



## Economic and Social Council

Distr.: General  
8 April 2005

Original: English

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### Commission on Crime Prevention and Criminal Justice

Fourteenth session

Vienna, 23-27 May 2005

Item 7 of the provisional agenda\*

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

### **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**

#### **Report of the Secretary-General\*\***

#### *Summary*

The present report has been prepared pursuant to General Assembly resolution 59/153 of 20 December 2004, 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”. It reviews the progress made in technical assistance delivery by the Terrorism Prevention Branch of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime and presents guidelines and proposals concerning the future approach to technical assistance for consideration by the Commission on Crime Prevention and Criminal Justice. The report also provides data on the status of ratification of the universal conventions and protocols related to terrorism and on voluntary contributions received by the Branch. It concludes with general remarks and recommendations.

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\* E/CN.15/2005/1.

\*\* The footnote required in accordance with paragraph 8, section B, of resolution 53/208, by which the General Assembly decided that if a report is submitted late to the conference services, the reasons for this should be included in a footnote to the document, was not included in the original submission.



## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1-6	3
II. Putting technical cooperation to work .....	7-27	4
A. Bilateral activities .....	7-9	4
B. Regional and subregional frameworks .....	10-19	6
C. Intensifying efforts by presence in the field .....	20-21	9
D. Working together: a multiplier effect .....	22-27	10
III. Technical cooperation approach .....	28-40	11
A. An integrated, synergistic approach .....	28-31	11
B. The fight against terrorism in the context of building fair criminal justice systems and the rule of law .....	32-34	12
C. International cooperation against terrorism .....	35-39	13
D. Guidelines for technical cooperation .....	40	14
IV. Technical cooperation tools .....	41-46	14
V. Ratification of the universal instruments related to terrorism: measuring progress .....	47-48	15
VI. Resources and expenditures .....	49-53	16
VII. Conclusions and recommendations .....	54-57	19
Annex.		
Guidelines for technical assistance to combat terrorism .....		21

## I. Introduction

1. The year under review has been a challenging one for the United Nations, but the challenges have created an opportunity to debate change in the Organization. In that spirit, the Secretary-General appointed a High-level Panel on Threats, Challenges and Change to examine the threats faced, to evaluate existing policies, processes and institutions and to make bold and practicable recommendations. On 1 December 2004 the High-level Panel presented a report, "A more secure world: our shared responsibility" (A/59/565 and Corr.1), in which it identified terrorism as one of the six main threats to international peace and security and highlighted the interconnectivity of those threats. The Panel recommended that the United Nations, with the Secretary-General taking a lead role, promote a comprehensive strategy that incorporated, but was broader than coercive measures.

2. On 10 March 2005, the Secretary-General presented the main elements of that strategy, entitled "A Global Strategy for Fighting Terrorism", and the role of the United Nations in implementing it, to the International Summit on Democracy, Terrorism and Security, held in Madrid from 8 to 11 March 2005. In so doing he enunciated his vision of a principled, effective strategy against terrorism that respected and protected the rule of law and universal human rights, which could be characterized by what he called the five "Ds": dissuasion, denial, deterrence, development of state capacity and defence of human rights (see <http://www.un.org/News/Press/docs/2005/sgsm9757.doc.htm>). In his address to the Summit, the Secretary-General stressed that enhancing coordination was one of the priorities of the United Nations and called on all entities of the United Nations system to contribute to implementing the Global Strategy. He announced the creation of an implementation task force that would meet regularly to review the fight against terrorism and related issues throughout the United Nations system and to make sure that all parts of it played their proper role.

3. The Global Strategy will have an impact on the work of the Terrorism Prevention Branch of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC). In particular with regard to coordination, the past year saw changes in the way the Terrorism Prevention Branch conducted its work. The creation by the Security Council in its resolution 1535 (2004) of 26 March 2004 of the Counter-Terrorism Committee Executive Directorate and the appointment of its Executive Director, Javier Rupérez, at the Assistant Secretary-General level, has further strengthened the existing mechanisms for coordination of counter-terrorism activities worldwide. The enhanced ability of the Counter-Terrorism Committee to monitor and evaluate the implementation of resolution 1373 (2001) of 28 September 2001 and its assumption of a more proactive role in the dialogue with Member States, including visits to States to engage in detailed monitoring of the implementation of resolution 1373 (2001), has important implications for the work of providers of technical assistance such as the Terrorism Prevention Branch. This is particularly the case, since the Council, in its resolution 1535 (2004), recognized that such visits should be conducted, when appropriate, in close cooperation with relevant international, regional and subregional organizations and other United Nations bodies, including UNODC, in particular with its Terrorism Prevention Branch, taking special care of the assistance that might be available to address States' needs.

4. In its resolution 59/153 of 20 December 2004, the General Assembly requested UNODC to intensify its efforts to provide technical assistance in preventing and combating terrorism through the implementation of the universal instruments related to terrorism. The activities of the Terrorism Prevention Branch aimed at providing assistance to States in reviewing and revising national legislation against terrorism have again been numerous in the year under review, while at the same time increasingly addressing the issue of qualitative follow-up to initial assistance activities as also the issue of legislative incorporation and implementation of the universal instruments. By moving into follow-up, the Branch was also in a position to evaluate the impact of its initial activities and to measure progress made by States.

5. In order to facilitate its follow-up activities, new technical assistance tools have been developed by the Branch, focusing on legislative incorporation and international coordination. A guide for the legislative incorporation and implementation of the universal instruments related to terrorism has been drafted, taking the existing *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*<sup>1</sup> one step further. A training manual to complement the guide is planned. As regards international cooperation, UNODC finalized the Model Law on Extradition ([http://www.unodc.org/pdf/model\\_law\\_extradition.pdf](http://www.unodc.org/pdf/model_law_extradition.pdf)) and started work on a draft model law on mutual legal assistance. The two model laws are important additions to the existing body of UNODC technical assistance tools for international cooperation. A compendium of all those tools is forthcoming.

