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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 Economic and Social Council resolution 2005/19 of 22 July 2005, 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 the delivery of technical assistance by the Terrorism Prevention Branch of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime in the context of the Secretary-General’s comprehensive global strategy against terrorism. The report also provides information on the status of ratification of the universal conventions and protocols related to terrorism and on voluntary contributions made by countries in support of the work of the United Nations Office on Drugs and Crime in terrorism prevention. It concludes with recommendations for consideration by the Commission on Crime Prevention and Criminal Justice.

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Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-2	3
II. Major substantive developments	3-19	3
A. 2005 World Summit Outcome and a global comprehensive response to terrorism	4-7	3
B. Reinforced counter-terrorism mandates of the United Nations Office on Drugs and Crime	8-10	5
C. Eleventh United Nations Congress on Crime Prevention and Criminal Justice	11-12	5
D. Counter-Terrorism Committee of the Security Council and its Executive Directorate	13-14	6
E. An integrated approach to combating terrorism: international cooperation within the framework of the rule of law	15-18	6
F. International cooperation in criminal matters pertaining to counter-terrorism	19	7
III. Technical assistance delivery	20-54	7
A. Global project on strengthening the legal regime against terrorism	21	8
B. Bilateral activities	22-27	8
C. Subregional and regional initiatives	28-37	9
D. Presence in the field and working in partnership	38-44	12
E. Technical assistance tools	45-49	13
F. Assessing impact and measuring results	50-54	14
IV. Resources	55-56	15
V. Conclusions and recommendations	57-61	17

I. Introduction

1. In its resolution 2005/19 of 22 July 2005, 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”, the Economic and Social Council commended the United Nations Office on Drugs and Crime (UNODC) for its contributions towards preventing and combating terrorism through the provision of technical assistance to States, upon request, in particular for promotion of the ratification of, accession to and implementation of the universal conventions and protocols related to terrorism; requested the Office to intensify its efforts to provide Member States with technical assistance, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the implementation of the universal conventions and protocols related to terrorism, in particular through training in the judicial and prosecutorial fields in the proper implementation of the universal conventions and protocols related to terrorism.

2. The present report should be read in conjunction with the report of the Secretary-General of 25 July 2005 on strengthening international cooperation and technical assistance in preventing and combating terrorism (A/60/164), which contains further relevant details on the work of the UNODC Terrorism Prevention Branch.

II. Major substantive developments

3. The year under review has been marked by new serious terrorist attacks (e.g. bombings in London and Sharm El-Sheikh, Egypt, in July 2005 and a suicide bombing in Amman in November 2005) that have reminded the international community of the urgency of addressing the threat of terrorism. The attacks again stressed that the very principles enshrined in the Charter of the United Nations were threatened by terrorism: respect for human rights and the rule of law; protection of civilians; tolerance among peoples and nations; and the peaceful resolution of conflict.

A. 2005 World Summit Outcome and a global comprehensive response to terrorism

4. Recognizing terrorism as one of the major challenges facing the international community, the High-level Panel on Threats, Challenges and Change, in its report entitled “A more secure world: our shared responsibility” (A/59/565 and Corr.1), stated that the United Nations should promote a comprehensive strategy that incorporated but was broader than coercive measures.

5. In his speech on 10 March 2005 on the occasion of the International Summit on Democracy, Terrorism and Security, held in Madrid from 8 to 11 March 2005, the Secretary-General announced the elements of a comprehensive strategy based on the clear message that no form of terrorism is acceptable and centred on five key elements, termed the five “Ds”: dissuasion, denial, deterrence, development of state

capacity and defence of human rights. The Secretary-General also announced the establishment of the Counter-Terrorism Implementation Task Force to ensure follow-up and implementation of the counter-terrorism strategy throughout the United Nations system. UNODC, represented by its Terrorism Prevention Branch, is a member of the Task Force. The Office of the Secretary-General and UNODC hosted the fourth meeting of the Task Force in Mauerbach, Austria, on 30 and 31 January 2006 with the support of the Government of Austria.

6. In paragraphs 81-91 of the 2005 World Summit Outcome document (General Assembly resolution 60/1), the General Assembly welcomed the Secretary-General's identification of elements of a counter-terrorism strategy; stressed the need to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism; recognized that international cooperation to fight terrorism must be conducted in conformity with international law; acknowledged the important role played by the United Nations in combating terrorism and stressed the vital contribution of regional and bilateral cooperation; urged the international community, including the United Nations, to assist States in building national and regional capacity to combat terrorism and invited the Secretary-General to submit proposals to the Assembly and the Security Council to strengthen the capacities of the United Nations system to assist States in combating terrorism and to enhance the coordination of the United Nations activities in that regard; stressed the importance of assisting victims of terrorism; and supported efforts for the early entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex) and strongly encouraged States to consider becoming parties to it expeditiously and acceding without delay to the 12 other international conventions and protocols against terrorism and implementing them.

