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**Lecture by Dinka Zivalj, Spokesperson of the OSCE Mission to Serbia,
at the Specialized Course on “Terrorism and Organized Crime”**

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I thank Prof. Dragan Simeunovic for inviting me to give an opening lecture at this Specialized Course on “Terrorism and Organized Crime”. Being myself educated at the Faculty of Political Science, I am particularly happy to be here with you today.

While the phenomenon of terrorism is not new, it has emerged, especially in its transnational form, as one of the main threats to modern society and its democratic values. Practically all recent international or national doctrinal and policy documents place terrorism at the highest place in the categorization of threats and security risks. Such is the case also with the Defense Strategy adopted by this country’s parliament a few years ago.

At the same time, terrorism is a complex issue and it requires a serious study and sustained efforts at the academic, institutional and operational level. Indeed, the fight against terrorism requires an objective and deep understanding of the problem, especially of its roots and the ways to effectively prevent and suppress this common threat to modern societies and our democratic systems.

In this context, it is commendable that this subject has been introduced to the curriculum of the Faculty of Political Science on a continuous and systematic basis, providing the necessary knowledge and expertise for present and future officials of Serbia from a variety of institutions and other researchers.

While it is regrettable and totally inadmissible that acts of terrorism are claiming innocent lives in many parts of the world, almost on a daily basis, at the same time it is encouraging that there is a growing understanding in the international community that the issue has to be tackled in co-operation and by co-ordinated efforts. The international community has arrived at having a clear and unequivocal stand that there are no political aims and aspirations that can serve as a justification for supporting or tolerating terrorist activities.

The OSCE, as its name suggests, is specifically mandated to deal with security and co-operation, and it is logical that it should engage itself, together with other institutions, in counter-terrorism.

With the collapse of the Berlin wall and constantly more open borders in Europe, and as a reaction to the increased threat of international terrorism, the OSCE attention to the issue of fighting terrorism emerged as one of the main preoccupations at the turn of the century. Terrorism was recognized as a common threat, in particular directed against democracies and democratic values to which all the OSCE participating States subscribed to.

Terrorism is usually directed against the civilian sector in order to achieve change in the public sector. It is normally hidden and secret, based in groups who either do not want, or do not have the possibility to use normal or legal channels of work to achieve their aims. Their *modus vivendi* is to create change by inflicting maximum suffering, often indiscriminate, but more often directed against a perceived enemy, such as a state, for example. Individual active terrorists will more often than not be characterized by a high degree of indoctrination and limited formal knowledge, while those behind are doctriate, highly cynical, lacking commonly accepted moral or ethical values, but with enormous financial and human resources. They choose the most vulnerable for their attacks, to avoid any damage, or even danger to themselves.

In the aftermath of 9/11 and in looking for its proper and specific place in global anti-terrorist struggle, the OSCE participating States adopted an Action Plan against Terrorism at the Ministerial Council meeting in Bucharest 2001 and an OSCE Charter on Preventing and Combating Terrorism at the OSCE Ministerial in Porto 2002. On operational level, the Action against Terrorism Unit was formed in Vienna. The OSCE counter-terrorism strategy identified four strategic areas for preventing and combating terrorism: policing, border security, anti-trafficking and suppressing terrorist financing.

In addition to this, it was recognized that other OSCE activities contribute indirectly to countering terrorism, having a character of soft and preventive measures (judicial reform, promotion of tolerance, minority protection, etc).

Terrorists are increasingly sophisticated, and law enforcement agencies must work together to adjust to and face a changing security environment. Modern police and military antiterrorist units need to be victim-oriented and intelligence-led, minimizing the impact on the daily lives of citizens and the functioning of society. Their work must not be viewed in isolation. The fight against terrorism is inherently linked to the fight against organized crime. Organized crime is often used to fund terrorist activities, while terrorism can be a cover for organized crime activities.

During the OSCE work in this country, we have noted that, by its legislative and practical activities, Serbia has been sending increasingly clear signals that it wants to take an active part in the global fight against terrorism. This was confirmed in May 2005, by the signing of Council of Europe's *Convention on the Prevention of Terrorism* and *Convention on Laundering, Search, Seizure*

and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, as well as the Protocol amending the European Convention on the Suppression of Terrorism.

Recent legislative changes in Serbia have reinforced the legal basis for the prosecution of terrorist-related acts and activities, such as the adoption of the new Serbian Criminal Code, which substantially amended provisions on international terrorism (Article 391) and hostage-taking (Article 392) and introduced new offence – financial support to terrorism (Article 393).

There are also substantial amendments to criminal offences against the safety of public transportation linked with terrorism, including endangering the security of air traffic by violence (Article 292), hijacking of aircraft, vessel and other means of transportation (Article 293).