6. In addition to the technical cooperation activities undertaken by the Branch, work has focused on the substantive preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005. Terrorism will take a prominent place at the Eleventh Congress, with a substantive item on international cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of UNODC and a workshop on measures to combat terrorism, with reference to the relevant international conventions and protocols, organized jointly by UNODC and the International Institute of Higher Studies in Criminal Sciences. Furthermore, an ancillary meeting on upholding the rule of law while fighting terrorism will be organized by the International Association of Penal Law, the International Commission of Catholic Prison Pastoral Care and the Intergovernmental Agency of la Francophonie. Pursuant to General Assembly resolution 59/153, the Eleventh Congress will also discuss the guidelines for technical assistance to combat terrorism, with a view to their consideration by the Commission (see the annex to the present report).

## **II. Putting technical cooperation to work**

### **A. Bilateral activities**

7. In the year under review, direct bilateral cooperation missions were conducted to 26 countries, upon request, focusing mainly on providing legal advisory services on the incorporation of the relevant provisions of the international instruments into national legislation, as well as assistance for the implementation of the legislation, including international cooperation mechanisms. In some cases, UNODC experts

helped States compile the elements needed for completion of their reports to the Counter-Terrorism Committee in response to Security Council resolution 1373 (2001). Two bilateral assistance activities are described below as examples of the consultative nature and type of cooperation activities the Branch engages in.

8. Pursuant to a request formulated by the Government of Afghanistan in its supplementary report to the Counter-Terrorism Committee (S/2003/353) and in coordination with the Afghan authorities, UNODC sent a technical assistance mission to Kabul from 5 to 12 June 2004 to provide advice to the Afghan authorities on legislative measures needed to combat terrorism and transnational organized crime. The existing legislation was reviewed and the ministers of justice and education identified the fight against terrorism as a priority for their country, requesting UNODC to assist in drafting legislation to fight terrorism and to discuss the proposed draft law and/or relevant amendments to the penal code with the relevant ministries. Following the drafting and translation of the law and amendments to the Penal Code and the External and Internal Security Act, a legislative drafting workshop was held in Vienna from 22 to 24 November 2004, attended by representatives of the ministries of justice, foreign affairs, the interior and finance. The participants agreed to take into account the recommendations of the meeting and have subsequently forwarded a revised draft counter-terrorism law for comments. UNODC has provided comments to the Afghan authorities and further consultations to finalize the draft are envisaged.

9. Subsequent to a request by the Government of Paraguay, UNODC in July 2004 sent comments on draft counter-terrorism legislation to the working group charged with drawing up the new legislation. Prior to that, the Security Council had on several occasions called upon Paraguay to urgently adopt internal legislative measures in full compliance with Council resolution 1373 (2001). After coordination with the Paraguayan authorities, a joint legal assistance mission to Asunción was conducted from 27 November to 3 December 2004 by the Counter-Terrorism Committee, UNODC, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Inter-American Committee against Terrorism (CICTE) of the Organization of American States (OAS). The Paraguayan authorities informed the mission that Paraguay had deposited its instruments of ratification of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation<sup>2</sup> and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.<sup>3</sup> The International Convention for the Suppression of the Financing of Terrorism (General Assembly resolution 54/109, annex) and the Inter-American Convention against Terrorism (A/56/1002-S/2002/745, annex) were ratified shortly thereafter. Thus, Paraguay joined Bolivia, Chile, Peru and Uruguay in the group of countries of South America that had ratified all the universal instruments related to terrorism. With regard to the process of drafting national legislation incorporating the provisions of the instruments into domestic legislation, a national workshop was organized and attended by high-level representatives of the Supreme Court of Justice, the ministries of foreign affairs, national defence, economy and finance and justice, the Public Prosecutor's Office and the Superintendence of Banks. The Paraguayan officials presented draft legislation, on which the mission offered specific comments and advice with a view to ensuring the full incorporation of the requirements of the universal instruments. Subsequently, Paraguay submitted draft legislation to its Congress incorporating the requirements of the universal

instruments in March 2005. Planned future activities include a joint CICTE/OAS/UNODC/Common Market of the Southern Cone (MERCOSUR) seminar on freezing of terrorist assets, to be hosted by the Government of Paraguay in Asunción in May/June 2005.

## **B. Regional and subregional frameworks**

10. During the year under review, efforts were made by UNODC to draw up frameworks for regional activities under its global project on strengthening the legal regime against terrorism. The aim of such regional frameworks was to enhance the planning and monitoring of the various activities conducted in specific regions and to harmonize the efforts of States in the same region or subregion. At the same time, they were a response to requests from various donor Governments that wished their contributions to be earmarked for use in particular countries and regions.

11. The UNODC Regional Office for the Middle East and North Africa in Cairo has taken the lead in this area of work and has, in cooperation with the Terrorism Prevention Branch, developed a regional action plan to combat terrorism, taking into full account regional specificities and needs. The regional action plan foresees: (a) provision of substantive legal advice on the ratification of the international instruments related to terrorism and on the incorporation of relevant provisions into domestic legislation; (b) support for the legislative adoption of the new provisions against terrorism; (c) training for criminal justice officials in the effective implementation of national legislation; (d) support for effective participation in international cooperation at the regional and global levels; and (e) support for raising public awareness of the counter-terrorism instruments and counter-terrorism issues in general.

12. The action plan builds upon counter-terrorism work conducted by UNODC in the region in 2004, including with Jordan, Morocco and the United Arab Emirates on international cooperation in criminal matters and the ratification of the universal instruments related to terrorism. Other activities in this priority region included the organization of a regional training workshop on drugs and organized crime for the member States of the Organization of the Islamic Conference of the Arab region, organized in Manama from 25 November to 1 December 2004 by UNODC and the Naif Arab University for Security Sciences and hosted by the Government of Bahrain. Participating criminal justice officials agreed to accelerate the process of ratification and upgrading of national laws in order to effectively implement the universal instruments; to develop mutual assistance infrastructures and capacities; to enhance regional cooperation; to organize appropriate training for key actors, judges and prosecutors at the national and regional levels; and to put in place all the central authorities required for cooperation.