7. Through the delivery of reinforced technical assistance in the legal and related aspects of counter-terrorism, UNODC, thanks to its mandate, has a significant role to play in the implementation of decisions from the 2005 World Summit Outcome. To that end, UNODC focuses on implementing those elements of the comprehensive United Nations counter-terrorism strategy falling under its competence, especially the provision of specialized legal expertise in building the capacity of States to combat and prevent terrorism and to strengthen the legal regime against terrorism, taking fully into account the principles of good governance and respect for human rights and the rule of law in implementing the 12 universal legal instruments and the new International Convention for the Suppression of Acts of Nuclear Terrorism; and reinforcing collaborative efforts with other relevant organizations, at both the international and the regional level. The Secretary-General has proposed (see A/60/537) to reinforce the core specialized expertise and resources of the UNODC Terrorism Prevention Branch through the establishment of two new P-3 level posts, especially to permit implementation of additional activities in those core areas, as well as for the initiation of and substantive input for the backstopping of technical assistance delivery financed from extrabudgetary resources. The Advisory Committee on Administrative and Budgetary Questions has recommended deferral of consideration of the establishment of the two new posts until the Secretary-General has submitted his proposals in early 2006 to strengthen the capacity of the United Nations system to assist States in combating terrorism.¹

B. Reinforced counter-terrorism mandates of the United Nations Office on Drugs and Crime

8. In its resolution 60/43 of 8 December 2005, entitled “Measures to eliminate international terrorism”, the General Assembly requested the UNODC Terrorism Prevention Branch to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognized, in the context of Security Council resolution 1373 (2001) of 28 September 2001, its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of Acts of Nuclear Terrorism, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building.

9. In its resolution 60/175 of 16 December 2005, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”, the General Assembly requested UNODC to continue its efforts to provide Member States with technical assistance, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal legal conventions and protocols related to terrorism, including the International Convention for the Suppression of Acts of Nuclear Terrorism, in particular through training in the judicial and prosecutorial fields in their proper implementation, taking into account, in its programmes, the elements necessary for building national capacity in order to strengthen fair and effective criminal justice systems and the rule of law as an integral component of any strategy to counter terrorism.

10. As already noted in paragraphs 6 and 7, the implementation of the 2005 World Summit Outcome has obvious ramifications as regards the role of UNODC in technical assistance delivery in the legal and related aspects of counter-terrorism.

C. Eleventh United Nations Congress on Crime Prevention and Criminal Justice

11. The high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, adopted the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (A/CONF.203/18, chap. I, resolution 1), in which it called upon States to become parties to and implement the universal instruments related to terrorism and expressed support for the continuing efforts of UNODC within its mandate and in coordination with the Counter-Terrorism Committee of the Security Council and its Executive Directorate, to assist States in their efforts to ratify and implement the instruments, through the provision of technical assistance upon request. Such actions would be geared to strengthening state capacity to counter terrorism.

12. The high-level segment of the Eleventh Congress consistently recognized that terrorism was a major threat to international peace and security. There was also unanimous recognition that terrorism was a global phenomenon that required a

common, concerted, coordinated and comprehensive international response. The Eleventh Congress welcomed the comprehensive strategy drawn up by the Secretary-General and stressed the role of international cooperation in combating terrorism, condemning terrorism in all its forms and manifestations.

D. Counter-Terrorism Committee of the Security Council and its Executive Directorate

13. In the period under review, the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) has continued its crucial work. The Counter-Terrorism Committee Executive Directorate, created pursuant to Security Council resolution 1535 (2004) of 26 March 2004, has become fully operational. The UNODC Terrorism Prevention Branch has met with the Chairperson of the Counter-Terrorism Committee and has offered its cooperation in providing assistance to Member States that are late submitters of the national reports on the implementation of resolution 1373 (2001).

14. The close cooperation between the Counter-Terrorism Committee Executive Directorate and the UNODC Terrorism Prevention Branch has continued.² In line with Security Council resolution 1535 (2004), the Branch participated in the Counter-Terrorism Committee's country visits to Albania (5-10 June 2005), Thailand (27 June-1 July 2005), Algeria (12-16 November 2005) and the United Republic of Tanzania (13-17 February 2006). To facilitate optimal coordination, a working arrangement has been set up between the Committee and UNODC. Information on planned technical assistance activities of the UNODC Terrorism Prevention Branch is provided to the Counter-Terrorism Committee Executive Directorate on a regular basis.

E. An integrated approach to combating terrorism: international cooperation within the framework of the rule of law

15. In its resolution 2005/19, the Economic and Social Council recognized the role of fair and effective criminal justice systems within the overall framework of the rule of law as an integral component of any strategy to counter terrorism, and requested UNODC, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law with a view to facilitating the effective implementation of the universal conventions and protocols related to terrorism and relevant Security Council resolutions.

16. In its resolution 60/175, the General Assembly also stressed the importance of taking into account, in the technical assistance programmes of UNODC to strengthen international cooperation in preventing and combating terrorism, the elements necessary for building national capacity in order to strengthen fair and effective criminal justice systems and the rule of law as an integral component of any strategy to counter terrorism.

17. Accordingly, as described in the report of the Secretary-General (A/60/164), the UNODC Terrorism Prevention Branch has paid special attention to ensuring that its technical assistance activities addressing the fight against terrorism fully

integrate and foster the rule of law. While the international community perceives the terrorist threat as increasing in severity and breadth, there is more awareness of the importance of ensuring that the countermeasures are in full compliance with the principles of the rule of law.

18. Through its project component to strengthen the legal regime against terrorism within the framework of the rule of law, the UNODC Terrorism Prevention Branch seeks to ensure that Member States requesting its assistance be encouraged to enact and apply counter-terrorism legislation fully in line with the principles of the rule of law and the international legal framework. The respect for the fundamental guarantees characterizing a fair and effective criminal justice system, including the access to justice, the rights of the defendant and the rights of victims, are essential foundations of the technical assistance by the Branch to build national capacity to provide an adequate judicial and prosecutorial response to terrorism.

