

Assistance provided by the Commonwealth Secretariat in the field of counter-terrorism

The Commonwealth is a voluntary association of 53 sovereign states which work together to achieve common goals, being bound by a common language and common legal traditions.

Programmes devised by the Commonwealth Secretariat are primarily intended for Commonwealth Member-countries. However, in the field of counter-terrorism, it has been possible, through external funding, to invite non-Member countries, including the Republic of Sudan, Ethiopia, Afghanistan, Indonesia, Thailand and the Philippines, to regional Workshops run by the Criminal Law Section of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat.

Background

Following the attacks on September 11, 2001, the Commonwealth Heads of Government issued a **Statement** on 25 October 2001, condemning all forms and manifestations of terrorism. They resolved to individually and collectively take concerted and resolute action against terrorism, and undertook to assist each other with the implementation of UN Security Council Resolution 1373(2001), the universal implementation of existing counter-terrorism instruments, improving international cooperation and increased efforts to prevent the use and abuse of the financial services sector by terrorists and terrorist organisations.

A **Commonwealth Committee on Terrorism** was also set up to ensure implementation of these objectives.

In January 2002, the Criminal Law Section convened an **Expert Working Group**, consisting of experts from countries with existing counter-terrorism legislation (or which were in the process of drafting counter-terrorism legislation). The Expert Working Group formulated drafting instructions for **Model Legislative Measures to Combat Terrorism**. Those Model Legislative Measures were subsequently drafted and printed in a booklet which was distributed throughout the Commonwealth; they may be consulted under "Laws and Schemes" on the Commonwealth Secretariat website on www.thecommonwealth.org.

In March 2002, the Commonwealth Heads of Government, at their meeting in Coolum, welcomed the Report of the Commonwealth Committee on Terrorism and approved the rendering of assistance to member-countries with the implementation of UNSC Resolution 1373.

More recently, in December 2003, at their Meeting in Abuja, Nigeria, the Commonwealth Heads of Government endorsed the recommendations of the Commonwealth Committee on Terrorism and called upon Member-States to increase cooperation and assistance, through consultation, information-sharing, training and capacity-building in counter-terrorism activities, and to implement measures to prevent the financing of terrorist acts. They also called upon Member States to support the early conclusion of the Comprehensive Convention against International Terrorism and encouraged Member States to implement UNSC Resolution 1373.

Assistance Tools

In addition to the **Model Legislative Measures to Combat Terrorism** mentioned above, the Criminal Law Section of the Commonwealth Secretariat has also produced and distributed an **Implementation Kit** for the 12 Counter-Terrorism **Instruments**(which is also available on the Commonwealth Secretariat website). Those documents are not meant to be prescriptive and are intended to be used as bases which may be adapted and improved upon by countries, in the light of their domestic circumstances and existing legislative provisions, when drafting counter-terrorism legislation.

The **Model Legislative Measures to Combat Terrorism** contain measures which States are obliged to cater for in their legislation, as well as optional measures (particularly in the field of powers of investigation) designed to buttress law enforcement powers in combating terrorism.

The **Implementation Kit** consists of a Model Law and Commentary on each of the Counter-Terrorism Instruments and is aimed at assisting drafters in countries with over-stretched resources, in preparing legislation that will enable their countries to ratify all 12 Counter-Terrorism Instruments.

The Commonwealth Secretariat will shortly be publishing a Manual compiling counter-terrorism laws from across the Commonwealth, which will be distributed throughout the Commonwealth.

Workshops

A. The Criminal Law Section of the Commonwealth Secretariat embarked in 2002 on a series of **regional Workshops on Legislative Measures to Combat Terrorism**. Workshops were held successively in Botswana (for Eastern and Southern Africa), Antigua (for the Caribbean region), Sri Lanka (for the Asian region) and the Gambia (for West Africa).

After discussion on UNSC Resolution 1373, the 12 Counter-Terrorism Instruments, the Model Legislative Measures to Combat Terrorism and related matters (including extradition and mutual assistance), the representatives of the participating countries (consisting mainly of drafters) were invited to look at their particular Constitutions and statutes, and, in the light of the domestic circumstances prevailing in their respective countries, to draw up a Legislative Action Plan setting out an outline of the procedural and substantive provisions that they would include in their counter-terrorism legislation.

Following the Workshops, a Project Consultant for each of the 4 regions made in-country visits to assess the extent to which the Legislative Action Plans had been executed and to provide advice and assistance in drafting the necessary legislation.

Reports received so far from the different Project Consultants show satisfactory progress.

- B. In February 2004, the Commonwealth Secretariat started its second series of **regional Workshops** on Counter-Terrorism, focussing this time on **Capacity-Building in Combating Terrorism** and assistance in implementing counter-terrorism legislation.

Two police investigators and one prosecutor were invited from each of 11 African countries (including Sudan and Ethiopia) to the first Workshop which was held in Namibia. Following brief presentations from experts as well as Commonwealth Secretariat staff, the participants discussed issues relating to the investigation and prosecution of terrorism and terrorist financing, freezing and forfeiture of terrorist property, mutual assistance and extradition, regulation of charities and chemical weapons.

Additional input was provided by representatives from various organisations including the United Nations Office of Drugs and Crime, the Economic Community of West African States, the African Union, the Southern African Regional Police Chiefs Cooperation Organisation, the Institute for Security Studies, the International Monetary Fund and the Eastern and Southern African Anti-Money Laundering Group.

The Workshop was also attended by participants from several training institutes, including the Zambia Institute of Advanced Legal Education, the Uganda Police Training Facility and the South African Justice College, one of the Workshop's goals being to develop material for a training programme that can be delivered by such institutions on an ongoing basis to enable sustained capacity-building.

The second Workshop in that series is to be held in the Asian region in May 2004. Eleven Asian countries, including Afghanistan, Indonesia, Thailand and the Philippines, have each been invited to nominate two investigators and one prosecutor to attend the Workshop. Training Institutions invited include UNAFEI, the International Law Enforcement Agency and the Central Bureau of Investigation Academy of India.

C. **Country-specific assistance**

In addition, the Commonwealth Secretariat has continued to provide assistance and advice to countries on request, and has, in particular, provided assistance in drafting extradition and mutual assistance laws to complement counter-terrorism legislation.