13. A national workshop on international cooperation against terrorism was organized in Cairo on 21 and 22 December 2004 by UNODC and the Egyptian National Committee on Combating Terrorism. High-level Egyptian officials, including chief justices, members of the civil and military judiciary, prosecutors, ambassadors, law enforcement officers and university professors, attended the meeting, the main objective of which was to share information and practical experience in matters related to methods and techniques of combating terrorism,

including related legal aspects. The results of the workshop and the experience gained will serve in the organization of other national workshops in the region in the context of UNODC's regional action plan. Participants recommended the establishment of national committees to combat terrorism that would coordinate action at the national and regional levels and emphasized the urgency of creating a training centre under the auspices of the UNODC Regional Office for the Middle East and North Africa to provide specialized training in combating organized crime, terrorism, corruption and money-laundering. (The call for such a regional training centre was reiterated at the Arab regional symposium on combating terrorism held in Cairo on 16 and 17 February 2005.) Participants also agreed to bolster efforts to ratify and implement the universal instruments related to terrorism.

14. A regional component has also been developed for the Terrorism Prevention Branch's technical cooperation with Latin America and the Caribbean. Together with CICTE/OAS and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the Branch conceptualized a set of regional activities aimed at strengthening regional cooperation through the ratification and implementation of the universal instruments related to terrorism, the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and the Protocols thereto and the United Nations Convention against Corruption (resolution 58/4, annex). Expert workshops have been conducted on the drafting of legislation and implementation of those instruments and the Inter-American Convention against Terrorism. The decision was taken to target initially those countries of the region which had at the time ratified the Inter-American Convention. The first workshop was held in San José from 20 to 22 January 2004 for representatives of Costa Rica, El Salvador, Mexico, Nicaragua, Panama and Peru. Subsequently, bilateral assistance was provided to Costa Rica, El Salvador, Nicaragua and Peru. From 14 to 16 March 2005 a follow-up workshop was held in San José to review the progress made. The review of participating States' legislation and/or draft legislation pending parliamentary approval showed that progress made between January 2004 and March 2005 had been considerable. An initial expert workshop for States that had not yet ratified the Inter-American Convention against Terrorism—Colombia, the Dominican Republic, Ecuador, Guatemala, Honduras and Venezuela (Bolivarian Republic of)—was held in San José from 2 to 10 October 2004.

15. Real progress at the subregional level can also be seen with regard to the French-speaking countries of Africa. The Regional Ministerial Conference of French-speaking Countries of Africa for the promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto was organized in Cairo from 2 to 4 September 2003, by UNODC, the Intergovernmental Agency of la Francophonie and the Government of Egypt. Representatives of Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Mauritania, Mauritius, Morocco, the Niger, the Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal and Togo attended the Conference, at the end of which their commitment to speedy ratification and implementation of the universal instruments related to terrorism was enshrined in the Cairo Declaration (A/C.3/58/4, annex).

16. A little over one year later, the Regional Ministerial Conference of French-speaking Countries of Africa for the ratification and implementation of the universal instruments against terrorism and the Organized Crime Convention and the Convention against Corruption was held in Port-Louis from 25 to 27 October 2004 to examine progress made in the ratification and implementation of the instruments. The Conference was organized by UNODC, the Intergovernmental Agency of la Francophonie and the Government of Mauritius. Again a large number of French-speaking African countries were represented: Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Mauritius, Morocco, Niger, Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal, Togo and Tunisia. The increased rate of ratification of almost 50 per cent demonstrated the commitment of the Governments and the progress made. Between the two conferences, UNODC had provided bilateral technical cooperation and legal assistance to 11 countries<sup>4</sup> to enable them to become parties to and implement the universal instruments against terrorism and transnational organized crime. A further significant increase in the ratification and legislative implementation processes by French-speaking African countries is expected by the time of the third conference, to be held in Dakar in 2005.

17. The Terrorism Prevention Branch has intensified its technical cooperation activities with the countries of the Commonwealth of Independent States (CIS) and Central Asia. In April 2004, experts of the Branch provided substantive inputs to the third joint session of the Council of Foreign Ministers, the Coordinating Council of Prosecutors General, the Council of Heads of Security Bodies and Special Services, the Council of Commanders-in-Chief of Frontier Troops and the Council of Heads of Customs Services of CIS, including an extensive review of a CIS Model Law on Terrorism that had been adopted by the Interparliamentary Assembly of Member Nations of CIS in December 2004. A regional workshop on legislative implementation and international cooperation was organized from 5 to 7 April 2005 in Tashkent by the Branch, the Shanghai Cooperation Organization and the Organization for Security and Cooperation in Europe (OSCE). Participants included representatives of Afghanistan, China, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Mongolia, the Russian Federation, Tajikistan, Turkmenistan and Uzbekistan, as well as of the International Monetary Fund (IMF), CIS and the South-East Asia Regional Centre for Counter-Terrorism (SEARCCT). Belarus, Tajikistan and Turkmenistan, after having received technical assistance from the Terrorism Prevention Branch in the form of bilateral assistance missions conducted in 2003 and 2004, have become parties to all 12 universal counter-terrorism instruments.

18. As regards Asia and the Pacific, the Terrorism Prevention Branch has been actively involved in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and has structured its assistance in line with the priorities determined under the Process. At the Regional Ministerial Meeting on Counter-Terrorism held in Bali, Indonesia, on 4 and 5 February 2004, ministers agreed to establish an ad hoc working group of senior legal officials from the region that would report on the adequacy of regional legal frameworks for counter-terrorism cooperation and identify new areas for improvement of cooperation and assistance. The Branch participated in the first meeting of the Legal Issues Working Group, chaired by Australia in Canberra on 4 and 5 August 2004. Delegates



representing 24 countries, including many of the Pacific island countries, and several regional and international organizations and bodies, attended the meeting. The meeting created two subgroups, one, chaired by Japan, on offences whose criminalization is required in order to provide an effective regime to deal with terrorism and one on international legal cooperation, chaired by Thailand. The Branch was invited to make a substantive contribution to the work of both subgroups. Japan organized a Seminar on the Promotion of Accession to the International Convention for the Suppression of the Financing of Terrorism in Tokyo on 2 December 2004, at which the Branch participated. It also contributed to the workshop on international legal cooperation organized by Thailand in January 2005. The Branch has been invited by both chairs (Japan and Thailand) to continue to contribute to the work of the subgroups.