F. International cooperation in criminal matters pertaining to counter-terrorism

19. As emphasized by the High-level Panel on Threats, Challenges and Change,³ no State, no matter how powerful, can by its own efforts alone make itself invulnerable to present-day threats. Every State requires the cooperation of other States to make itself secure. Thus, UNODC, with its substantive and extensive expertise on international cooperation, has a competitive advantage 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 (resolutions 45/117, annex, and 53/112, annex I). In that context, the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex I) and the United Nations Convention against Corruption (resolution 58/4, annex) reflect in many ways the state of the art of international cooperation in criminal matters. Considering that most States rely on national legislation to enact international cooperation modalities into law, the UNODC Terrorism Prevention Branch will continue to cooperate with States in establishing the required legal framework for effective international cooperation in criminal matters related to terrorism and will assist in building the required capacity to implement those measures.

III. Technical assistance delivery

20. The technical assistance activities of the UNODC Terrorism Prevention Branch are designed and carried out in compliance with the decisions and policy guidance of the General Assembly, the Economic and Social Council, the Commission on Crime Prevention and Criminal Justice and the Counter-Terrorism Committee, in close coordination with the work of the latter's Executive Directorate. Pursuant to its mandate, the Branch delivers legislative and advisory services, upon request, to promote wide adherence to the universal instruments related to terrorism and their application. Further to its most recent mandates from the General Assembly and the Economic and Social Council,⁴ the UNODC Terrorism Prevention Branch is increasing its efforts to provide training in the

judicial and prosecutorial fields in the implementation of the universal legal instruments related to terrorism, including mechanisms for international cooperation in criminal matters.

A. Global project on strengthening the legal regime against terrorism

21. The technical assistance activities of the UNODC Terrorism Prevention Branch are undertaken within the framework of its global project on strengthening the legal regime against terrorism. Launched in January 2003, the project has recently been carefully reviewed to incorporate the substantive and programmatic developments, as well as the progress made and lessons learned up to now in project implementation. Pursuant to that review, the project has been revised as an ongoing rolling project, with biennial project budgets. The conversion to a rolling project facilitates a long-term perspective aimed at meeting future requirements for technical assistance. It will also make possible planning and funding of activities on a biennial basis. Moreover, as the global project itself provides the ongoing operational framework for the technical assistance activities of the Branch, the additional framework of a global programme against terrorism has become redundant and is being replaced by the global project.

B. Bilateral activities

22. During the biennium 2004-2005, 59 requesting countries⁵ received direct assistance from the UNODC Terrorism Prevention Branch, delivered by means of more than 70 missions, videoconferences and visits of national officials to UNODC. The technical assistance missions were directed mainly at providing legal advisory services on the incorporation of the relevant provisions, contained in the international instruments, into national legislation and training of judicial officials thereon, as well as assistance for the implementation of the legislation, including international cooperation mechanisms. The missions resulted most often in action plans for follow-up and additional assistance until the necessary domestic legislation was enacted and criminal justice officials were properly trained on its application. The work of the Branch during the biennium has contributed to increasing the number of countries having ratified all 12 universal legal instruments related to terrorism from 43 at the beginning of the biennium 2004-2005 to 75 and to reducing the number of countries that had ratified 6 or fewer of those instruments from 62 to 35 also as at 31 December 2005.

23. In some instances, the UNODC Terrorism Prevention Branch helped Member States compile the elements needed for the submission of their reports to the Counter-Terrorism Committee in response to Security Council resolution 1373 (2001).

24. Upon request by the Chinese authorities, the UNODC Terrorism Prevention Branch organized an in-country study visit for four officials from various ministries from 7 to 17 September 2005. Participants were provided with an overview of the legislative and operational aspects of counter-terrorism in Austria, France and Italy.

25. An expert workshop was organized from 8 to 10 November 2005 for senior officials from Guinea. The workshop was held in Vienna so as to enable the officials

to work closely with various experts from the UNODC Terrorism Prevention Branch and the Division for Treaty Affairs on different aspects of international cooperation in criminal matters. The workshop resulted in the drafting of a bill to amend the Guinean Penal Code and a bill to amend the Criminal Procedure Code in order to incorporate into Guinean legislation the universal instruments related to terrorism and the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and its three Protocols. Advice was also provided for the preparation of Guinea's third report to the Counter-Terrorism Committee of the Security Council.

26. On 11 November 2005, officials of the United Republic of Tanzania participated in a policy dialogue by videoconference, organized jointly by the UNODC Terrorism Prevention Branch and the International Development Law Organization, to identify areas of incompatibility between the universal legal framework against terrorism and the national legislation. Representatives of the Tanzanian ministries of foreign affairs, justice and judicial reforms, finance and planning, and relief, rehabilitation and reconciliation, as well as 11 national policymakers, took part in the dialogue.

27. Specialized training sessions on combating terrorism for magistrates are being initiated by the UNODC Terrorism Prevention Branch for implementation in cooperation with various Governments, universities, entities and institutions. The purpose of the sessions is to provide magistrates from requesting countries with the theoretical knowledge and practical skills needed to effectively implement the universal legal instruments related to terrorism, in particular through a direct exposure to international, regional and national practices in the fight against terrorism. The first pilot session (27 February-17 March 2006) involved five magistrates from Burkina Faso responsible within their criminal justice system for counter-terrorism issues.

