate, prosecute and adjudicate preventative criminal offences. They called on
TPB to provide additional capacity building support. Participants also agreed on the importance of implementing good practice guidelines such as the GCTF Rabat Memorandum, as well as to ensure that counter-terrorism efforts be carried out in a rule of law framework. Several participants also underlined the need to develop inter- and intra-governmental coordination and collaboration.

UNODC/TPB Supports Member States’ efforts in Countering the Financing of Terrorism

On 1-3 October 2013, TPB organized a three-day capacity building activity on countering the financing of terrorism in Ulaanbaatar, Mongolia. It included a two-day national workshop entitled “Countering the Financing of Terrorism: Investigation and Prosecution Issues”. It also included a one-day visit to Khaan Bank, one of the major commercial banks in Mongolia, which provided training sessions on the Bank’s anti-money laundering and counter financing of terrorism (AML/CFT) compliance mechanism. The training was provided in response to specific requests from the Mongolian authorities to enhance the capacity of criminal justice officials, especially law enforcement officers, to implement targeted financial sanctions and to investigate and prosecute terrorist financing cases in accordance with the rule of law.

Shortly after the workshop, the Mongolian Government adopted the regulations to establish and implement adequate procedures to identify and freeze terrorist assets, in order to implement the corresponding recommendations of the Financial Action Task Force (FATF).

In his opening speech, General Bilegt, Commissioner General of the National Police Agency of Mongolia, expressed his appreciation to UNODC for providing a valuable knowledge-building opportunity on critical criminal issues which are considered to be emerging threats in the country. Over half of the participants represented the General Police Agency, particularly the Criminal Investigation Division and the Investigation Bureau. Other participants included practitioners from the Judiciary, Prosecution, Customs, Border Control, National Intelligence Agency, the Ministry of Foreign Affairs and others. The workshop was supported by a team of international experts from TPB, the Monitoring Team of the United Nations Security Council Al-Qaida Sanctions Committee, the Asia Pacific Group on Money Laundering, the United States’ Department of Treasury and the Sri Lankan Attorney General’s Office. The participants requested more in-depth training on AML/CFT matters, including training of trainers, echoing requests addressed to UNODC at the highest levels. Responding to these requests would require close collaboration and joint action with other international stakeholders and TPB would need additional resources to conduct such activities.

Specialized Visit of Moroccan Officials to Vienna, Paris and Washington D.C.

From 7 to 18 October 2013, TPB organized a specialized visit for a group of nine Moroccan criminal justice and law enforcement officials within the framework of its bilateral cooperation programme with the Government of Morocco. The visit took place in Vienna, Paris and Washington D.C. with the objective of familiarizing participants with the criminal justice policy aspects of counter-terrorism, the national and international experiences in the establishment of specialized counter-terrorism units within law enforcement and the judiciary and as well as mechanisms for inter-institutional cooperation and platforms for information sharing at the national level.
In Vienna, the group had extensive discussions with TPB counterparts on major achievements and perspectives to broaden the scope of the existing technical assistance cooperation programmes. Several briefings were also organized with other sections. The group also met with the Austrian Federal Agency for the Protection of the Constitution and the Counterterrorism.

In Paris, the delegation visited the National Counter-Terrorism Coordination Unit, the Department of Criminal Affairs and Pards at the Ministry of Justice and the Antiterrorism Section of the Paris Public Prosecutions Office.

In Washington D.C., the group had extensive meetings with the Counter Terrorism Section, National Security Division and the International Affairs Bureau at the US Department of Justice, as well as the US Foreign Intelligence Surveillance Court, the Federal Bureau of Investigation, the Department of State and the US Attorney’s Office of the District of Columbia.

In addition to the presentations on different approaches and mechanisms to countering terrorism, participants and keynote speakers had the opportunity to exchange and compare the challenges they are facing in their daily practice as well as recent trends and lessons learned. Moreover, participants seized the opportunity to discuss some specific cases involving judicial cooperation and extradition, reinforcing hence the quality of the bilateral cooperation between entities.

