



# **OSCE High-Level Meeting on Victims of Terrorism**

**13-14 September 2007  
Vienna, Austria**

## **Final Report**

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## **Executive Summary**

The High-Level Meeting on Victims of Terrorism was jointly organised by the Spanish Chairmanship of the OSCE and the Office for Democratic Institutions and Human Rights. It took place from 13 to 14 September in Vienna and provided delegations and representatives from civil society institutions with a platform to express their views and experience with programmes of support to those individuals who have sustained injury, trauma, bereavement or material loss as a result of terrorist activities. The meeting gave participants the opportunity to examine the fundamental issues of providing appropriate forms of assistance to victims of terrorist acts in the immediate, medium and long terms; to review noteworthy domestic practices; to appraise states' policies; to share suggestions for best practice; and to explore ideas for collaborative, international solutions.

To help focus discussion, four themes had been agreed upon. The first session examined the various definitions of "victim" in the context of international practice and the UN Global Counter-Terrorism Strategy. The second session focussed on forms of material support to victims of terrorism in the context of their immediate emergency needs in the aftermath of an incident, as well as those in the medium and long terms. The status of victims of terrorist acts in the context of legal proceedings, the contribution they can make to those proceedings, and the rights they should enjoy during both criminal and civil actions, were examined during the third session. The last session looked at how civil society and the voluntary sector can contribute to victims' assistance programmes; again in roles extending from emergency aid in the immediate aftermath of a terrorist incident, to medium and long term support to aid rehabilitation.

This report summarises the discussions as well as the recommendations made. The meeting's website can be accessed at [http://www.osce.org/conferences/hlm\\_2007.html](http://www.osce.org/conferences/hlm_2007.html).

The meeting was opened by a statement from ODIHR Deputy Director Toralv Nordbø, who recalled that meaningful solidarity with victims of terrorism cannot be limited to emergency support but should address the long term effects of terrorist actions. Underlining the international nature of the terrorist threat, he pointed out the necessity of international cooperation in addressing both terrorism and its root causes. The overarching role of the UN Global Counter-Terrorism Strategy, also in connection to victims' support, was stressed.

Mr. Josep Borrell Fontelles, Special Envoy of the OSCE Chairman-in-Office, voiced the need to address terrorism from a multidimensional perspective. He indicated that the question of victims of terrorism, encompassing efforts to combat crime, citizens' security, collective solidarity, human rights protection and the active role of civil society, is emblematic of this comprehensive approach. Recalling that the silence of victims is one of the terrorists' easiest victories, he stressed that civil society can make a crucial contribution to address the

conditions that foster radicalization and that can lead to terrorism, including the dehumanization of victims of terrorism. Mr. Borrell Fontelles added that the High-Level Meeting on Victims of Terrorism represents a tangible contribution from the OSCE to the implementation of the UN Global Counter-Terrorism Strategy.

At **Working Session I**, participants discussed the challenges of defining the term “victims of terrorism” for the purposes of policy-making. Participants unanimously agreed that victims of terrorist acts need to be given adequate recognition and support in light of the explicit motives of the perpetrators to spread fear and mistrust in communities, and the psychological effects that this has on the victims. Participants were warned, however, that policy makers must nonetheless remain mindful of the risks that may arise in creating counter-productive “hierarchies” of differing categories of victims.

Participants acknowledged that in some instances the term “victim” can in itself be seen as problematic: Some victim support groups stated that they preferred to apply the terms “survivor” or “bereaved” to refer to the individuals whose interests they represent.

It was underlined by various speakers that individuals suffer trauma in different ways, and that in order to provide appropriate support it is necessary to adopt flexible approaches that recognise the loss of control, and the amplified perception of risk, that victims of terrorist attacks tend to feel in the aftermath of a traumatic terrorist incident. Societies afflicted tend to be confronted, as a consequence, with increases in nationalism, hate crime and xenophobia.

The role of the media was recognised as a factor that can amplify the effects of terrorist incidents, by spreading their impact amongst a wider population than those directly affected. Contributors agreed that resilience must be promoted with the provision of both immediate aid and longer term support, by clarifying media roles in a way that preserves some distance between the media and the victims.

There was a general consensus that the provision of support and assistance to victims should not prejudice applicants based on their profession or nationality. Most participants agreed that foreign nationals and employees of the armed forces and emergency services who may be responding to a terrorist incident in the course of their professional service should not be excluded from claiming entitlement to support.

It was highlighted that numerous practical challenges remain such as difficulties in obtaining death certificates, and in arranging the transportation of human remains across borders.

