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United States Mission to the OSCE

U.S. Opening Remarks at the OSCE Conference on “Strengthening Regional Cooperation, Criminal Justice Institutions and Rule of Law Capacities to Prevent and Combat Terrorism and Radicalization that Leads to Terrorism”

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I would like to thank all of you, the OSCE Secretariat, including the ATU, and the Irish OSCE Chairmanship for organizing this important conference. I join them in welcoming our distinguished group of experts, a number of whom, as noted, have traveled a long distance to be here.

We deeply appreciate the Irish Chairmanship’s leadership on transnational threat issues, and look forward to the continued focus on these issues under Ukraine’s Chairmanship in 2013. I would like to wish the chair much success at the Dublin ministerial.

I have high confidence that this meeting will be a valuable contribution to OSCE efforts to uphold the rule of law and protect human rights while preventing terrorism.

OSCE has already demonstrated leadership in this area, and we are pleased to have the opportunity to collaborate further with our partners here in Vienna on this vital issue.

In the United States, today is Veteran’s day – a day on which we pay tribute to those who defend our nation. With that in mind, I wanted to start my remarks by expressing my deepest, heartfelt appreciation to those who are on the front lines in the fight against terrorism. The value of the commitment our militaries make in the service of their countries cannot be overstated. We owe every dedicated service member our deepest gratitude.

Today and tomorrow we will be discussing the contributions of other key players in the fight against terrorism who also deserve recognition – civilian government officials and civil society representatives who equally play a critical role – often times also in harm’s way.

The international community has witnessed measurable success on the battlefield against terrorists, but in the long run our concerted partnering efforts will be more effective and have a more lasting impact if we match the successes we have seen militarily with a similar level of coordinated effort on the civilian side – on both national and international levels, among governments and with civil society.

We look forward to exchanging views on how OSCE participating states and partner organizations, together with individuals and the private sector, can even more effectively contribute to the international fight against terrorism, specifically in strengthening regional cooperation, criminal justice and other rule of law capacities.

The OSCE's multidimensional, comprehensive approach, including through its institutions, its field missions, and its network of practitioners, provides a solid foundation for our work. The OSCE has a proud history of contributions to peace and security across its three dimensions, and has a capability ready and waiting to be built upon for this task.

The United States recognizes not only the OSCE's history of valuable contributions to peace and security in the region, but also its commitment to addressing new threats and challenges.

OSCE members are contributing to building counterterrorism capacity in many areas, to include countering violent extremism and radicalization that leads to terrorism, enhancing cyber security, securing borders and improving the integrity of travel documents.

The OSCE is also a vital platform to help strengthen criminal justice and other rule of law-related counterterrorism capacities, with its multi-dimensional approach to engagement and training for government officials and civil society representatives.

We recognize the hard work of the OSCE's Transnational Threats Department and its Action Against Terrorism Unit, or ATU, which has done so much to spearhead our shared efforts by helping nations complement each other's strengths and assist in areas of challenge.

The OSCE's Office for Democratic Institutions and Human Rights or ODIHR, from whom we have just heard, also has a critical role in assisting participating States in developing and implementing human rights-compliant counterterrorism policies and practices. It is uniquely placed to help States protect human rights while fighting terrorism.

The ATU, ODIHR, and the multi-dimensional nature of the OSCE embody the core of what we seek in a comprehensive approach to helping states fight terrorism and remain resilient in the event of violence or attack.

The international community has made great strides over the past decade in tactical counterterrorism—taking individual terrorists off the streets, disrupting cells, and thwarting conspiracies. But to be effective over the long term, our national and collective efforts must also focus on strategic counterterrorism. We must examine and address the factors that encourage violent extremism, through a multilayered approach that diminishes the recruitment of new terrorists. We must place a premium on building states' capacity to address specific drivers of recruitment and radicalization.

Strategic counterterrorism also requires, among other things, that the international community strive to build governments' criminal justice capabilities, which are central to a successful counterterrorism approach.

This includes respect for international human rights norms, fundamental freedoms, and the rule of law – for even as we focus on bringing terrorists to justice, we must bear in mind that there is no tradeoff between security and human rights, between stable civil society and the rule of law.

Strong and effective counterterrorism policies are not incompatible with respect for human rights. On the contrary, states that have developed robust, lawful tools for investigating and prosecuting suspected terrorists, consistent with applicable international law, are more likely

to observe human rights in pursuit of these suspects. Moreover, counterterrorism efforts can best succeed when they are grounded in human rights obligations and the rule of law.

No country can effectively address the threat of terrorism alone. International partnerships have been at the heart of our success in a broad array of areas—for example, across transportation security, economic development, law enforcement, and the rule of law, to name a few. These partnerships are essential to strengthening the capacity of states to counter terrorism and violent extremism within their own borders and regions.

We must build and strengthen partnerships with governments, multilateral bodies, the private sector, and civil society. As global events over the past year have shown, these partnerships and the combined efforts we make are becoming ever more critical, as the threats we are facing become more diffuse.

Criminal justice institutions must play a larger part in the effort to counter terrorism; not only to bring terrorists to justice, but also to prevent terrorist incidents before they produce casualties, while fully respecting applicable international law and promoting the rule of law.

We must be committed to helping countries develop their internal capacity through training, cooperation, and support for the capacity building efforts of multilateral bodies like the OSCE. The United States supports endeavors that build criminal justice and broader counterterrorism capacities, including the tools available to prosecutors, investigators, judges, and prison officials. Building these capacities bolsters regional security cooperation and is essential to the long-term success of our common counterterrorism efforts.