A new anti-money laundering law, adopted by the Serbian Parliament at the end of 2005, represents a step forward in order to harmonize legislation with EU Directives.

As the fight against terrorism surpasses national borders, it should be mentioned as a very positive development that heads of seven South East European states met in Karadjordjevo last year, hosted by Serbian President Boris Tadic, and signed a declaration to work together to fight terrorism and organized crime. Presidents of Serbia, Croatia, FYR Macedonia, Bosnia and Herzegovina, Montenegro, Romania and Albania pledged a “concerted action to fight organized crime and terrorism” that threaten to undermine security and democracies in the ex-Communist countries. These states also agreed to ensure that crime gangs and terrorists have “no access to weapons and other materials intended for production of weapons of mass destruction.” It is significant that the European Union Justice and Home Affairs Commissioner attended this event, pledging EU support for suppressing the security threats in the region.

On our part, the OSCE Mission has been continuously supportive of the efforts by Serbia to counter terrorism. Our assistance has been reflected in a number of programmes and projects, aimed at increasing judicial and police capacity to deal with organized crime and terrorism-related criminal activities.

Our Law Enforcement Department is addressing the issue of anti-terrorism with its programmes dealing with border security, travel documents, border guards training, capacity building in the Ministry of Interior, especially in the field of intelligence gathering and investigative techniques.

The Mission’s Rule of Law Department activities are directed towards capacity building of the judiciary in dealing with organized crime and war crimes, including programme on witness protection, as well as programmes related to counter corruption, money-laundering and seizure of assets gained through organized crime. In view of the close link between war crimes, terrorism and organized crime these programmes have clear relevance for counter-terrorism.

Among different Mission activities of relevance to the fight against terrorism, one should also note our permanent engagement in south Serbia, which has contributed to undercut the basis for terrorism and extremism. This can serve as an example for similar approaches in other post-conflict multi-ethnic communities in the region.

In order to effectively fight terrorism, it is vital to address its roots and causes. In this respect, two other aspects of terrorism are particularly relevant for its study at an academic institution, such as the Faculty of Political Science. One relates to the relationship between terrorism **and human rights** and the other to **terrorism and media**.

Speaking at a seminar dedicated to this issue, organized last year in Belgrade by the Ministry of Foreign Affairs of the Republic of Serbia, OSCE/ODIHR and the Centre for Security Studies and Terrorism Research, the Head of the OSCE Mission to Serbia Ambassador Hans Ola Urstad pointed out that terrorism is the threat not only to the stability of states and functioning of democratic societies, but also a negation and denial of basic human rights of individuals – right to life, to security, to freedom of the individual.

Terrorism is also an attack on freedom of thought and expression. Terrorist threats, including the life threatening ones, are often aimed at journalists or writers or other public figures, imposing on them limitations in expressing themselves and demanding acceptance of values advocated by the terrorist groups. Six months ago, a bomb was placed in the window of the apartment of *Vreme* journalist Dejan Anastasijevic. Disappointingly, no perpetrators have been arrested as of yet.

Terrorism is also a threat against the legal system and independence of judiciary – since in numerous cases the prosecutors and judges are under threats aimed at influencing them to judicate in a demanded manner or to drop charges against indicted terrorists.

From its early years, OSCE (at that time CSCE) was associated with protection and promotion of human rights, especially in the one-party authoritarian regimes in Eastern Europe. Today, all OSCE countries share the same democratic values, although they are still not fully implemented everywhere. Protection and promotion of human rights remains high on the OSCE agenda, but at this moment the main threat against these liberties stems from terrorists and states that harbour or tolerate such groups, or lack the resolve or ability to stop them.

Like other institutions and organizations, the OSCE has also turned its attention to a connection between fighting terrorism and protection of civil liberties.

While no circumstance or cause can justify acts of terrorism, there are various social, economic, political and other factors, including violent separatism and extremism, which engender conditions in which terrorist organizations are able to recruit and win support. Understanding the nature and causes of this menace is the first step towards defeating it. The OSCE comprehensive approach to

security provides comparative advantages in combating terrorism by identifying and addressing these factors through all relevant OSCE instruments and structures.

The OSCE Charter on Preventing and Combating Terrorism underlines a need to address conditions that may foster and sustain terrorism, in particular by respecting democracy and rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue, by promoting human rights and tolerance and by combating poverty.

The OSCE participating States firmly reject identification of terrorism with any nationality or religion and reaffirm that action against terrorism is not aimed against any religion, nation or people.

They have also committed themselves to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes.

In line with this comprehensive approach, the OSCE will continue (in particular through ODIHR and field Missions, like the one here in Serbia) with the efforts directed at institution building, strengthening the rule of law and state authorities.