Most participants agreed that there needs to be more interaction between victims themselves, between victims and participating States, between participating

States themselves, and regional and sub-regional organisations, considering the different requirements of victims in three broad timeframes: The immediate aftermath of a terrorist attack (critical, emergency needs), the medium term (cohesive medical and practical assistance) and the long term (psycho-social rehabilitation and support).

Discussions during **Working Session II** revealed strong support for the notion that non-governmental organisations should not be seen as amateur, but rather as providing professional services in the voluntary sector, in support of the recognised state agencies. There was a common understanding that programmes of assistance need to be as simple to understand as possible, given that victims of trauma are not best placed to adhere to complex instructions. There was a general understanding that “signposting” (the provision of clear, simple guidance to individuals to direct them through the application process, ideally with a single focal-point) is crucial, and numerous participants recognised the value of setting up twenty-four hour telephone helplines for victims with counsellors on hand to give practical advice and emotional assistance. Most participants expressed their support for a scheme which requires holders of domestic insurance policies to pay a modest additional contribution to their policy premiums, which in turn pays directly into a national victims’ support contingency fund.

The importance of the media was repeatedly touched upon. Participants understood that the media plays a significant role in intensifying or alleviating fear within communities and can prove particularly intrusive for victims of terrorism or their bereaved family members. Some larger non-governmental organisations detailed how they had appointed media spokespersons to act as focal points for media enquiries, thus deflecting attention away from the victims themselves.

Certain differences in approach to victims’ support were identified amongst the participating States during **Working Session III**. Many victims groups expressed concern regarding the lack of representation they had in legal proceedings. A most pressing and recurrent grievance was that victims are rarely provided with adequate information from state authorities. Victims groups complained that state authorities can be reluctant to publish complete details about particular terrorist incidents, and court authorities often fail to furnish victims with adequate information about the progress of terrorism prosecutions. In some cases, the means and timeliness with which some states informed next-of-kin about the death of a family member was also criticized.

Concern was expressed that hearings in terrorism and other politically sensitive trials in some jurisdictions may be indefinitely postponed, and that some state actors may enjoy impunity for acts of violence or obstruction of justice in terrorism matters. The use of secret detention facilities for holding terrorism suspects was considered by many to obstruct access to information and hinder due process. According to one opinion, this had the combined effect of preventing

victims from seeing justice being done, and on the other gave credence to terrorist propaganda.

It was underlined by various speakers that more needs to be done to protect the dignity of victims. Consideration was given to seating arrangements in courtrooms, and a suggestion that victims should be separated from the associates of the accused in order to minimise the risk of harassment. Controls on media intrusion were also addressed, and observations were made in respect of the transparency or otherwise of official internal inquiries and the accountability of state actors.

A common opinion expressed during **Working Session IV** was that most participating States could do much more to devise contingency plans in ways that capitalise on contributions from voluntary sector organisations. For many victims, the trauma that has been sustained remains with them for the long term, and because non-governmental organisations usually benefit from a versatility that is often lacking in governmental structures, they are extremely well placed to contribute to the different types of care and assistance that victims require throughout the immediate, medium and long terms – from providing emergency shelter and material support, to representation in legal proceedings or with the media, to providing long-term rehabilitative support.

A common view shared amongst many participants was that some form of internationally recognised minimum standards could be drafted, to reiterate to participating States at least the minimum standards of support they should provide to victims of a disaster. It was noted that some states are reluctant to bind themselves to obligations that require financial outlay, but certain needs, such as access to information, need not necessarily induce onerous financial commitments.

## **Session I: The Victim**

- Moderator: Sir Kenneth Bloomfield, Independent Commissioner for the Location of Victim's Remains in Northern Ireland
- Rapporteur: Professor Anne Speckhard, Adjunct Associate Professor of Psychiatry at Georgetown University Medical School
- Keynote Speakers: Professor Anne Speckhard, Adjunct Associate Professor of Psychiatry at Georgetown University Medical School  
Mr. Brian Gormally, Justice Associates, Research and Management Consultant  
Ms. Mirna Galić, United Nations Counter-Terrorism Task Force

### **Summary**

Participants unanimously agreed that victims of terrorist acts need to be given adequate recognition and support. During the first session, participants discussed the difficulties in reaching a consensus in defining the term "victim". Keynote speaker Brian Gormally began his presentation warning that caution must be exercised when defining categories of victims so as not to inadvertently create unjustifiable inconsistencies ("*invidious distinctions*") between levels of support granted to individuals who have suffered loss or injury from differing causes. Participants acknowledged that individuals who have sustained loss or injury as a result of, for example, natural disasters would be equally entitled to the levels of compensation, medical, psycho-social support and rehabilitation that should be afforded to victims of terrorism.