19. Regional and subregional workshops have been conducted in the year under review as follows:

(a) A regional workshop on the ratification and implementation of the universal instruments against terrorism, the Organized Crime Convention and the Convention against Corruption, as well as on the drafting of reports to the Counter-Terrorism Committee of the Security Council, was held in Praia from 8 to 10 December 2004, organized in cooperation with the Government of Cape Verde. The following countries participated: Angola, Benin, Cape Verde, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Mauritania, Mozambique, Nigeria, Republic of the Congo, Sao Tome and Principe, Senegal, Sierra Leone and Togo;

(b) The Expert Workshop on International Cooperation on Counter-Terrorism, Corruption and the Fight against Transnational Crime was held in Zagreb from 7 to 9 March 2005. It brought together participants from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Romania, Serbia and Montenegro, Slovakia, Slovenia and the former Yugoslav Republic of Macedonia, together with representatives of 12 regional and international organizations, including OHCHR, the Council of Europe, Eurojust, the International Criminal Police Organization (Interpol), the European Commission and the Council of the European Union. Participants reviewed legislative requirements emanating from the universal instruments related to terrorism, the United Nations Convention against Corruption and the Organized Crime Convention and simulated case studies involving those issues and international cooperation. The Zagreb Declaration on International Cooperation on Counter-Terrorism, Corruption and the Fight against Transnational Organized Crime adopted at the workshop (A/59/754-S/2005/197, annex) includes 20 conclusions on best practices and guiding principles in the fight against terrorism, transnational organized crime and corruption.

### **C. Intensifying efforts by presence in the field**

20. In order to support the implementation of the Terrorism Prevention Branch's activities in the field, regional-level experts—many of them on a part-time basis in order to make the most efficient use of resources—were based in a number of strategic locations in order, to provide on the ground for follow-up activities: two experts were based in Cairo to cover the Middle East and North Africa; and two

experts responsible for Latin America and the Caribbean were based at the Latin American Institute for the Prevention of Crime and the Treatment of Offenders in Costa Rica and in Buenos Aires. In order to follow up on the Branch's expanding activities in CIS and Central Asia, experts were based in Moscow and at the UNODC Regional Office for Central Asia in Tashkent. Two experts based in Singapore and in Bangkok covered the Asian region, while an expert based in Canberra followed activities in the Pacific region. The experts met in Vienna from 7 to 11 February 2005 to be briefed on the activities of UNODC and the approach to technical assistance, to exchange experience and knowledge and to familiarize themselves with each other's work and expertise.

21. The creation of advisory panels for specific geographical regions and legal systems to review proposed legislative solutions and provide specific input appropriate to the regions' particular historical and legal traditions and jurisprudence, as well as the placement of mentors to provide longer-term in-depth follow-up, is also envisaged.

#### **D. Working together: a multiplier effect**

22. The technical assistance activities of the Terrorism Prevention Branch are undertaken in compliance with the decisions and policy guidance of the Counter-Terrorism Committee of the Security Council and in close coordination with the work of the Counter-Terrorism Committee Executive Directorate. The Committee and its Executive Directorate provide guidance for the counter-terrorism work of the United Nations; they analyse the reports received from Member States pursuant to resolutions of the Council and facilitate and coordinate the provision of technical assistance to requesting States. UNODC delivers legislative and advisory services, upon request, drawing on its specialized substantive expertise: its technical assistance functions are intended to complement the normative, policy making and monitoring functions of the Counter-Terrorism Committee and its Executive Directorate.

23. As a follow-up to the special meeting organized by the Counter-Terrorism Committee on 6 March 2003, OSCE, in cooperation with UNODC, hosted a meeting between international, regional and subregional organizations in Vienna on 11 and 12 March 2004 on strengthening practical cooperation between regional and international organizations. The proceedings of the meeting appear in a joint OSCE/UNODC publication.

24. The Branch made further progress towards maximizing impact and avoiding duplication of efforts by establishing operational partnerships: technical assistance activities were undertaken in close collaboration with numerous international, regional and subregional organizations, such as OAS, OSCE, the Commonwealth Secretariat, the Intergovernmental Agency of la Francophonie, the Economic Community of West African States, the Economic Community of Central African States and the International Civil Aviation Organization. Several legislative advisory activities were conducted with IMF, including an assessment of Italy's system to counter money-laundering and the financing of terrorism. The assessment was conducted from 4 to 14 April 2005 using the joint methodology for evaluating compliance developed by the Financial Action Task Force on Money Laundering,

IMF and the World Bank.<sup>5</sup> OHCHR is UNODC's partner in implementing programme activities related to the rule of law and terrorism. The Terrorism Prevention Branch has contributed to numerous technical cooperation-related activities of these partner organizations, providing substantive input on the universal instruments related to terrorism and Security Council resolution 1373 (2001) and on increasing international cooperation in that regard.

25. UNODC has made substantive and technical presentations on programme activities in a variety of international forums, including the Counter-Terrorism Committee, the Counter-Terrorism Action Group of the Group of Eight and the Working Party on Terrorism of the Council of the European Union. At the request of Interpol, UNODC prepared a report on current trends in international instruments to abolish the political offence exception for political violence for submission to the Working Group on Article 3 of the Interpol Constitution with respect to political offences.