At the end of the visit, participants prepared a set of recommendations to the attention of the decision makers in Morocco based on the outcomes of the discussions and the exchanges of this specialized visit.

This specialized visit is part of the activities that are being implemented within the framework of a two-year bilateral cooperation programme between TPB and the Government of Morocco. The programme aims at providing technical legal assistance to criminal justice and law enforcement officers aiming at building and reinforcing a resilient legal regime against terrorism with an emphasis on preventive criminal justice.

Counter-Terrorism Legal Training Curriculum – New Modules Underway

TPB is currently finalizing two modules under its Counter-Terrorism Legal Training Curriculum:

- Module on Human Rights and Criminal Justice Responses to Terrorism
- Module on Transport related (Civil Aviation and Maritime) Terrorism Offences

In this regard, the Branch recently organized two Experts’ workshops to obtain expert peer review of the draft text of the modules.

Both modules are expected to be available in early 2014.

The Counter-Terrorism Legal Training Curriculum is a tool for transferring the knowledge and expertise needed to strengthen the capacity of national criminal justice officials to implement the universal legal regime against terrorism. It consolidates and systematizes legal concepts and related training material and information, with the aim of maximizing the impact of capacity building assistance provided by the Branch to requested countries. This assists the Branch in its ‘train-the-trainers’ approach.

The Curriculum consists of several modules, each dealing with specific thematic areas of the legal and criminal justice aspects of countering terrorism. Two modules have already been prepared and are used by UNODC in its capacity building activities. These are:

- The Universal Legal Framework Against Terrorism, and
- International Cooperation in Criminal Matters: Counter-Terrorism

Module on “Human Rights and Criminal Justice Responses to Terrorism”:

The module on Human Rights and Criminal Justice Responses to Terrorism responds to the recognition
that respect for human rights and fundamental freedoms are essential elements of any effective counter-terrorism strategy and legal framework. As the United Nations General Assembly states in the Global Counter-Terrorism Strategy, “effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing” (A/RES/60/288). The module examines human rights questions typically arising in the various stages of the criminal justice process in terrorism cases, from the criminalization of terrorist acts in legislation, to the investigation, detention of suspects, trial, and punishment of defendants found guilty. It highlights pertinent international human rights norms. It contains related good practices from Member States and analyses of cases decided by international human rights bodies on issues that arise in the context of counter-terrorism and criminal justice. Examples include: the use of special investigative techniques, such as phone intercepts and under-cover agents in compliance with human rights law; respect for human rights while devising high security detention regimes for terrorism suspects and convicts; or protection of witness identities and sensitive information while ensuring persons charged with terrorism offences enjoy the right to fair trial.

**Module on “Transport related (Civil Aviation and Maritime) Terrorism Offences”:**

Violent acts against aircraft and ships, their passengers, cargo or crew, or against airports and sea ports are regarded as serious terrorist threats. Effective legal regimes and adequate criminal justice responses are essential foundational measures necessary to prevent and counter terrorist acts against means of transportation. Providing practitioners with tools specifically tailored to address the criminalization of acts and applicability of laws with respect to terrorism and transportation is therefore necessary to strengthen criminal justice capacities in these important thematic areas.

The Module on Transport-related Terrorism Offences covers a key component of the counter-terrorism legal framework, as 11 of the 18 universal instruments against terrorism have been adopted specifically to address crimes concerning international civil aviation or maritime navigation. The Module analyzes and explains the application of the provisions of these instruments and assists policy makers and legislators with their ratification, especially for the new universal legal instruments relating to maritime security (adopted in 2005) and civil aviation (adopted in 2010). The Module also assists national legislators to incorporate the related international legal provisions into national legislation and supports criminal justice practitioners with the implementation of those provisions.