

**REGIONAL EXPERT WORKSHOP  
IMPLEMENTATION OF THE UNIVERSAL LEGAL INSTRUMENTS  
AGAINST TERRORISM AS A WAY TO ENHANCE COUNTER-  
TERRORISM CO-OPERATION IN THE MEDITERRANEAN BASIN**

*Malaga, Spain, 17-18 September 2013*

**Concluding Session**

*Remarks by Mr. Thomas Wuchte  
OSCE, Head on Anti-Terrorism Issues*

**Ladies and Gentlemen,**

Let me first express my gratitude to all the participants in this Regional Expert Workshop. I especially thank those who contributed with their presentations and their comments and questions; they were useful to help in preparing these initial conclusions.

As you heard at the opening, the OSCE Transnational Threats Department/Action against Terrorism Unit organized this event jointly with the United Nations Office on Drugs and Crime (UNODC) and in co-operation with the Spanish authorities, in support of the implementation of OSCE Ministerial Council Decision that encouraged OSCE executive structures to engage in action oriented co-operation with the OSCE Partners for Co-operation in all three dimensions, by providing exchange of information on best practices and experiences.

This expert workshop is also in line with the OSCE participating States' call on their Partners for Co-operation to voluntarily implement OSCE commitments in support of strengthening the international legal framework against terrorism and enhancing co-operation in criminal matters related to terrorism.

We are aware there are many terrorist groups operating in the region. Some of them are more active, some of them are dormant and some of them are evolving into a more dangerous threat. Co-operation among the countries around the Mediterranean region is evident and there is a shared commitment to enhance its effectiveness. Our discussions over these past two days confirmed that there is a common will among experts and practitioners to enhance their co-operation against terrorism.

Enhancing this co-operation contributes to stability and peace in the whole Euro-Mediterranean region and improves the security of people. More effective counter-terrorism policies and deeper co-operation, within a framework that ensures respect of the rule of law and human rights, are central to preventing and to dismantling terrorist activities, protecting potential targets and managing the consequences of attacks.

## Dear Colleagues,

Following the excellent presentations and remarks that you contributed during this two-day workshop, I would like to point out, first, that a practical outcome of this workshop is to have gathered practitioners from the law enforcement, prosecution and judicial spheres.

I would like now to highlight some initial conclusions for further consideration, on how to enhance co-operation among Mediterranean countries:

- Countries in the region are adapting their legislation to face terrorism, as this is an evolving threat that requires a continuous update and revision of the national laws, strategies and plans to combat terrorism. Of particular importance is the exchange of information at all levels. This exchange of information needs to be timely and relevant in order to be useful for the prevention of an actual terrorist attack as early as possible in its conception and planning.
- Countries should strive to keep not only abreast with, but even ahead of terrorist plans. This means that more information exchange is required on issues such as effective methods to address effectively violent radicalization and to hinder the logistical preparations for terrorist attacks (e.g., acquisition of false documents, weapons, explosives). Speakers also underscored efforts to exchange information in the fight against terrorism financing and against kidnappings for ransom (it was suggested to criminalize the payment of ransoms).
- Some speakers noted that there are several mechanisms in place, both in the North and in the South of the Mediterranean basin, and at different levels, that facilitate a systematic sharing of information. A factor that simplifies this task is effective interagency co-ordination at the national level of all the actors involved.
- However, for an effective exchange of information there are weaknesses that may need further attention from a regulatory point of view and a human rights perspective concerning in particular (a) the use of undercover officers, (b) co-operation with foreign services and (c) the use of Internet in the investigation of terrorism.
- In this regard, efforts should be made on how to better connect intelligence and judicial evidence, so they complement each other and their judicial value is increased, perhaps even at the international level for co-operation with other countries.
- There were examples on how the information and intelligence are shared among various actors, at the national level, and how this information and intelligence could be better processed to serve as evidence admissible in court. In this regard, although some challenges should be overcome, one initiative presented was to study the possibility to create a common database, at the regional level, to share intelligence on terrorism; the relevant institutions and agencies in the region could use this tool.
- Many presentations underscored a trend to create fusion centers where all actors that handle counter-terrorism information and intelligence are integrated, sometimes even involving private stakeholders. There was recognition of the usefulness of enhanced information-sharing, but challenges remained on integrating the data into existing judicial processes.

- Building trust was highlighted as central to effective judicial and law enforcement international co-operation, especially for a timely and accurate exchange of information. However, building trust is not achieved overnight; it is a long process. To build trust some tools that could be applied in the region include: (a) specialization of prosecutors and investigative judges; (b) networking activities that create a common culture and contribute to speaking the same “legal” language, like joint trainings that would also explain the differences in criminal justice systems in the region; (c) the identification of the appropriate authorities handling mutual legal assistance, including central authorities; (d) the establishment of joint investigation teams and liaison magistrates, the appointment of liaison officers; (e) the organization of regular informal meetings among them, also before issuing a request for international co-operation; (f) the study of the possibility to create a special judicial forum in the Mediterranean region for terrorism-related cases.
- Legislations in the region could be reviewed in order to address various legal gaps, particularly concerning the investigation and prosecution of “individual terrorists” (so-called “lone wolfs”), who represent sometimes a different type of threat. In this respect, it was suggested, for example, to criminalize “passive training”, to regulate the use of undercover officers on the Internet, and to study how to better co-operate on jurisdictional issues in these cases.

Based on the above first conclusions, I would like to add that all welcomed the on-going efforts of international and regional organizations to intensify counter-terrorism co-operation among themselves and to better complement each other. The organization of workshops, study tours and trainings are recognized as an effective tool to assist practitioners in this field, such as this event focused on the Mediterranean region.

**Dear participants,**

The OSCE Action against Terrorism Unit considers relevant and pertinent the initiatives proposed throughout this workshop and is ready to continue co-operation with OSCE Mediterranean Partners for Co-operation in this field.

Moreover, I would like to underline that this event could not have occurred without our excellent co-operation with UNODC, and we welcome the suggestion by UNODC to hold this type of events on a regular basis. I would like to warmly thank again Marta Requena, the Chief of UNODC’s Terrorism Prevention Branch, and her team.

Thanks again also to the governments of France, Spain and Switzerland for their generosity in supporting this event, and to the Local Council of Malaga, to the staff of the Congress Center and the interpretation team and, in general, thanks to the Spanish authorities and police for their support in hosting this event and ensuring its smooth organization.

Thank you.