26. The Branch also worked closely with the Office of Legal Affairs of the Secretariat, which provided relevant advice and substantive elements related to the development of UNODC's technical assistance tools. Further, UNODC has engaged in discussions with the Security Council Committee established pursuant to resolution 1267 (1999) of 15 October 1999 concerning Al-Qaida and the Taliban and associated individuals and entities, as well as the Security Council Working Group established pursuant to resolution 1566 (2004) of 8 October 2004, on how UNODC activities could support the work of the two bodies, in particular concerning the criminal justice aspects of their work and more specifically issues related to victims of terrorism.

27. In order to ensure transparency, the Terrorism Prevention Branch continued its practice of providing, on a periodic basis, detailed briefings to Member States on progress made in programme delivery. A brochure reflecting the work of the Branch has been updated regularly and is available online ([http://www.unodc.org/pdf/brochure\\_gpt\\_may2004%20.pdf](http://www.unodc.org/pdf/brochure_gpt_may2004%20.pdf)). The Branch continued to produce and disseminate on a monthly basis a matrix of its ongoing and planned technical assistance activities per country and region. An issue of the journal *Forum on Crime and Society* devoted to terrorism is forthcoming.

### **III. Technical cooperation approach**

#### **A. An integrated, synergistic approach**

28. The close connection between international terrorism and transnational organized crime was already noted in Security Council resolution 1373 (2001), in which the Council emphasized the need to enhance coordination of efforts at the national, subregional, regional and international levels. This has been further highlighted in the report of the High-level Panel on Threats, Challenges and Change in which the High-level Panel noted that today, more than ever before, security threats (including terrorism and organized crime) were interrelated. In his report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005), the Secretary-General reiterated that the threat of terrorism was closely linked to that of organized crime, which was growing and affected the

security of all States. Organized crime contributed to state weakness, impeded economic growth, fuelled many civil wars and provided financing mechanisms to terrorist groups.

29. Against this background, UNODC has made efforts to provide responses to illicit drugs, crime and terrorism that are integrated and synergistic. The close linkages between and interrelatedness of the threats of terrorism and organized crime call for international, regional and national responses that take into account and combine the lessons learned from fighting each type of crime. Both the international community and national authorities can benefit from the use of mechanisms and instruments initially set up to combat transnational organized crime and money-laundering when they are fighting terrorist groups and their financial activities. UNODC technical assistance activities have taken this into account and have encouraged States to bear in mind the interconnectivity of threats when drafting and amending laws and building capacity against terrorism and transnational organized crime and to address, to the extent possible, the requirements emanating from the relevant international instruments related to terrorism and transnational organized crime.

30. Strengthening the rule of law and building fair criminal justice systems are also important components in countering terrorism and need to be integrated into technical cooperation activities in those areas. Both terrorists and criminal groups benefit from a weak or absent State and have an interest in countering the efforts of law enforcement and government agencies.

31. Cooperation among States is the other important component in fighting the global threats of terrorism and organized crime. In order to provide States with a comprehensive set of standards and measures against terrorism and organized crime, UNODC's technical cooperation programme encourages the incorporation of these components.

## **B. The fight against terrorism in the context of building fair criminal justice systems and the rule of law**

32. A new focus has been given to the activities of the Terrorism Prevention Branch by the introduction of a project component specifically addressing the fight against terrorism within the framework of the rule of law. As the international community perceives the terrorist threat to be increasing in severity and breadth, there is a corresponding danger of overreacting by implementing measures and mechanisms that may prove to be unnecessarily intrusive. In the aftermath of recent major terrorist attacks, many States have enacted new legislation or amended their existing legislation and have introduced new methods and practices to counter terrorism. These new laws should be fully in line with the principle of the rule of law and the international legal framework, in particular international human rights law.

33. Effective counter-terrorism measures and respect for the rule of law can go hand in hand. Measures can be taken and rights may even be suspended in times of a public emergency that threatens the life of a nation. States may invoke so-called emergency powers in the fight against terrorism, while striking a balance between individual rights, protection of the community and national security. Whatever

emergency measures are taken must be based on the principle of legality, proportionality and necessity and be of limited duration; thus they may not affect non-derogable rights. In drafting legislation and implementing measures for the prevention of and fight against terrorism, the greatest challenge is to avoid unnecessary suppression of individual liberties. This concern has been addressed by the Secretary-General's call upon Member States to appoint a special rapporteur who would report to the Commission on Human Rights on the compatibility of counter-terrorism measures with international human rights laws (A/59/2005, para. 94).

34. UNODC counter-terrorism assistance activities assist justice professionals and policymakers in making effective counter-terrorism measures compatible with the rule of law and respect for human rights. Promoting the rule of law in all the components of the crime programme constitutes the core function for which UNODC has received its mandate from the Commission on Crime Prevention and Criminal Justice. Related activities will be formulated and undertaken in close consultation with OHCHR, with the aim of developing capacity to offer technical assistance to States on counter-terrorism and emergency measures with special emphasis on respect for the rule of law. Related issues are discussed in the section below.

### **C. International cooperation against terrorism**

35. The High-level Panel on Threats, Challenges and Change has pointed out that no State, no matter how powerful, can by its own efforts alone make itself invulnerable to today's threats. Every State requires the cooperation of other States to make itself secure. It is in every State's interest, accordingly, to cooperate with other States to address their most pressing threats, because doing so will maximize the chances of reciprocal cooperation to address its own threat priorities (A/59/565, para. 24).

36. Given the advent of globalization, the development of international terrorism and the increased links between different forms of transnational crime, effective means of punishing such international acts need to be reinforced. Investigating and prosecuting cases against persons suspected of participation in organized crime or terrorist activities are often difficult. It is all the more difficult to try to bring a case together when the suspect, the victim, key evidence, key witnesses, key expertise or the profits of crime are located outside the State's jurisdiction. While all forms of transnational crime, including terrorism, have benefited from globalization, States' modalities of inter-State cooperation have remained largely fragmented and are often ineffective. For criminal justice practitioners confronted with modern organized crime and terrorism, relying on international cooperation has become a necessity. The international community has realized the increasingly global dimensions of terrorism and organized crime and has introduced a range of modalities and tools for international cooperation in criminal matters, such as extradition, mutual legal assistance, transfer of criminal proceedings, transfer of sentenced persons, recognition of foreign penal judgements, freezing and seizing of assets and law enforcement cooperation.