However, participants recognised that there are, nonetheless, some uniquely complicating aspects of terrorist incidents that should incur specialised support, particularly when recognising the pressing need for state authorities to investigate and prosecute those responsible, and appropriately revise national security strategies, in the aftermath of a terrorist attack. In this regard, participants understood that victims of terrorist incidents may, for example, require that emergency response units and the police have specialized training in order to question victims sensitively about the incident; that considerations will arise in relation to victim participation, their representation and information requirements in ensuing criminal prosecutions; that considerations can arise in the context of witness protection and other matters of physical security; and that there may be a need to develop strategies to confront the challenges posed by intrusive media attention. All these issues need to be examined in the context of the complex psychological implications that can arise when victims feel that they have been the target of a deliberate attack.

Participants acknowledged that in some instances the term "victim" can, in itself, be disempowering. Representatives from one non-governmental organisation stated that they refrain from using the term "victims", preferring rather to apply the terms "survivors" or "bereaved" to refer to the individuals whose interests they represent.

It was underlined by various speakers that individuals suffer trauma in different ways, and that in order to provide appropriate support it is necessary to first understand the loss of control and the amplified perception of risk that victims of terrorist attacks tend to feel in the aftermath of an incident. Increased xenophobia tends to occur in the societies affected.

The role of the media was recognised as a factor that can amplify the effects of terrorist incidents, by spreading their impact amongst a wider population than those directly affected. Contributors agreed that resilience must be promoted with the provision of both immediate aid and longer term support, and by clarifying media roles.

Participants noted that States' practices differ widely. Many speakers emphasized the importance of recognising the individual needs of victims, and cautioned against a practice of uniformly applying rigid forms of assistance. Most participants agreed that there needs to be interaction between victims, between victims and participating States, between participating States themselves, and regional and sub-regional organisations, considering the different requirements of victims in three broad timeframes: The immediate aftermath of a terrorist attack (critical, emergency needs), the medium term (cohesive medical and practical assistance) and the long term (psycho-social rehabilitation and support). It was highlighted that numerous practical challenges remain: Some participants highlighted difficulties they had experienced in obtaining death certificates and in arranging the transportation of human remains across borders.

### **Keynote speeches**

The first keynote speaker of the meeting was Professor Anne Speckhard. Professor Speckhard gave a presentation concerning the physiological effects of terrorist attacks and natural disasters, noting that in the modern age, states have to contend with porous borders and the internet. For the purposes of this working session, Professor Speckhard based her presentation on the assumption that terrorist attacks share the following common elements: They comprise violence for political purposes, usually committed by non-state actors, they target civilians and civilian property, and their aim is to influence public opinion and the political process. Acts of terrorism are an illegitimate psychological weapon, used to create states of fear, horror or dread both in the immediate victims and in the wider witnessing audience. In fighting terrorism, states can harden their defences, try to destroy the terrorist group and diminish popular support for it, and anticipate the responses of citizens in the building of resilience.

Professor Speckhard stated that governments often overlook the resilience of their public: In most natural disasters and terrorist attacks, people often do not panic and instead reach out and help each other, increasing cohesion in society rather than decreasing it. It is important to remember that individuals suffer trauma in different ways, mindful of the effects of acute and post-traumatic stress



disorder in the immediate and long terms. Information must be provided in a calm, clear and accurate fashion.

When considering psycho-social assistance, participants need to understand the psychological effects on individuals and children that are incurred when they experience feelings of loss of control and an amplification of perceived risks. Increases in nationalism, xenophobia, militancy, hysteria and hate crimes tend to occur within victim communities after terrorist incidents. Terrorists rely on media coverage to amplify the effects of their acts and maximise fear. Professor Speckhard emphasized that communication and a sense of control are vital, that governments and social networks have a real responsibility to deliver a quantity and quality of information that meets the needs of both the immediate victims and their communities. Professor Speckhard reported how mothers of those that had died at Beslan complained that the Russian authorities had not imparted the information that they needed, whilst by contrast, in America there were complaints after 9/11 that too much information exacerbated public fears and provoked some manifestations of public over-reaction.

The second keynote presentation was given by Mr. Brian Gormally. Mr. Gormally spoke about national systems of support in an international context, remarking that risks may be posed by distinguishing between victims of terrorism and victims of crime generally, in that there is a danger of creating “invidious distinctions” between classes of victims - an implication that one group of victims may be favoured with special treatment whilst something is being denied victims of other types of incident.

Mr. Gormally spoke of his experiences in Northern Ireland and the victims’ hierarchies that appeared to evolve. At the top of this hierarchy were those deemed “innocent” – usually women and children killed by paramilitaries, while at the bottom of the hierarchy were members of those same paramilitary groups, usually killed by state forces, who generally attracted little widespread public sympathy outside of the communities from which they drew support. Mr. Gormally said that state agencies in Northern Ireland have tried to treat all victims of the conflict with some level of equality, irrespective of whether or not they were supporters of the terrorist groups.