C. Subregional and regional initiatives

28. The UNODC Terrorism Prevention Branch has continued to devise regional activity frameworks under its global project to strengthen the legal regime against terrorism. Such regional components were instrumental in facilitating the planning and monitoring of the various activities carried out in specific regions and in harmonizing the efforts of States of the same region. At the same time, they responded to requests from several donor Governments who wished their contributions to be earmarked for use in particular countries and regions. The subregional activities have focused on Central Asia and the countries of the Commonwealth of Independent States, Eastern Europe, French-speaking and Portuguese-speaking African countries, Latin America and the Caribbean and the Middle East. Plans are under way for similar reinforced initiatives for South Asia and the Pacific and for Southern and Eastern Africa.

29. Further progress was made in the activities carried out jointly with the UNODC Regional Office for the Middle East and North Africa in Cairo.⁶ A regional workshop on the promotion of international cooperation mechanisms prescribed in the universal legal instruments pertaining to combating terrorism was held in Cairo

from 27 to 29 December 2005 and was attended by judges, prosecutors, high-level ministerial representatives and governmental experts from 13 countries.

30. The UNODC Terrorism Prevention Branch has continued its regional activities in cooperation with the Inter-American Committee against Terrorism (CICTE) of the Organization of American States. A number of expert workshops were conducted in the period under review, on the drafting of legislation and implementation of the universal instruments related to terrorism and the Inter-American Convention against Terrorism (A/56/1002-S/2002/745, annex). Within the framework of the cooperation with CICTE, the regional workshop for Latin American States on the prevention of and fight against terrorism and terrorism financing was held in Buenos Aires, from 29 November to 2 December 2005, with the participation of high-ranking Latin American judges and prosecutors and representatives of the national judicial training institutions, representatives of the Counter-Terrorism Committee Executive Directorate and the Security Council Committee established pursuant to resolution 1267 (1999) of 15 October 1999, as well as of other international organizations such as the International Monetary Fund and the International Criminal Police Organization (Interpol). The seminar benefited from the substantive expertise of counter-terrorism magistrates from several countries. The cooperation between UNODC and the national judicial training institutions of participating countries will be further strengthened by organizing direct national judicial training in each of the countries concerned.

31. As far as the French-speaking countries of Africa are concerned, the UNODC Terrorism Prevention Branch has pursued and strengthened its activities with the International Organization of la Francophonie. A third Conference of Ministers of Justice of French-speaking Countries of Africa for the ratification and implementation of the universal instruments against terrorism was held in Sharm El-Sheikh, Egypt, from 7 to 9 February 2006. The Conference was organized jointly by the UNODC Terrorism Prevention Branch, the International Organization of la Francophonie and the Government of Egypt, as follow-up to the Cairo Declaration (A/C.3/58/4, annex) and the Port Louis Declaration (A/59/811, annex I), in which the ministers of justice had committed themselves to take the necessary steps towards the ratification and implementation of all the above-mentioned instruments. The first two ministerial conferences were reported upon in greater detail in the report of the Secretary-General of 8 April 2005 (E/CN.15/2005/13). The third Conference highlighted the progress made by the French-speaking countries of Africa in terms of ratification of the universal instruments related to terrorism, incorporation of their provisions into national legislation, submission of national reports to the Counter-Terrorism Committee and technical cooperation with the UNODC Terrorism Prevention Branch. Since the Port Louis Declaration, 16 new ratifications have been achieved, 13 countries have transmitted their reports to the Counter-Terrorism Committee, 6 countries have prepared draft laws and 7 are currently reforming their penal code to implement the instruments. In addition, technical assistance has been provided by the Branch to 11 countries through six national legislative drafting workshops, three national training workshops and one subregional training workshop. As a further step, the Branch and the International Organization of la Francophonie organized two videoconferences on 25 and 27 October 2005 to reach magistrates from 12 African countries.

32. Portuguese-speaking African countries were also targeted with specific activities. The third study tour⁷ for Portuguese-speaking African countries on the ratification and implementation of the Organized Crime Convention and the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) and the universal instruments related to terrorism organized jointly with the Government of Portugal, was organized in Lisbon from 31 October to 4 November 2005, with participants from Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal, Sao Tome and Principe and Timor-Leste.

33. For the first time, representatives from the member States of the Indian Ocean Commission (IOC) (Comoros, Réunion (France), Madagascar, Mauritius and Seychelles) met for a subregional expert workshop on strengthening cooperation in criminal matters related to the universal legal instruments against terrorism. The workshop was organized jointly with the UNODC Regional Office for Eastern Africa in Nairobi from 13 to 15 December 2005. It resulted in a plan of action calling, inter alia, for the development of a draft treaty on mutual legal assistance and extradition for IOC member States in collaboration with the Commission.

34. Cooperation with the Organization for Security and Cooperation in Europe (OSCE), especially with its Action against Terrorism Unit, intensified and resulted in a number of joint activities, including national workshops in Kazakhstan (18-20 October 2005) and Serbia and Montenegro (14-16 December 2005). In that context, the UNODC Terrorism Prevention Branch also participated in the pilot training course on countering terrorism and protecting human rights, organized in Vienna from 5 to 7 December 2005 by the Office for Democratic Institutions and Human Rights of OSCE.