37. UNODC, with its extensive substantive expertise in international cooperation, has the ability to assist States in developing treaty relations at the various levels, in particular on the basis of the revised manuals on the Model Treaty on Extradition (General Assembly resolutions 45/116, annex, and 52/88, annex) and on the Model Treaty on Mutual Assistance in Criminal Matters (resolution 45/117, annex). In that context, the Organized Crime Convention and the Convention against Corruption reflect in many ways the “state of the art” of international cooperation in criminal matters.

38. However, most States rely on domestic legislation to enact international cooperation modalities into law. Existing international cooperation depends almost entirely on the effectiveness of national legal systems. For example, one of the main objectives of an effective international cooperation regime is that there should be no safe haven for criminals. This requires the establishment of an adequate and comprehensive approach to jurisdiction, the *aut dedere aut judicare* principle—which requires that an accused person is either extradited or prosecuted—and more effective extradition procedures. Often States lack not only the legislative resources to engage in inter-State cooperation, but also the required expertise in their ministries of justice, the interior and foreign affairs to deal adequately with those processes.

39. UNODC will continue to cooperate with States in putting in place the required legislative framework for effective international cooperation to combat terrorism and will assist States in building the required capacity to implement the measures adopted.

#### **D. Guidelines for technical cooperation**

40. Pursuant to General Assembly resolution 58/136 of 22 December 2003, UNODC has prepared guidelines according to which assistance would be provided to promote the ratification of, accession to and implementation of the universal conventions and protocols and to identify specific elements of such assistance with a view to facilitating cooperation among Member States. The guidelines were developed by an expert group that met in Cape Town, South Africa, on 24 and 25 February 2004, for consideration by the Commission on Crime Prevention and Criminal Justice at its fourteenth session. In accordance with Assembly resolution 59/153, the guidelines are being submitted to the Eleventh Congress for further discussion (see annex).

### **IV. Technical cooperation tools**

41. In order to carry out its technical cooperation activities effectively, UNODC has developed a variety of technical tools based on best practices identified by international experts that are used in the training of judicial and prosecutorial personnel in the proper implementation of the universal conventions and protocols related to terrorism.

42. In the area of international cooperation, UNODC has over the years prepared a series of specialized manuals and model laws on extradition and mutual legal assistance intended to allow States to make use of the guidance provided in order to

prepare bilateral agreements and to draft relevant legislation against terrorism. UNODC, the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime organized an expert group meeting on the preparation of model legislation on extradition in conjunction with a training workshop on extradition in terrorism cases, in Siracusa, Italy, from 2 to 6 December 2003. The two meetings served to upgrade skills in the field of extradition.

43. In 2004, UNODC issued a *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*, which is both a guide for legislative drafters and a training tool in legislative assistance activities, and is distributing the work widely. In 2004, an independent evaluation of the tools and toolkits produced by UNODC in various areas described the *Legislative Guide* as a low-cost way of directly addressing an identified need, unambiguously connected to its users, that had directly facilitated UNODC's technical assistance programme and the implementation of the global conventions, had linked tools to training, for cost-effectiveness, and was a model of handiness of presentation and readability in a difficult subject.

44. As a further tool to enhance the implementation of the universal instruments related to terrorism, UNODC is finalizing a guide for the legislative incorporation and implementation of those instruments. The draft guide goes further than the legislative guide, as it takes into account other obligations of States under international law, such as principles of human rights. It also provides an in-depth analysis of international cooperation, which is considered an integral part of legal measures against terrorism, and proposes a broad range of options and examples that national legislators can consider when incorporating new counter-terrorism measures into their national legislation. The guide will be submitted to the Commission as a conference room paper.

45. To further complement this work, UNODC has put together a *Compendium of Legal Instruments and Useful Technical Assistance Tools to Prevent Terrorism and Other Related Forms of Crime*. The *Compendium*, which lists relevant legislative guides, model laws, manuals and implementation tools relating to terrorism and other related crimes is available on the Internet (<http://137.82.153.100/Site%20Map/compendium/Compendium/index.htm>) and as a CD-ROM.

46. In the year under review, UNODC has further developed its legislative database, which is used as an in-house tool to support the delivery of technical assistance. It contains the analysed and categorized counter-terrorism legislation of over 120 States, a selected bibliography on terrorism, as well as the jurisprudence of international courts on terrorism, and a range of technical cooperation tools. In order to further enhance the comprehensiveness of the database, the Office would welcome examples of national legislation effectively implementing the penalization, jurisdiction or international cooperation obligations of the universal instruments related to terrorism, as well as problems that may arise in drafting or applying such legislation.

## **V. Ratification of the universal instruments related to terrorism: measuring progress**

47. In its resolution 58/136, the General Assembly recommended that the Commission on Crime Prevention and Criminal Justice, in coordination with other

United Nations entities, in particular the Counter-Terrorism Committee, keep under regular review the progress made by Member States in becoming parties to and implementing the universal conventions and protocols related to terrorism and the needs of Member States requesting assistance.

48. Member States have made considerable progress with regard to becoming parties to the universal instruments related to terrorism. The figure below provides the overall number of new States parties to the universal instruments, as well as new parties since the launch of the Terrorism Prevention Branch's technical cooperation project to strengthen the legal regime against terrorism. Of the 61 States that have received bilateral assistance from the Branch since the launch of the project in October 2002, 40 have become parties to one or more of the instruments.

## VI. Resources and expenditures

49. The resources of the Terrorism Prevention Branch are derived from the United Nations regular budget, approved by the General Assembly, and from voluntary contributions by Member States. The regular budget includes an annual provision of approximately \$900,000, mainly covering seven staff positions with small allocations for expert groups, consultants and travel.