Mr. Gormally suggested that victims should not be seen as passive recipients of philanthropy but as activists in the reassertion of the importance of human rights. He concluded by stating that the universality of human rights means that there cannot be any counter-posing of the rights of victims with the rights of perpetrators: The more just, equitable and inclusive a society, the less reason there might be for disaffection.

Solidarity in the context of implementation of the UN Global Counter-Terrorism Strategy (“UNGCTS”) was the topic of the third presentation, given by Ms. Mirna Galić. Ms. Galić considered the work of the UN Counter-Terrorism

Implementation Task Force and of states, civil society and victims themselves in supporting solidarity with victims of terrorism.

Ms. Galić described how the UNGCTS specifically addresses victims of terrorism in two main sections: the section on measures to ensure human rights for all and the rule of law as the fundamental basis for the fight against terrorism, and in the section that addresses conditions conducive to the spread of terrorism. To this end the UNGCTS encourages states to put in place, “on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalisation of their lives.” The UNGCTS also highlights the promotion of “international solidarity in support of victims” and the involvement of civil society in global efforts against terrorism.

Ms. Galić explained how the United Nations can provide a platform for dialogue and for sharing best practices between member states, victims and civil society and other relevant actors, and noted that the Task Force has established a working group on supporting and highlighting victims of terrorism to facilitate interaction and dialogue between all relevant stakeholders. Recognising that the dehumanisation of victims of terrorism is identified in the UNGCTS as a condition conducive to the spread of terrorism, Ms. Galić highlighted how solidarity is therefore important in the context of both victims’ rights and security.

Ms. Galić reported that a United Nations symposium on victims of terrorism is planned to take place in September 2008 at the United Nations Headquarters in New York. The symposium will provide an opportunity, on a multi-regional level, to examine the operational and legal roles of member states, the role of the UN and the international system, the role of victims themselves, and the role of civil society and the media in supporting victims of terrorism. The second half of the symposium would be an event for victims and the UN Secretary General aimed primarily at promoting solidarity among and across different groups of victims and the United Nations, mindful of the inherent political sensitivities of this issue.

## **Discussion**

Several participants acknowledged that what distinguished terrorist attacks from other types of disaster is that terrorist attacks are motivated by a deliberate desire to inflict psychological harm, loss of trust and to spread fear for political gain. This sense of being deliberately targeted is what compounds the sense of victimisation and the psychological harm, the effects of which are often magnified by intense media attention.

Understanding that for the purposes of policy making it is therefore necessary to consider some form of definition, discussions then addressed the use of terminology and what it should encompass. The representative of one victim support organisation highlighted that they tend not to use the word “victim” in the sense that it is being used here: The terms “survivor” or “bereaved” are used

instead, as the term “victim” may be considered disempowering. This view was reiterated by another organisation who reported that their approach is to apply the term victim only to those killed by terrorist acts, and that family members and friends of those victims are instead termed “sufferers.”

A significant proportion of participants agreed that any definition of victim of terrorism should include military and security personnel who came to harm due to their duties in the fight against terrorism, and well as the relatives of such personnel. Two participating States expressly stated that the definition of victims of terrorism for the purposes of providing support and assistance includes members of the armed forces who sustain injury as a result of their legitimate anti-terrorism operations. Most NGO representatives proposed that victims’ support and compensation programmes should not distinguish between victims of different nationalities.

A couple of participants suggested that a discussion about who may be considered a victim of terrorism may bring us to the issue of who may be termed terrorism suspect. This poses a particular challenge where the terrorist suspects may themselves be state actors. In response, some participating States affirmed that participants should not try to embark on the process of defining “terrorism”, but focus instead on assessing the legal and social responsibilities of states. One delegation in particular recommended that an expansive approach should be adopted, where the focus of assistance lies with those injured, rather than the culpability of the perpetrators.

The discussions then turned to some of the practicalities of the provision of support. One victims’ group expressed their dismay that insurance companies generally insert exclusion clauses for acts of terrorism in their policies, particularly life insurance policies.

Many participants expressed concern regarding intrusive media practices, noting that media agencies are often better organised to get to disaster scenes before the emergency services. As a way of alleviating some of the victims’ trauma, one victims’ organisation spoke of their positive experience of recruiting a press spokesperson who could direct media enquiries on behalf of the victims in the immediate aftermath of the Bali attacks, so that journalists would not have to contact the victims directly.

One organisation noted that in the aftermath of an incident, states’ consular offices generally provide citizens injured overseas with only minimum official assistance. It was suggested that consular staff could at least pass on contact details of any relevant support service to the victims, as soon as possible after an incident. It was suggested that this nominal provision of information to victims may be considered as a recommendation the United Nations could make to states during next year’s United Nations victims’ symposium.