35. In its decision 4/05, entitled “Enhancing legal cooperation in criminal matters to counter terrorism”, the thirteenth OSCE Ministerial Council, held in Ljubljana on 5 and 6 December 2005, noted the good working collaboration between OSCE and UNODC, as well as the valuable technical assistance tools developed by UNODC for implementing the universal conventions and protocols related to terrorism and promoting legal cooperation in criminal matters, in particular those related to terrorism, and reiterated the willingness of OSCE to cooperate with UNODC in strengthening the legal regime against terrorism.

36. The UNODC Terrorism Prevention Branch continued its technical cooperation activities with the countries of the Commonwealth of Independent States (CIS) and Central Asia. A regional workshop on the legislative implementation of the universal instruments against terrorism for the Central Asian and neighbouring countries was held in Tashkent, from 5 to 7 April 2005. The workshop, organized by the Branch in cooperation with OSCE and the Shanghai Cooperation Organization Regional Anti-Terrorism Centre, was attended by representatives of Afghanistan, Kazakhstan, Kyrgyzstan, Mongolia, the Russian Federation, Tajikistan, Turkmenistan and Uzbekistan. A workshop on the legislative implementation of universal instruments against terrorism and regional experiences in promoting international cooperation against terrorism was organized jointly in Moscow from 28 to 30 November 2005 by the Branch and the CIS Anti-Terrorism Centre, focusing on reviewing the progress of CIS countries in the legislative implementation of the universal legal instruments related to terrorism, as well as Security Council resolution 1373 (2001).

37. Within the framework of cooperation with the Commonwealth Secretariat, the UNODC Terrorism Prevention Branch contributed to a training of trainers workshop, held in Cyprus from 12 to 16 December 2005 and attended by the following countries: Cyprus, Egypt, Jordan, Kenya, Lebanon, Malta, Morocco, Nigeria, Saudi Arabia, Sudan, Uganda, United Republic of Tanzania and Yemen. Arrangements have also been made with the Commonwealth Secretariat to undertake joint counter-terrorism activities in Commonwealth countries.

D. Presence in the field and working in partnership

38. In the period under review, the support to the UNODC Terrorism Prevention Branch by the network of regional-level experts has been further enhanced. The experts are based in a number of strategic geographical locations and many of them are employed on a part-time basis in order to make the most efficient use of resources. Experts cover Latin America and the Caribbean, North Africa and the Middle East, and South-East Asia and the Pacific, as well as Central Asia, West and Central Africa and the CIS. Following the practice established in 2005, which proved to be of value, specialized briefing sessions for experts of the Branch were scheduled in Vienna from 27 to 31 March 2006, to further improve their specialized expertise in and exposure to counter-terrorism issues and to familiarize them fully with the work of the Branch. In addition to facilitating their active engagement in carrying out the work of the Branch, the briefing also helps to build up regional- and field-level specialized expertise on counter-terrorism.

39. As is evident from the various subregional and regional activities, the UNODC Terrorism Prevention Branch has taken further steps towards maximizing its impact through operational partnerships and avoiding duplication of efforts. Beside the international, regional and subregional organizations already mentioned, the Branch has undertaken technical assistance activities in close partnership and cooperation with, inter alia, Interpol, the Asia-Europe Meeting, the Council of Europe, the European Commission and the Stability Pact for South-Eastern Europe. Several technical assistance activities and training workshops were undertaken by the Branch in cooperation with the World Bank and the International Monetary Fund.⁸

40. The UNODC Terrorism Prevention Branch has established and maintains regular working contacts with the Office of the United Nations High Commissioner for Human Rights, as well as with the previously mentioned Office for Democratic Institutions and Human Rights of OSCE. The Branch has set up a regular exchange of information with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

41. Within the framework of the efforts of the UNODC Terrorism Prevention Branch aimed at enhancing the operational partnership with the European Union on counter-terrorism issues and pursuant to discussions held by the Branch with the Vice-President of the European Commission in December 2005, a set of joint activities have been developed and will be implemented in the course of 2006 in areas such as the fight against the financing of terrorism, the training of criminal justice practitioners and legal research and analysis. To reinforce cooperation, the

Branch has also been maintaining periodic coordination meetings with staff of the different directorates-general of the European Commission and holding regular consultations with the Office of the European Union Counter-Terrorism Coordinator and with the European Council's secretariat. Experts from the Branch have also participated actively and provided contributions to several European Union counter-terrorism training seminars organized in Madrid, The Hague, Porto, Portugal, and Rabat as part of the regional cooperation programme in the field of justice and home affairs (EuroMed Justice Programme). During the Austrian Presidency of the European Union, the Branch was invited to a meeting of the Working Group on Terrorism of the European Council on 15 February 2006 to coordinate forthcoming joint activities.

42. The UNODC Terrorism Prevention Branch has also made substantive and technical presentations in a variety of national, regional and international forums. It has been invited to participate in all the meetings of the Counter-Terrorism Action Group of the Group of Eight.

43. The UNODC Terrorism Prevention Branch has continued to work in close coordination with the Office of Legal Affairs of the Secretariat, especially on the development of technical assistance tools relating to terrorism. It has also worked closely with the Security Council's Al-Qaida/Taliban Sanctions Committee established pursuant to resolution 1267 (1999) and its Analytical Support and Sanction Monitoring Team, as well as with the working group established pursuant to Council resolution 1566 (2004) of 8 October 2004, with a view to supporting the work of the two bodies, in particular concerning the criminal justice aspects of their work.