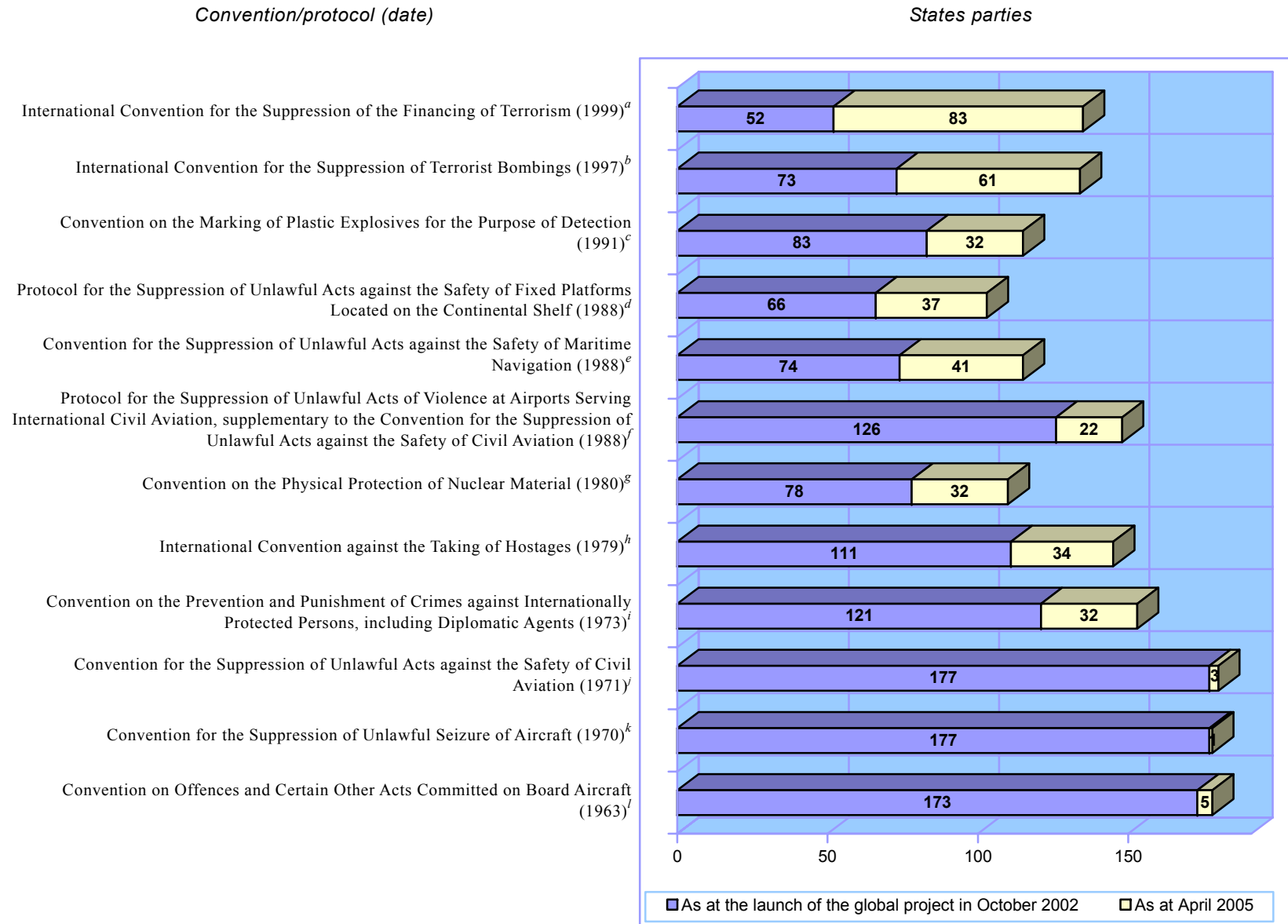
50. The technical assistance activities of the Branch and many of the staff required for their delivery are financed from voluntary contributions from donor countries. Such support has been steadily increasing, reflecting growing confidence in effective programme delivery. As at 8 April 2005, the contributions and pledges shown in the table below had been made to the United Nations Crime Prevention and Criminal Justice Fund for the Branch's technical assistance projects.

### **Contributions made to the United Nations Crime Prevention and Criminal Justice Fund for technical assistance projects of the Terrorism Prevention Branch, as at 8 April 2005**

<i>Donor</i>	<i>Total value paid (United States dollars)</i>
Austria	1 039 196
Canada	111 092
Denmark	181 737
France	493 883
Germany	419 090
Italy	840 782
Japan	30 000
Netherlands	4 720
Norway	442 478
Spain	156 576
Turkey	95 170
United Kingdom	478 000
United States of America	480 000
<b>Total</b>	<b>4 772 724</b>



## Number of States parties to the universal conventions and protocols related to international terrorism



- <sup>a</sup> General Assembly resolution 54/109, annex.
- <sup>b</sup> General Assembly resolution 52/164, annex.
- <sup>c</sup> S/22393, annex I; see *Official Records of the Security Council, Forty-sixth Year, Supplement for January, February and March 1991*.
- <sup>d</sup> United Nations, *Treaty Series*, vol. 1678, No. 29004.
- <sup>e</sup> Ibid.
- <sup>f</sup> Ibid., vol. 1589, No. 14118.
- <sup>g</sup> Ibid., vol. 1456, No. 24631.
- <sup>h</sup> Ibid., vol. 1316, No. 21931.
- <sup>i</sup> Ibid., vol. 1035, No. 15410.
- <sup>j</sup> Ibid., vol. 974, No. 14118.
- <sup>k</sup> Ibid., vol. 860, No. 12325.
- <sup>l</sup> Ibid., vol. 704, No. 10106.

51. In addition, in-kind contributions have been received from Argentina, Portugal, the Sudan and Turkey.

52. The Branch estimates that a minimum of between \$4 million and \$5 million is required in annual voluntary contributions in order to sustain the currently projected level of technical assistance activities.