General agreement was expressed that assessments for victim support should be made on a case-by-case approach, rather than adhering to a uniformly applied set of rules. One organisation stated that in one country a generic, but flexible, humanitarian assistance programme is being developed, so that whatever the origin of a disaster, a framework response programme would already exist that could be quickly refined to deliver appropriate responses to those directly effected, in the light of the specific circumstances of each incident.

In his closing remarks, Sir Kenneth Bloomfield, himself the survivor of an assassination attempt, gave a poignant and personal account of some of his own experiences in Northern Ireland and his recent participation in a meeting of an English-Irish discussion group at Cambridge University.

Sir Kenneth told participants that during the nine years that he has been personally representing the interests of more than 3,700 victims of terrorism, the majority of those victims, acknowledging that the grief may remain for many decades, simply want to put the past behind them as much as they can. According to Sir Kenneth, the participants at the Cambridge meeting who had experienced personal loss during the Troubles in Northern Ireland expressed the following desires: Apology, recognition and information on the circumstances of death, practical help, and story-telling. A few expressed a desire for retribution, but the majority want to see justice enacted through a thorough, fair, accurate and transparent process.

Sir Kenneth emphasized that in his experience, victims are not satisfied to be mere statistics; they want the wider society to understand who the deceased were, their characters and what they stood for, and full details of why and how they died. Sir Kenneth described how in order to address this need, in Northern Ireland a book called "Real Lives" was published. This book lists all the people that died during the Troubles, who they were, and the circumstances of their death.

**Recommendations:**

- Efforts are required to assess the legal and social responsibilities of states;
- Generic contingency programmes may be developed where they permit a process of further refinement to meet individuals' needs;
- For the purposes of policy-making, the term "victim" may be replaced with the term "survivor" or "bereaved";
- Consideration should be given to a broad definition of victim that includes legal entities (associations, companies, etc.), and those in the armed forces and emergency services that have fallen victim during the course of their work;
- Government representatives should pass on contact details of victims' support focal points;
- Insurance companies should not refuse to pay out on claims based on acts of terrorism, particularly life assurance policies;
- Media spokespersons should be employed to divert media attention away from the victims;
- Recognition: Part of the healing process is in giving victims full information about the circumstances of the death of those that were close to them. Story-telling and access to full information can help in this regard; and,
- It is important to remember that the pain of bereavement cannot be rectified by short-term measures; it can endure for years.

## **Session II: Victims' Assistance Programmes**

Moderator/: Mr. Rafael Benitez, Anti-Terrorism Coordinator of the Council of Europe  
Rapporteur

Keynote Speakers: Ms. Carol Stone, member of the Steering Committee for the 7<sup>th</sup> July Assistance Centre  
Mr. Dominique Mallassagne, Deputy Head of the Department on Assistance to Victims, Ministry of Justice of France

### **Summary**

Discussions during Working Session II highlighted some serious structural weaknesses in the support victims receive in some states. Representative from some victims' organisations expressed grave concern that the justice system in some jurisdictions fails significantly to meet their needs. Common failings included lack of information and accountability, protracted court proceedings, and lack of transparency in official internal review procedures.

Various solutions were proposed in response and some good ideas of best practise emerged. Understanding that traumatised individuals are not best placed to adhere to complex instructions, and need really to be led through simple processes when applying for support, keynote speaker Carol Stone highlighted that "signposting"\* is crucial to help victim applicants navigate the various support agencies. In this respect, broad support was expressed for the setting up of telephone helplines and designated focal points. Many participants expressed particular support for a practise developed in one participating State whereby each domestic insurance policy is subjected to a modest surcharge of 3.30 Euros that contributes directly to a national victims' support fund.

Representatives from victims groups expressed widespread support for initiatives that facilitate access to justice, both by providing victims with special rights in domestic legal systems that grant them access to case files, and via the granting of rights to attend court hearings and question the accused. Some organisations proposed ideas for systematic legal representation; one victims' organisation described a legal representation scheme under which it may speak on behalf of collective victims in legal proceedings.

Various speakers stressed that non-governmental organisations should not be considered "amateur" organisations, but rather voluntary organisations that provide professional support services to state authorities. Such services should form an integral part of emergency response pre-planning.

Representatives from several victim organisations asked for minimum international standards to be drafted.

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\* The process of directing individuals through the application process in as clear and simple a fashion as possible, preferably via a single focal point.

