



Economic and Social Council

Distr.: General
10 May 2004

Original: English

Commission on Crime Prevention and Criminal Justice

Thirteenth session

Vienna, 11-20 May 2004

Item 6 of the provisional agenda*

Strengthening international cooperation and technical assistance in preventing and combating terrorism

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Report of the Secretary-General

Addendum

1. In its resolution 58/136 of 22 December 2003, the General Assembly invited Member States to provide the Secretary-General with information on the nature of links between terrorism and other forms of crime in order to increase synergy in the delivery of technical assistance. By a note verbale dated 30 September 2003 and a follow-up note dated 29 December 2003, the Secretariat requested information on the nature of those links. The report of the Secretary-General entitled "Strengthening international cooperation and technical assistance in preventing and combating terrorism" contains, inter alia, a summary of the responses received from 38 countries and territories (E/CN.15/2004/8, paras. 22-51). Additional responses were received after 9 March 2004 from the following 13 States: Bahrain, Denmark, Egypt, Latvia, Marshall Islands, Mexico, Namibia, Oman, Panama, Senegal, Slovakia, Syrian Arab Republic and United States of America.

2. Most of the States responding provided the Secretariat with the text of the relevant provisions in their domestic legislation dealing with terrorist crimes, as well as the provisions indicating the punishment envisaged. Some States reported that they were in the process of enacting specific counter-terrorism legislation, while others had recently done so or had amended their penal code. Most States were extending the list of behaviours related to terrorism that were to be criminalized. Governments had made an effort to criminalize most of the organizational activities of terrorist groups, such as the recruitment of members,

* E/CN.15/2004/1/Rev.1 and Corr.1.



fund-raising, concealment of sources of funding, various forms of incitation to violence and the planning and execution of terrorist acts. Most States qualified terrorist acts as serious crimes in their legislation and also criminalized preparatory acts committed by terrorist organizations.

3. Mexico reported on its legislation to combat organized crime, which also provided the framework for its measures against terrorism in the absence of specific counter-terrorism legislation.

4. With regard to the links between terrorism and other forms of crime, some respondents, including Bahrain, Latvia, the Marshall Islands, Oman, Slovakia and the Syrian Arab Republic, noted that no such links existed in their State. They had not observed examples of involvement of terrorist groups in organized criminal activity in the country or any instances of organized criminal groups being involved in terrorist acts. However, that might have been due in part to the fact that those States had not observed any terrorist activities in their countries.

5. Where some States reported on existing links between terrorist groups and other organized criminal groups, such links were mostly alliances of convenience. In the absence of other means of support, terrorist groups, according to some responses received, had become involved in various forms of lucrative crime in order to support themselves and finance their main activities. In addition, in the absence of normal access to some of the means required to carry out terrorist activities, terrorist groups had become involved in various crimes in order to procure such means, including illicit arms and false documents.

6. Panama reported that, although no terrorist activities had been carried out in the country, links existed between terrorism, trafficking in drugs and arms, money-laundering and the falsification of travel documents. The existing links were of an operational and logistical nature. In addition, Namibia reported that such links were also of a financial nature.

7. Egypt noted that the cooperation between terrorist groups and organized criminal groups were of an operational, logistical, financial, political and ideological nature. The types of measure required to combat terrorism were often the same as were required to combat other emerging forms of crime, such as organized crime.

8. The United States reported observing the presence of a link between terrorism and transnational organized crime in that country. Its experience had been that terrorist groups and groups engaged in trafficking in drugs were linked by money, tactics, geography and politics and had formed mutually beneficial relationships. The United States Drug Enforcement Administration, for example, had linked 14 groups designated as foreign terrorist organizations as having ties to the drug trade. In 2002, several high-ranking members of foreign terrorist organizations were indicted in the United States for trafficking in drugs. Those cases represented the first time that drug trafficking charges had been brought in the United States against members of foreign terrorist organizations and, moreover, clearly indicated that certain elements of those foreign terrorist organizations were generating illicit proceeds through international trafficking in drugs. In other cases, it was determined that there existed a nexus between terrorism and the following criminal offences: medical insurance fraud, visa fraud, mail and wire fraud and smuggling of cigarettes. Several individuals involved in drugs-for-weapons schemes were using

the proceeds from drug sales to purchase shoulder-fired anti-aircraft missiles, rocket-propelled grenade launchers, and various rifles, submachine guns and pistols for foreign terrorist organizations.

9. With regard to the use of funds gained through illicit activity, such as trafficking in illicit drugs to carry out terrorist acts, the United States reported that there was a proven link between terrorism, money-laundering, fraud and other forms of economic crime.

10. Denmark reported having observed a link between international terrorism and cases of falsification of travel and other official documents. An investigation had revealed that criminal groups were engaged in mass production of false passports that were subsequently sold to various buyers, including persons suspected of international terrorism. Denmark also reported the presence of clear evidence of the use of illicit funds to finance terrorist acts. In most instances, the proceeds of illicit drug markets were involved. Denmark reported that there were indications that the proceeds of a violent bank robbery committed in 2001 were partly intended for a foreign terrorist group.

11. Furthermore, in its capacity of Chair of the Task Force on Organised Crime in the Baltic Sea Region, Denmark forwarded to the Secretariat a report of the Task Force concerning relations between organized crime and terrorism in the Baltic Sea region. The report stressed that investigations had revealed links between terrorism and organized crime, especially illegal migration, corruption, money-laundering and other types of financial crime providing illegal funding of terrorist activities. The report concluded that there was a need to ensure that in carrying out the investigative work against organized crime, attention was paid to any possible links with a view to bringing them to the attention of the services specialized in counter-terrorism.

12. With respect to international cooperation, most States reported on their existing bilateral agreements on extradition and mutual legal assistance, as well as on existing regional agreements and initiatives, such as the 1998 Arab Convention for the Suppression of Terrorism, the 1999 Convention of the Organisation of the Islamic Conference on Combating International Terrorism and the 1977 European Convention on the Suppression of Terrorism, as well as the forthcoming security treaty for combating terrorism in the States of the Persian Gulf.

13. In the context of national initiatives to strengthen international cooperation for the prevention of terrorist financing, in particular through the tracing, freezing and confiscation of funds and other financial assets, several States reported on their actions in response to Security Council resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000 and 1455 (2003) of 17 January 2003.

14. In the area of law enforcement cooperation, several States noted the role of the International Criminal Police Organization (Interpol) and the European Police Office for police cooperation, including in the areas of sharing of information and international arrest warrants. Egypt noted the need for relevant United Nations organizations to gather information on the links between terrorism and other forms of crime and to create closer cooperation with Interpol in that respect. In particular, Egypt proposed that the Commission on Crime Prevention and Criminal Justice should request the Secretariat, with the assistance of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to

continue examining the relationship between terrorism and other forms of crime, reflect on the consequences of that relationship and propose effective measures to be undertaken to combat terrorism and organized crime more effectively. In that context, the Government of Egypt encouraged the convening of an international conference on the links between terrorism and other forms of crime, bringing together law enforcement officials, prosecutors and judges.

15. With regard to best practices and lessons learned, Oman reported that its Government was keen to pre-empt the problem of terrorism by introducing innovative initiatives, including legislative measures, taking into account the experiences of other States in combating terrorism. Oman had established a national committee against terrorism to monitor the implementation of related regional and international instruments and General Assembly and Security Council resolutions. The Marshall Islands also reported that it had established a specific committee under the leadership of the Attorney General to deal with terrorism issues. Some States reported on specialized law enforcement units charged with preventing and combating terrorism.