44. Following previous practice, the UNODC Terrorism Prevention Branch has provided detailed briefings to permanent missions in New York on programme delivery and a briefing for permanent missions in Vienna was scheduled to be held in March 2006. A regularly updated version of the brochure reflecting the work of the Branch is available in print and on-line (http://www.unodc.org/pdf/crime/terrorism/Brochure_GPT_April2005.pdf). A brochure entitled "Electronic legal resources on international terrorism" has also been developed by the Branch for distribution. The Branch has also 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*⁹ dedicated to terrorism was published at the end of 2005.

E. Technical assistance tools

45. In order to carry out its technical cooperation activities effectively, the UNODC Terrorism Prevention Branch regularly develops new technical assistance tools and updates existing ones¹⁰ on the basis of best practices identified by international experts. Such tools serve to assist in the training of judicial and prosecutorial personnel in the proper implementation of universal conventions and protocols.

46. As a further means of enhancing the implementation of the universal instruments, the UNODC Terrorism Prevention Branch has finalized a guide for the legislative incorporation and implementation of the universal instruments related to

terrorism. Going further than the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*¹¹ issued in 2004, the new guide takes into account other obligations of States under international law, including principles of human rights. It also provides an in-depth analysis of international cooperation, which is an integral part of legal measures against terrorism, and proposes a broad range of options and examples that national legislators can examine when incorporating new counter-terrorism measures into their national legislation. The guide will be available shortly in English and French and is being prepared for publication in the other official languages.

47. A manual on judicial international cooperation against terrorism to assist judges and prosecutors in the investigation and prosecution of acts of terrorism is in preparation. It will highlight best practices and will be illustrated with case studies to make it practice-oriented.

48. In view of the mandate on nuclear terrorism, the UNODC Terrorism Prevention Branch has initiated steps to increase its capacity to deliver sound legal advice on the application of the International Convention for the Suppression of Acts of Nuclear Terrorism and the provisions of the other universal legal instruments dealing expressly with nuclear terrorism, including examination of the feasibility of developing tools that deal specifically with them.

49. The UNODC Terrorism Prevention Branch has further developed its electronic legal resources on international terrorism, which is used as an in-house tool to support the delivery of technical assistance and is available to external users upon request of a password. 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. Recently, two additional sections have been added, containing treaties on extradition and mutual legal assistance and case law, respectively. French and Spanish versions of the electronic legal resources on international terrorism are being developed.

F. Assessing impact and measuring results

50. In its resolution 58/136 of 22 December 2003, 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.

51. The impact of the activities of the UNODC Terrorism Prevention Branch can be gauged only over an extended period of time. That impact is also directly dependent on governmental action by those countries assisted by the Branch aimed at increased compliance with the provisions of Security Council resolution 1373 (2001) and the universal legal instruments related to terrorism. Since January 2003, when the global project on strengthening the legal regime against terrorism became operational, the Branch has provided 67 countries with draft legislative amendments, legislative advice or complete anti-terrorism legislation. It has supported 112 countries, either directly through bilateral missions

or indirectly through regional workshops, in ratifying and implementing the 12 universal legal instruments against terrorism. Information available as at 31 December 2005 indicated that the countries assisted have undertaken an estimated 285 new ratifications of the 12 universal instruments related to terrorism.

52. The figure below provides the overall number of new States parties to the universal instruments, as well as the new parties since the launch of the UNODC Terrorism Prevention Branch's global project on strengthening the legal regime against terrorism.

53. The work of the UNODC Terrorism Prevention Branch has resulted in an increased level of awareness among the relevant government officials of their countries' obligations under the legal instruments and more attention devoted to the action at the national level to meet those obligations, especially with respect to international cooperation.