### **Keynote speeches**

Carol Stone of the UK London Bombing Charitable Relief Fund (hereinafter the Fund) was the first keynote speaker of the session. Ms. Stone presented some of the experiences and conclusions drawn from her personal experiences working for a voluntary sector organisation that partnered successfully with state authorities to provide victim support services in the aftermath of a major terrorist incident.

Ms. Stone began her presentation by emphasizing that in the UK, non-governmental organisations are not considered “amateur” organisations, but rather voluntary sector organisations that provide professional services that should form an integral part of the emergency response pre-planning. Ms. Stone told participants that during the London 7 July bombings, approximately 700 victims were admitted into hospital during a single day. In spite of the unprecedented nature of the incident, however, the response of the Mayor of London was swift and effective: The “London Bombing Charitable Relief Fund” was set up by the Mayor of London in conjunction with the London Evening Standard newspaper within twenty-four hours of the incident.

Public donations to the fund reached five million pounds within two weeks, and the first payments to victims went out within the same period. According to Ms. Stone, the Charitable Relief Fund understood that financial need would be top priority for some of the victims or those associated with them. The Fund received agreement from UK benefits agencies that those individuals injured in the attacks who were already in receipt of existing social welfare benefits, would not find their social benefits reduced as a result of the Fund giving them additional grants. No means assessment was used to quantify payments: All those injured were treated equally. By September, the Fund had a better understanding of individual needs.

The Fund worked with the Home Office, the Department of Culture and Media, the City of Westminster, the Greater London Authority and the Mayor of London, and the Criminal Injuries Compensation Authority. Ms. Stone emphasized that the Fund was not attempting to provide compensation to the victims, but instead aimed to give them some financial donations to assist their immediate needs. Ms. Stone noted that the term “compensation” can be challenging in that it implies some form of subjective assessment and can lead to controversial media coverage. The Fund worked with the emergency services, hospitals and medical specialists and charitable foundations. Through its activities, the following lessons were learned: Speed and instant feedback are critical; evaluation mechanisms should be in place from the very first day; staff must be experienced; know your beneficiaries; do not reinvent the wheel; and be liberated by what you do not need to know. When processing applications, agencies need to devise systems to capture information. Mindful of the additional stress that media intrusion can put on victims, the Fund opted to liaise directly with media news agencies so that they would not have to contact the victims directly. Ms. Stone

noted that the Fund never gave information to the media about individual victims, but told them everything else they could.

“Signposting”, advised Ms. Stone, is crucial to help applicants navigate the various agencies. As was noted by other participants, trauma victims are not best placed to adhere to complex instructions, and need really to be led through simple processes when applying for support. The Fund set up a twenty-four hour telephone helpline, which provided information, advice and emotional support. The Fund even provided art therapy courses. On the issue of creating “hierarchies” of victims, Ms. Stone observed that the Fund provided the same amount of financial assistance to each applicant, but that simultaneously, it may be prudent to consider a mechanism for fast-tracking claims in the most urgent cases.

Ms. Stone admitted that as yet, the Fund is still uncertain how it can best phase out its assistance centres, but in regard of all other matters, it will soon be publishing its lessons learned. Ms. Stone recommended that any contingency planning remain mindful of the following phrases: “Exchange, transparency, synergy, simplicity.”

Dominique Mallassagne gave the next presentation, in which he described some of the legal mechanisms the French government established after a series of terrorist attacks that occurred in Paris in September 1986. By an act of 9 September 1986, the French government enacted a law under which compensation to French nationals who have also been injured in terrorist attacks both within France and overseas is assessed. Under this law, compensation is made on a case-by-case basis. Funding for this compensation derives from a legal stipulation that each person in France pays a contribution of 3.30 Euros out of each of their domestic insurance policies, whether they be policies for life, home, medical or automobile coverage. In addition, the French government set up a victims’ telephone helpline, and facilitates access to justice by providing victims with special rights in the domestic legal system that grants them access to case files, a right to attend hearings and a right to question the accused. Under the legal representation scheme, the non-governmental organisation S.O.S Attentats may also voice the concerns of victims in legal proceedings. Mr. Mallassagne stated that the French legal system had prioritised the needs of French victims as comprising compensation, rights, and recognition.

At this juncture, Moderator Rafael Benitez drew participants’ attention to Council of Europe Guidelines on Protection of Victims of Terrorist Acts, published in March 2005, that encapsulate numerous recommendations for addressing victims needs and rights in a sustainable way. However, he also noted that many states are naturally reluctant to bind themselves to international treaties that impose an obligation to pay compensation. To date, the Convention on Prevention of Terrorism 2005, which entered into force in June 2007, is the only international treaty that creates obligations on states in regard of victims of terrorism.



