



“The Chairmanship Interlaken Recommendations”

Counter-Terrorism Conference Interlaken

28.-29.04.2014

Panel I: Financing of terrorism - “Kidnapping for ransom”

Kidnapping for ransom has become an important source of terrorism financing. However, the positions of participating States on the no-payment policy in the field of kidnapping for ransom vary considerably in the OSCE area. State authorities are facing a dilemma when handling kidnapping cases: on the one hand they have the obligation to protect their citizens abroad and to bring kidnapping victims back home safely and unharmed; on the other hand, States have an overall obligation to prevent and suppress the financing of terrorism and therefore not to give in to ransom demands by kidnapers

Recommendations of the Chairmanship¹

To OSCE participating States and Partners for Cooperation

- To deny terrorists and terrorist organizations the benefits of ransom and refrain from political concessions and to secure the safe release of hostages according to international law, including international human rights and humanitarian law.
- To implement the international legal framework against terrorism, and particularly the UNSCR 2133, and to ensure that appropriate national legal frameworks are in place in line with international standards.
- To ensure close cooperation, communication and networking among all relevant agencies (intelligence, law enforcement, judiciary and others) during incidents of kidnapping and hostage-taking committed by terrorist groups, with the aim of reaching the safe release of the hostage without ransom payments or political concessions.
- To prevent kidnappings with appropriate measures, e.g. up-to-date travel advice, timely information of private employers and employees about the threat of kidnapping in high risk areas, or to promote public awareness campaigns for high risk groups, and in particular to reduce public acceptance of travels to areas of high kidnapping risks.
- To strengthen public-private partnerships in this endeavor, encouraging the business community to find common approaches to respond to terrorist kidnappings without ransom payments.
- To develop national programmes, as appropriate, for assistance to victims of kidnappings for ransom, notably released hostages and their families.

¹ The recommendations contained in this paper reflect the perception of the Swiss Chairmanship of the discussions during the conference.

- To outreach to other States with the aim to strengthen the community of States that subscribe and abide by a “no ransom policy”, and thus make the global efforts more effective.
- To support capacity-building initiatives and facilitate experts’ exchange such as sharing of good practices and joint case studies, in order to help States prepare to prevent and to respond to future terrorist kidnappings and bringing terrorists to justice more effectively.
- To enhance cooperation and exchange of experiences among practitioners in preventing and countering hostage-taking with a view of securing the safe release of the hostages.
- To install joint multinational response teams in cases of the kidnapping of several nationalities.

To the OSCE and its Executive Structures

- To support, under Chapter VIII of the UN Charter, the UN CTED, in the implementation of the UNSCR 2133.
- To develop, in close coordination with partner organizations such as the UN and the Council of Europe, a coherent approach and tailored national assistance designed to promote, inter alia, recognized international good practices contained in the Global Counter Terrorism Forum’s (GCTF) Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists, as well as the Report on Human Rights and Issues Related to Terrorist Hostage-taking, by the Human Rights Council Advisory Committee of the UN General Assembly.
- To continue promoting the international legal framework against terrorism, and particularly instruments and resolutions relevant to kidnappings for ransom and hostage-taking and, in this context, to actively continue the discussion on this issue, both at the political and expert levels.
- To explore ways to facilitate the exchange of experiences, best practices, reliable data, initiatives taken, and information at strategic, operational and tactical levels between crisis centers, intelligence agencies, law enforcement and justice officials.
- To provide, in cooperation with other international and regional organizations and multilateral counterterrorism platforms, capacity building to practitioners; and to support experts’ networking opportunities to prevent, manage and investigate and prosecute kidnapping and hostage-taking cases.
- To facilitate public-private dialogue and cooperation relevant to kidnapping and hostage-taking, particularly between State institutions and relevant businesses but also with companies and civil society organizations working (or active) in high risk areas.
- To consider establishing a directory of national contact points for cases of kidnapping.

Panel II: Ensuring Legality, Transparency and Accountability in Counter-Terrorism

In the anti-terrorism context, respect for the principles of legality, transparency and accountability ensures that counter-terrorism policies and practices are human rights-compliant. Moreover, the lack of an adequate legal basis, the non-disclosure of relevant information and the absence of effective accountability mechanisms for counter-terrorism measures not only reduce public trust in state’s efforts against terrorism, but also undermine the effectiveness of such efforts and contribute to the spread of terrorism.