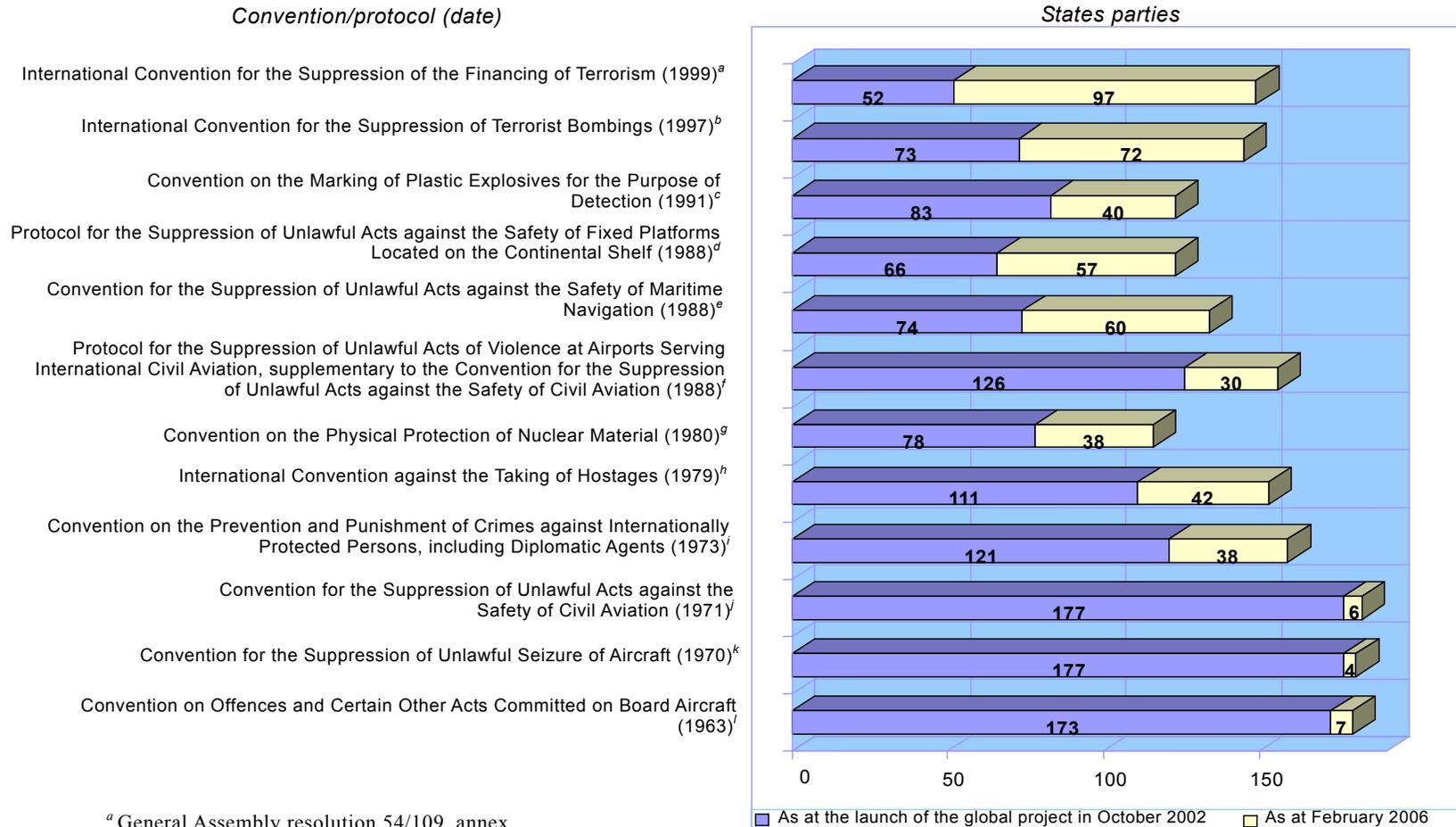
54. The UNODC Terrorism Prevention Branch is currently working closely with the Independent Evaluation Unit of the Office on initial evaluation of the Branch's direct technical assistance to a random selection of countries.

IV. Resources

55. The resources of the UNODC Terrorism Prevention Branch are derived from the United Nations regular budget as approved by the General Assembly and from voluntary contributions by Member States. The regular budget includes an annual provision of approximately \$1 million, mainly covering seven staff positions, with small allocations for expert groups, consultants, travel and printing.

56. The technical assistance activities of the UNODC Terrorism Prevention Branch, undertaken within the framework of its global rolling project on strengthening the legal regime against terrorism, are financed from voluntary contributions from donor countries, which have been steadily increasing, reflecting growing confidence in effective programme delivery. Contributions to the United Nations Crime Prevention and Criminal Justice Fund for technical assistance projects in the field of terrorism prevention as at 31 January 2006 are shown in the table below.

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



^a General Assembly resolution 54/109, annex.

^b General Assembly resolution 52/164, annex.

^c S/22393, annex I; see *Official Records of the Security Council, Forty-sixth Year, Supplement for January, February and March 1991*.

^d United Nations, *Treaty Series*, vol. 1678, No. 29004.

^e *Ibid.*

^f *Ibid.*, vol. 1589, No. 14118.

^g *Ibid.*, vol. 1456, No. 24631.

^h *Ibid.*, vol. 1316, No. 21931.

ⁱ *Ibid.*, vol. 1035, No. 15410.

^j *Ibid.*, vol. 974, No. 14118.

^k *Ibid.*, vol. 860, No. 12325.

^l *Ibid.*, vol. 704, No. 10106.

**Contributions to the United Nations Crime Prevention and Criminal Justice
Fund for technical assistance projects of the UNODC Terrorism Prevention
Branch, for 2002 and before to 31 January 2006**

(United States dollars)

<i>Donor</i>	<i>Total amount paid and pledged as at 31 January 2006</i>	<i>2002 and before</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Austria	1 281 560	13 522 (2002) 294 985 (2002)	730 689		64 850	177 514
Canada	121 442			47 071	74 371	
Denmark	546 701				546 701	
France	776 896		247 578	246 305	283 013	
Germany	661 220		162 690	256 400	242 130	
Italy	1 440 782	65 043 (2001) 198 216 (2002)	271 150	306 373	600 000	
Japan	96 160	30 000 (2002)			66 160	
Liechtenstein	100 000				50 000	50 000
Netherlands	942 451		4 720		937 731	
Norway	901 861			442 478	459 383	
Spain	203 913			156 576	47 337	
Sweden	491 344				491 344	
Switzerland	40 000				40 000	
Turkey	95 170	20 170 (1999) 25 000 (2000)		50 000		
United Kingdom of Great Britain and Northern Ireland	690 146			478 000	212 146	
United States of America	926 000	230 000 (2002)		250 000	446 000	
Total	9 315 646	876 936	1 416 827	2 233 203	4 561 166	227 514

V. Conclusions and recommendations

57. As noted above, the main focus of the activities carried out by the UNODC Terrorism Prevention Branch continued to be the provision of assistance to requesting countries for the ratification and legislative incorporation of the universal instruments relating to terrorism. The Branch will continue to provide such assistance, upon request, and to ensure follow-up through focused subregional activities, including the recently adopted International Convention for the Suppression of Acts of Nuclear Terrorism. It will also take steps to reinforce its initiatives in subregions that lag behind in the ratification and legislative incorporation processes, in close collaboration with relevant providers of bilateral assistance and regional organizations. The Branch will also increase its assistance to those Member States which are late in submitting their national reports on the implementation of Security Council resolution 1373 (2001) to the Counter-Terrorism Committee. The Commission may wish to provide further guidance on this matter and invite the donor countries and concerned entities to work closely with the Branch in this regard.