## **Discussion**

A number of victims groups criticised the lack of support received from state authorities. Victims groups from one state in particular claimed that as a result of complaining about the lack of adequate state support, they had become the target of a sustained and concerted programme of harassment and intimidation by state authorities. In one case a local court had tried to close down an organisation; this decision is pending appeal at the Supreme Court, but this organisation expressed their lack of faith in the state's court system, stating that they do not have much hope of success in their Supreme Court appeal. This is in spite of the fact that the disproportionate use of force by state authorities was obviated by an excessive deployment of weaponry that resulted in the deaths of 344 individuals, serious injury to 782 people, permanent disability to seventy-four children, and which left another seventeen children orphaned. Nonetheless, in this case the state authorities kept their distance from the victims and provided no social support. In this jurisdiction, the group claimed, victims have no right to any particular status, access to court files or support. The victims have no faith in the official state version of events, and have been mocked and harassed by the state controlled media agencies. This organisation expressed a belief that what is really needed are international obligations to make states legally and morally responsible for protecting victims of terrorist attacks.

Similar accounts of harassment and prejudice at the hands of state authorities were recounted by two other victims groups. The spokesperson for one of these organisations complained that the victims they represent have so far received no state assistance of any kind, and that in fact social benefits for victims arising from one anti-terrorism operation were reduced to just one-third of the rate of existing unemployment benefits. As a result, the victims now routinely rely on charitable donations to feed and house themselves.

Another of the organisations from this particular state expressed the view that many of the problems lie with inadequate domestic legislation and a reticence on the part of the government to modify it appropriately. They suggested that compensation must be given that can restore the dignity of the victims; seizures from terrorist organisations should be channelled to compensate the victims, and states must adopt a comprehensive approach bound by international obligations. These emotive accounts of structural inadequacy directed the discussions onto the provision of appropriate legislation, compensation and material support.

The representative from one western-European victims' group said how shocked he was to discover that the compensation laws of his country – which he had believed were amongst the most developed in Europe – made distinctions between victims on the basis of their nationality. He described how some victims of the terrorist incident in which his father had been killed never received any assistance of any kind. Indeed, some of these victims were even denied visas to visit the memorials and attend commemorative ceremonies.

In this respect, most victims groups agreed that victims' laws should cover foreign nationals as well as citizens of the effected state. One group said that they had asked that the parliament of their country amend its law to cover foreign nationals injured within the host state, as well and nationals of that country who are injured overseas.

Two delegations offered information about how they have modified existing legal frameworks to enhance psycho-social, economic and housing support. One delegation spoke of their endeavours to decentralise power in order to enable local authorities to assist local victims more directly and flexibly. Another delegation proposed that governments should guarantee compensation to all individuals who are injured and cannot work. Some country delegations made interventions regarding some of the practical arrangements that they have already made in term of emergency responses. Most participants agreed that all responses should be timely.

One organisation spoke of the benefits of receiving its core funding from its host government. This system, they said, is particularly beneficial in that it can ensure that those individuals who do not want to have contact with the government can still receive some assistance. The organisation now works on behalf of the survivors of sixteen different terrorist incidents.

There was general consensus that victims' assistance programmes are best met by the public, private and the voluntary sectors working in partnership. One organisation invited participants at the meeting to refer to a terrorist Disaster Action Plan that they have developed in conjunction with their host state's foreign ministry which contains guidance on partnering state and voluntary sector resources in response to terrorist incidents. They recommended that a single incident may influence state policy, but should not dictate it.

Many victims groups acknowledged that they could do more to forge strategic alliances with each other.

**Recommendations:**

- Consideration should be made to setting up charitable relief foundations for the purposes of providing financial assistance rather than compensation;
- Speed and instant feedback are critical;
- Employ experienced staff and know your beneficiaries;
- Devise a system at the outset for capturing information and evaluating procedures;
- Victims' associations should employ media focal points who should be briefed to tell the media everything of relevance that is known, except specific details about individual victims;
- Establish 24hour telephone help-lines where possible;
- "Signposting" is crucial. Traumatized applicants are not well placed to follow complex procedures, ideally they should be provided with a single focal point who can guide them through the various agencies;
- Assistance/compensation should be made available to victims injured overseas, and foreign visitors injured domestically;
- Consider nationwide insurance schemes: In France each person pays a contribution of 3.30 Euros on each of their domestic insurance policies to a victims' compensation fund;
- Consider granting victims special rights in court, to enable them to attend hearings and question accused during trial;
- States should guarantee compensation to all victims who are injured to the extent that they cannot work;
- Consider decentralising assistance programmes to local level;
- State financial support to victims can be administered by separate non-governmental bodies to ensure that compensation can be received by individuals who do not necessarily want to have direct contact with the government; and,
- Address any lack of parity where victims are injured abroad.