Criminal justice systems must be able to respond to terrorist acts with fair and effective investigation, prosecution, and punishment while respecting the important role victims play in this process. Consequently, a comprehensive prevention strategy incorporates proven investigative tools and a range of criminal categories, such as attempted acts of terrorism, conspiracy, providing material support, training, incitement, and solicitation. Of equal importance is the need for a legal framework that enables effective investigations through robust cooperation among relevant government entities to include investigators, prosecutors and judges.

At the heart of this prevention strategy is cooperation. Let me provide you with two recent examples of successful collaborative efforts with our partners: the current prosecutions of Mevlid Jasarevic in Bosnia-Herzegovina and Abdeladim El-Kebir in Germany:

In the first case, the 23-year-old Jasarevic, armed with grenades and a semi-automatic weapon, opened fire on the U.S. Embassy in Sarajevo on October 28, 2011. He hit the Embassy building with gunfire more than 100 times, wounding a policeman guarding the facility. After a lengthy standoff, Jasarevic was apprehended when a police sniper was able to disable him. A collaborative investigation between Bosnian and U.S. prosecutors and investigators began moments after the arrest and resulted in the identification of two other individuals involved in the planning of the assault. All three individuals were charged in Bosnia, with the FBI laboratories testing various pieces of evidence recovered in the investigation. This case is currently in trial in Sarajevo.

In the second case, German authorities arrested Abdeladim El-Kebir and three accomplices in December 2011 for plotting to commit a bombing. At the time of the arrest, authorities

alleged this “Duesseldorf cell” was experimenting with explosives and detonators to build a shrapnel-laden bomb but had not yet chosen a specific target.

One of the critical pieces of evidence in the German case was a document found in the Abbottabad raid in Pakistan. After U.S. authorities analyzed the recovered documents, the significance of one document was conveyed to German authorities. The document was declassified and provided to the German prosecutor, pursuant to a formal request for assistance. This case is currently in trial in Germany.

Addressing the challenge of terrorism over the long-term demands multilateral cooperation as well. The United States remains committed to the UN Global Counter-Terrorism Strategy—and to each of its four pillars.

The United States has also helped to launch the Global Counterterrorism Forum, which is dedicated to being an engine to promote the implementation of the UN Global Counter-Terrorism Strategy. The Forum’s Criminal Justice Sector/Rule of Law Working Group, which we are proud to co-chair, is focused on developing tools that can help interested states to implement Pillar IV of the Global Strategy. It recognizes the critical role of a rule of law-based approach to bringing terrorists and their supporters to justice within national criminal justice systems and the need to strengthen such systems.

Organizations such as the OSCE are important in helping to build a common strategy and regional cooperation. Like other regional organizations, the OSCE has been useful in building regional ownership over the UN CT framework and indigenous counterterrorism capacity at the national level, by promoting the sharing of best practices and training programs designed to help local and national leaders mitigate the conditions in which terrorism thrives.

The OSCE continues to do important work in a range of counterterrorism programming areas that the United States supports; however, the OSCE will be most successful where it contributes in areas of its comparative advantage.

The OSCE has demonstrated, for example, that it can strengthen counterterrorism capacities by conducting training programs that promote norms and standards of responsible state behavior and by sharing best practices. Its ability to engage closely with civil society leaders enables it to leverage the efforts of NGOs that have more regular access to local community leaders, victims of terrorism, and at-risk individuals, and its executive structures have a pivotal role in developing local, community-based counterterrorism initiatives.

Indeed, promoting the rule of law is a core competence of the OSCE, and we look forward to making this week’s event successful. To be more effective, however, the OSCE must actively engage in other international counterterrorism efforts, such as by deepening its collaboration with the Global Counterterrorism Forum, where its members recently adopted good practices for the criminal justice sector and on the rehabilitation and reintegration of violent extremist offenders. In our view, the OSCE can and should become a pivotal GCTF implementing partner supporting training and otherwise promoting the implementation of these good practices throughout the OSCE region, while also providing assistance to Partner States.

To do so, OSCE policies and programs would need to place greater focus on learning how national authorities, local administrations, and civil society can prevent terrorism and

terrorist-related acts by promoting the rule of law, strengthening their cooperation in bringing terrorists to justice, and protecting human rights and fundamental freedoms.

Looking to our next steps today and tomorrow, consider these key questions:

First, what are the policies and programs that OSCE can uniquely offer to promote best practices in the areas we are discussing? How can OSCE best produce practical and measurable results?

Second, how can we promote collaboration across OSCE dimensions, building the type of comprehensive effort that is needed to address the complex issues associated with strengthening criminal justice institutions and rule of law to prevent and combat terrorism?

And third, how can OSCE better promote cooperation with, and complement the work of other multilateral organizations and actors that are operating in this area already? To make the most of our resources, we must ensure we are maximizing collaboration, not only to minimize duplication of effort, but to leverage what each organization can offer.

I note that, as has been mentioned, the United States is hosting a side event tomorrow to explore some of these questions, including how new initiatives, such as the GCTF's good practices on rule of law, can bring greater coherence to international capacity-building efforts and maximize the contributions of international assistance in this area. And you will return to these questions I have just articulated in your final panel discussion.

Thank you very much for the opportunity to provide remarks this morning. I expect a robust dialogue and exchange of views over the next two days.

We look forward to continuing our participation in this important work with all of you and our partners in government, academia, civil society and the private sector.