58. In view of the increase in the number of universal ratifications and countries reached through first-stage regional, subregional and bilateral assistance activities, the work of the UNODC Terrorism Prevention Branch is focusing more and more on follow-up activities and capacity-building. Enhancement of the network of experts in the field and a well-coordinated implementation of activities with the UNODC field offices, as well as additional and reinforced partnerships with relevant organizations, will strengthen the Branch's capacity to provide such in-depth implementation assistance. The Commission may wish to provide further guidance to reinforce the impact of the follow-up activities of the Branch.

59. In particular, the UNODC Terrorism Prevention Branch, while continuing its promotion of the ratification and legislative incorporation of the universal instruments relating to terrorism, will increasingly devote its attention to assisting States, upon request, in reinforcing their capacity to prosecute and to provide an effective judicial response to terrorist acts in compliance with the rule of law and with due regard to the mechanisms of international cooperation. The Commission may wish to provide guidance on this issue.

60. In its resolution 60/175, the General Assembly expressed its appreciation for the resources provided by certain Member States, which in recent years had permitted the United Nations Office on Drugs and Crime to enhance its capacity to execute an increased number of projects in the field of crime prevention and criminal justice. Donor countries have indeed made increased voluntary contributions for UNODC's counter-terrorism work. At the same time, it is important to note that the current resource level is still inadequate to meet the increasing requests for assistance and the corresponding expansion in operational activities and substantive initiatives for the ratification and implementation of the universal instruments related to terrorism. Increased voluntary contributions by donors and cost-sharing arrangements with assisted countries are essential, as are joint initiatives and partnerships with other relevant organizations. The Commission may wish to provide further guidance on this matter.

61. It is also important to bear in mind that the technical assistance needs of countries in relation to the legal and related aspects of counter-terrorism cannot be met in a short space of time. They require longer-term, sustainable action and effective follow-up initiatives. In this context, it is worth recalling that the technical assistance provided by the UNODC Terrorism Prevention Branch can support Member States until all necessary legislative elements are in place, but the final responsibility for the enactment of laws rests with each sovereign country. Even upon achieving universal ratification, long-term measures are required for the full and effective incorporation into national legislation of the provisions of the universal legal instruments related to terrorism, their practical application, relevant training of criminal justice officials, international cooperation in criminal matters on counter-terrorism and promoting information-sharing and best practices. This is manifest in the increasing number of requests from countries for technical assistance in these areas. It will therefore be important for the Commission to provide guidance for the longer-term build-up of UNODC's programme elements addressing counter-terrorism. In that regard, the Commission may wish to identify ways of highlighting the importance and priority the Organization attaches to the assistance delivery function; increasing the visibility of both the work carried out by and the role of the United Nations in providing such assistance to countries; and

enabling Member States to monitor better the effectiveness of the work in relation to specific and predetermined outcomes and indicators.

Notes

- ¹ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 7* and corrigenda (A/60/7/Add.13 and Corr.1 and 2), para. 39.
- ² For further information, see also A/60/164 and E/CN.15/2005/13.
- ³ See A/59/565 and Corr.1, para. 24, A/60/164, paras. 18 and 19 and E/CN.15/2005/13, para. 35.
- ⁴ See General Assembly resolution 60/175 and Economic and Social Council resolution 2005/19.
- ⁵ Afghanistan, Algeria, Bahrain, Belarus, Burkina Faso, Cambodia, the Central African Republic, Chad, Colombia, Comoros, Costa Rica, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, the Gambia, Georgia, Guatemala, Guinea, Honduras, Indonesia, Jordan, Kazakhstan, Kuwait, the Lao People's Democratic Republic, Lebanon, the Libyan Arab Jamahiriya, Madagascar, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Nicaragua, Nigeria, Panama, Paraguay, Peru, the Philippines, Qatar, the Republic of the Congo, Romania, Sao Tome and Principe, Serbia and Montenegro, Sierra Leone, the Sudan, Suriname, Tajikistan, Thailand, Togo, Turkmenistan, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Viet Nam and Yemen.
- ⁶ For details of previous activities, see A/60/164 and E/CN.15/2005/13.
- ⁷ See A/60/164, for information on the second study tour for Portuguese-speaking African countries.
- ⁸ The International Monetary Fund was a partner in the National Training Workshop held in Antananarivo from 7 to 9 December 2005 and the regional workshop on the promotion of international cooperation mechanisms prescribed in the universal legal instruments pertaining to combating terrorism, held in Cairo from 27 to 29 December 2005.
- ⁹ United Nations publication, Sales No. E.05.IV.8.
- ¹⁰ For further information on technical assistance tools, see also A/60/164 and E/CN.15/2005/13.
- ¹¹ United Nations publication, Sales No. E.04.V.7.