In promoting human rights and multi-culturalism, the OSCE encourages and enhances tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups. Measures to prevent extremism and discrimination against these groups should, at the same time, promote also their respect for the rule of law, democratic values and individual freedoms.

While both the preventive strategy and reactive measures by the states in the fight against terrorism need to be timely, resolute and uncompromising, the state officials have to be aware of a risk that fundamental freedoms and human rights could be jeopardized in the name of protecting the public. In order to prevent the clash between counter-terrorism and human rights, responses to terrorism need to be proportionate and non-discriminatory, both in the law enforcement area and the justice system. Exchange of national and international experiences, and the use of established criteria, such as Council of Europe guidelines on human rights and the fight against terrorism, can be useful in resolving some of the controversial issues (regulations regarding secret surveillance of extremists or suspects of terrorism, access to counsel, terms of detention, extradition, etc.)

Related issues, such as need for secrecy vs. access to information, wire tapping, use of "insiders" and protected witnesses, also have to be monitored when used in countering terrorism.

Similarly, human rights aspects of counter-terrorism could also touch upon the freedom of association and freedom of expression. The borderline here might be hard to define.

Restrictions of basic human rights and freedoms, if necessary, should be proportionate, temporary and subject to scrutiny by democratic institutions, like Parliament. It should be remembered that the strength and effectiveness of liberal democracies stem from its steady commitment to the widening of the realm of liberties and not restricting them.

The Fifth Special Meeting of the UN Security Council Counter-Terrorism Committee on “Prevention of Terrorist Movement and Effective Border Security”, held on 29-31 October 2007 in Nairobi, Kenya, also agreed to work toward “ensuring that any measure that is undertaken to enhance the control and security of borders must comply with international law, including the Charter of the United Nations, and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law”.

In this region, democratic reforms and opening the way towards integration into Euro-Atlantic structures are the best response to the problems of the region and building its capacity to join forces with other democracies in fighting terrorism.

In this process, the protection of human and minority rights, and the policies aimed at integration of ethnic minorities, but also of other disadvantaged groups, especially “losers of transition”, present the best strategy against regionally grown extremism and terrorism. Democratically governed and stable Western Balkan countries can only enhance Europe’s potentials in curbing and preventing international terrorism and simultaneously protecting and promoting the cause of human rights.

Turning to the media role in fighting terrorism, I would like to recall that our Mission has addressed also this issue in a seminar held last year for Serbian journalists which was devoted to “Media Coverage of Terrorist Acts”.

In that context, our Head of Mission Ambassador Urstad pointed out that media play a crucial role in shaping the public opinion and increasing the public awareness, especially in a democratic society. Terrorism, on the other hand, is a subject, which if covered unprofessionally, boosts stereotypes and fuels misperception among the public.

Most worryingly, such non-professional coverage can contribute to creation and spreading of fear and panic. This in turn might lead towards xenophobia, or racism, which could trigger aggression. In such a worst case scenario, the circle of violence becomes complete.

During moments of crisis, it is crucial to remain calm and cool-headed. If one can understand bitter reactions by an ordinary person, then the media must be able to stay above these emotions.

Media have to help the public, by objective and analytical reporting, to understand the nature of terrorist threats and acts and their aims. They should educate the public on root causes of terrorism, and not only focus, as sometimes happen, on sensationalist aspects of their acts. I am afraid that such a sensationalist and simplified approach to terrorism is present in some media in

Serbia. It is the task and responsibility of academic society and experts to counter-balance these trends with an unbiased and professional approach to the issue of terrorism, especially when talking about terrorist threats in the region.

Terrorists seek publicity. Precisely for that, they should not be given an opportunity to further their goals through the improper or careless reporting. In particular, media should never allow themselves to be manipulated by terrorists or, for that matter, by other anti-democratic forces or structures, which under the guise of an anti-terrorist campaign, sometimes also undermine democratic discourse and exacerbate divisions in the society.

The media play a specifically positive role in promoting tolerance and understanding among religions, beliefs, cultures, nations and people, as well as in raising awareness of the threat of terrorism. [*This is acknowledged also in the 2002 OSCE Charter on Preventing and Combating Terrorism*]

For that matter, it is important to have an increased media attention to promote tolerance of ethnic, religious, linguistic and cultural diversity. It is equally important to ensure broad public access to such media. [*2001 OSCE Bucharest Plan of Action for Combating Terrorism*]

Some of you in this specialized course will probably also work in media related sphere, and these messages might be particularly relevant for you.

However, irrespective of where your future career plans will lead you, it is vitally important that your contribution to counter-terrorism is not only effective, professional and determined, but also based on an awareness and commitments to promote fundamental democratic values and protect democratic fabric of society. Only such an approach can undercut the root causes of terrorism and safeguard our societies in a long term perspective.

Thank you for your attention.

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