Recommendations of the Chairmanship

To OSCE participating States and Partners for Cooperation

- To take into account all three dimensions of security to effectively counter terrorist threats.
- To comply with the requirement of legality by adopting predictable, precise and accessible counter-terrorism laws, in compliance with international human rights law, refugee and humanitarian law.
- To ensure compliance of their national legislation with the standards set by the relevant UN conventions and protocols, inter alia, the International Covenant on Civil and Political Rights and the Convention Against Torture, and to take concrete steps for their implementation.
- To consider when carrying out counter-terrorism investigations and preventive measures relevant documents such as “Human Rights in Counter-terrorism Investigations: A Practical Manual for Law Enforcement Officers” and “Preventing Terrorism and Countering Violent Extremism and Radicalism that Lead to Terrorism: A community-policing approach”.
- To put in place necessary measures and mechanisms to hold accountable those who violate international human rights standards while fighting terrorism.
- To conduct thorough, independent and impartial investigations into allegations of human rights violations in the counter-terrorism context with a view to combating impunity, securing accountability and the right to effective remedies.
- To uphold the rights of victims of human rights violations in the fight against terrorism.
- To cooperate at the national and international level in investigating violations of human rights in the context of combating terrorism.
- To allow free and independent media and civil society activities to monitor and report on states’ efforts to combat terrorism as well as on alleged violations of human rights in that context.
- To share best practices in relevant OSCE as well as UN fora.
- To support the work of the OSCE field missions in assisting participating States in complying with their international human rights obligations while combating terrorism.
- To develop and promote a multi-stakeholder approach in mainstreaming the respect for human rights while countering terrorism, including, in particular, police officers, prosecutors, judges, legislators, and correctional officers.
- Take into consideration the impact of counter-terrorism measures on the freedom of expression, and in particular the freedom of the media.
- To consider seeking assistance from OSCE Executives Structures and Institutions when developing and implementing their counter-terrorism laws policies and strategies.

To the OSCE and its executive structures

- TNTD and ODIHR are encouraged to continue cooperating closely on activities and projects in preventing and countering terrorism, and especially:
- To continue assisting the participating States in implementing their international commitments related to counter-terrorism and human rights.

- To continue supporting OSCE participating States by reviewing, upon their request, the compliance of their draft and existing anti-terrorism laws and counter-terrorism strategies with international human rights standards and OSCE human dimension commitments.
- To undertake activities ensuring legality, transparency and accountability in counter-terrorism.

Panel III: Responding to the Phenomenon of Individuals Taking Part in Violent Hostilities within or outside the OSCE Area (“foreign fighters”)

Participating States are facing a situation where individuals under their respective jurisdiction are departing, or seeking to do so, in order to join armed groups and take part in violent confrontations. Participating States have to deal with the return of some of these individuals commonly referred to as “foreign fighters” who may pose a threat to society. They may have been indoctrinated with violent ideas and they may have been trained in the use of firearms, explosives and other skills useful in the planning and execution of terrorist attacks or other crimes. Effectively preventing the recruitment/departure and reintegrating returning individuals require specific measures.

Recommendations of the Chairmanship

To OSCE participating States and Partners for Cooperation

- To develop a better understanding of the phenomena of “foreign (terrorist) fighters” through all its phases, including radicalisation, recruitment, facilitation, travelling, fighting and return.
- To adapt their strategies, action plans and legislation to combat terrorism in full respect of human rights and international humanitarian law in order to take into account the specific challenges of the “foreign fighters” issue.
- To use more effectively international tools such as the ones developed by organisations such as Interpol, Europol and GCTF.
- To take into account the importance of social media and the Internet, when dealing with the “foreign fighters” issue.
- To provide practitioners with accessible tools, procedures for countering terrorism with a view on “foreign fighters”, which are built on sound legislative frameworks and the wealth of existing good practices.
- To use and to build on the OSCE acquis in all three dimension in handling the phenomena.

To the OSCE and its executive structures

- To cooperate and coordinate with other international organizations and fora by taking into account their respective work.
- To consider, in partnership with international and regional actors, organizing thematic discussions focused on the issue of “foreign fighters” in order to improve the understanding of the phenomenon, to exchange experiences and good practices and to enhance a comprehensive and coherent approach.
- To test international legal and operational cooperation mechanisms through interdisciplinary and multijurisdictional table-top exercises that allow identifying potential weaknesses as well as fostering better cooperation and coordination, nationally and internationally.