53. During the period from October 2002 to December 2004, the Branch achieved a project implementation rate of close to 100 per cent in relation to funds made available, thus meeting the Branch's goal of utilizing funds provided within a period of 12 months. This is accomplished by advance planning and initiation of project activities in anticipation of receipt of pledged voluntary contributions.

## VII. Conclusions and recommendations

54. The main focus of the activities conducted by the Terrorism Prevention Branch in the year under review was the provision of assistance to requesting countries for the ratification and legislative incorporation of the universal instruments related to terrorism. The Branch will continue to provide such assistance to States, upon request, as a matter of priority. With the expected adoption by the General Assembly of a further universal instrument, the draft convention for the suppression of acts of nuclear terrorism, the Commission on Crime Prevention and Criminal Justice may wish to provide guidance to UNODC regarding future legislative assistance to promote this latest universal instrument against terrorism, once adopted.

55. Having reached a considerable number of countries through first-stage regional, subregional and bilateral assistance activities, the work of the Branch will in future focus increasingly on follow-up activities. The capacity to provide such in-depth implementation assistance will be strengthened by increased representation at the country and subregional levels, in particular by: (a) placement of experts in the field; (b) pursuit by UNODC field offices of a comprehensive work programme, covering illicit drugs, crime and terrorism; and (c) an active search for partnerships. The Commission may wish to provide guidance as to further measures to be taken to enhance the follow-up activities of the Branch.

56. Upholding the rule of law, building viable criminal justice systems and strengthening international cooperation against terrorism are important components of a comprehensive response against international terrorism, at both the national and at the global level. UNODC has substantive in-house expertise and experience in providing assistance to Member States in these areas. The Commission may wish to consider the future direction of assistance in these areas by the Branch, in particular with regard to assistance in building the capacity of criminal justice systems to strengthen the rule of law and international cooperation arrangements.

57. In its resolution 59/153, the General Assembly expressed its appreciation to donor countries for their voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, and invited all Member States to make voluntary contributions to the Fund in order to allow UNODC to provide technical assistance to requesting Member States. The growth of operational activities, ongoing requests for assistance and the continued support given to the ratification and, increasingly, implementation of the universal instruments related to terrorism

have further stretched the limited resources available to the Terrorism Prevention Branch. Additional voluntary contributions and cost-sharing arrangements with assisted countries are essential. The Branch's efforts to increase the volume of unearmarked contributions in relation to contributions for specific technical assistance projects have not yet been successful. However, this remains of particular importance if the Branch is to fulfil its mandates.

*Notes*

- <sup>1</sup> United Nations publication, Sales No. E.04.V.7.
- <sup>2</sup> United Nations, *Treaty Series*, vol. 1678, No. 29004.
- <sup>3</sup> *Ibid.*
- <sup>4</sup> Cape Verde (11-16 November 2003), the Central African Republic (9-14 February 2004), Guinea (3-7 May 2004), Chad (6-10 June 2004), the Republic of the Congo (5-9 July 2004), Togo (2-5 August 2004), Morocco (4-6 October 2004), Burkina Faso (25-28 November 2003), Rwanda (25-28 November 2003), Cameroon (25-28 November 2003) and Gabon (25-28 November 2003).
- <sup>5</sup> Financial Action Task Force on Money Laundering, *Methodology for Assessing Compliance with the FATF 40 Recommendations and the FATF 8 Special Recommendations* (27 February 2004).

## Annex

### **Guidelines for technical assistance to combat terrorism**

The United Nations Office on Drugs and Crime, in promoting the implementation of the universal conventions and protocols related to terrorism and other related forms of crime and acting in areas within its competence and in coordination with the Counter-Terrorism Committee, should provide technical assistance in accordance with the following guidelines for technical assistance to combat terrorism:

(a) Technical assistance to be provided to Member States, at their request, should be based on an integrated approach addressing the requirements and other provisions of Security Council resolution 1373 (2001) of 28 September 2001 and all conventions and protocols relevant to preventing and combating international terrorism;

(b) Technical assistance should be provided in a comprehensive manner so as to increase synergies in the delivery of technical cooperation, reflecting both the links between terrorism and organized crime and the responsibility of the United Nations Office on Drugs and Crime for programmes to combat terrorism, drug trafficking, transnational organized crime, money-laundering, corruption and other related forms of criminal activity. In addition, such assistance should incorporate elements to ensure respect for human rights, pursuant to Security Council resolution 1456 (2003) of 20 January 2003;

(c) Technical assistance in fighting terrorism should advocate an approach based on the rule of law, providing advice to requesting States on measures to be taken that strike a balance between legitimate security concerns and respect for the rule of law, including the principles of human rights;

(d) To avoid duplication, technical assistance activities should be provided in close coordination with the activities of Member States, the Counter-Terrorism Committee and other international, regional and subregional organizations;

(e) Regional and bilateral obligations and other applicable standards should also be considered in the provision of technical assistance;

(f) Technical assistance should be responsive to the requests, assessed needs, circumstances and priorities of the requesting States;

(g) Technical assistance to Member States to become parties to and implement the relevant conventions and protocols should include activities to build the capacity of the criminal justice system with regard to investigation, prosecution and international cooperation and to combat and prevent terrorism and related forms of crime;

(h) Tools should be developed to help requesting Member States to assess their needs for technical assistance and to evaluate the effectiveness and impact of the assistance provided;

(i) Technical assistance should be provided in a manner that recognizes diverse legal systems and traditions while promoting the highest degree of international cooperation;

(j) Technical assistance should be provided in a timely and cost-effective manner;

(k) New initiatives in and methods for delivering technical assistance need to be explored, such as modern online delivery of assistance; encouraging Governments to include legislative representatives in technical assistance activities; increased use of partnerships with the United Nations Crime Prevention and Criminal Justice Programme network of institutes; and mentorships for criminal justice officials.

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