## **Session III: Victims in Legal Proceedings**

- Moderator: Mr. Hans G. Nilsson, Head of the Division of Judicial Cooperation at the Council of the European Union
- Rapporteur: Mr. Miguel García-Herraiz Roobaert, Deputy Director General, Ministry of Foreign Affairs of Spain
- Keynote Speakers: Mr. Fernando Burgos Pavón, Special Prosecutor, Spain  
Ms. Irina Aleshina, Director of Department, Prosecutor General's Office of the Russian Federation  
Mr. Stefano Dambruoso, Prosecutor, former Anti-Terrorism legal expert at the Italian Mission to the EU and UN

### **Summary**

Rather than seeking retribution, the representatives of victims groups were unanimous in expressing their desire that justice be enacted through a thorough, impartial, rule of law based approach. Victims groups were unanimous that they want terrorist suspects to be tried in public. Victims and their relatives want access to full information about the terrorist incidents that caused their injuries, and they want full information about the progress of the ensuing prosecutions. Where possible, victims would like a right to speak at criminal proceedings, or be represented by an advocate, so that their personal experiences can be relayed to the court.

A key recommendation emerging from the third session was that special attention needs to be paid to the dignity of victims and that care must be taken to guarantee that they have adequate representation in court, in a manner that ensures that they are free from harassment and intimidation from the accused, or the associates of the accused. It was stressed that gaps sometimes exist in this regard between legal policy and its practical implementation.

Some participants expressed a marked lack of faith in their domestic criminal justice systems. Citing anxieties that some terrorist trials may be deliberately protracted or subject to political influence, they asked that some minimum international standards be drafted. Further, some victims groups expressed serious concern that in their jurisdiction, state actors may routinely enjoy impunity in cases where they are responsible for the death or injury of innocent civilians.

It was acknowledged that assessments of states' legal systems should encompass more than just the criminal justice system, and include broader legal structures encompassing civil and public law systems and states inquisitorial legal processes.

### **Keynote speeches**

The first speaker of the session, Mr. Fernando Burgos Pavón, spoke of the criminal justice system in Spain and the mechanisms that have been incorporated into it specifically in support of victims. He emphasized that state authorities have a responsibility to respect the dignity of victims and to ensure their safety and to this end, victims should not be seated in courtrooms near to the perpetrators, or the family members of the perpetrators, in an effort to minimise the likelihood of attendant victims being harassed or heckled. Mr. Burgos Pavón said that in the Spanish system, receiving the status of “victim” grants an individual the possibility to comment on the crime when the judge is passing sentence and that victims who are entitled to legal representation may receive legal aid if indigent. He told participants that Spain has a public aid system for providing compensation according to which the state is responsible for quantifying compensation, not the courts.

Mr. Burgos Pavón suggested that there are three parts to the criminal justice system: The state, the criminal, and the victims. In his opinion, the definition of “victim” should be kept broad so that it can encompass legal entities, groups or associations recognised in public law. The rights of the suspects should not supersede the rights of the victims. When considering victims legal entitlements, Mr. Burgos Pavón observed, states must prevent secondary or incidental damages to victims and regulate access to court proceedings.

Ms. Irina Aleshina, Director at the General Prosecutor’s Office in the Russian Federation was the next keynote speaker. Ms. Aleshina described some of the key entitlements that victims can enjoy under the Russian Criminal Justice system. She spoke about legal provisions that grant victims access to pertinent information and told participants how express rights are granted to victims of crime under the Russian criminal procedure code that entitle them to know what charges a suspect is being tried for, and to receive copies of the more important court decisions. The law grants victims the right to respond in court hearings in their native language and to file a complaint about the proceedings if required. In some instances, victims may be able to participate in the court proceedings and direct questions to the accused, and may formally comment on suitability of sentence and appeal the verdict. Ms. Aleshina emphasized that Russian courts are obliged to ensure the safety and security of victims during trial, and to this end can provide elaborate means of protection to victim-witnesses including testimony under pseudonym or even total anonymity. Ms. Aleshina described how it may be possible to relocate witnesses under assumed identities and even change their physical appearance with plastic surgery if need be. Any property rights associated with a terrorism case, she remarked, are dealt with under the civil system.

The last keynote speaker of the session, Mr. Stefano Dambruso, is an Italian prosecutor with a background in anti-terrorism. In his opening comments, Mr. Dambruso stated that even though Italy has been fortunate enough not to directly experience any acts of international terrorism over the last ten years, it has nonetheless developed domestic legislation on the basis of national terrorist

threats. In this regard, both victims and the families of victims of terrorist acts have a right to legal representation and support where necessary.

On the basis of experience gained in anti-Mafia trials, Mr. Dambruoso spoke of some of the sophisticated witness protection systems that have been developed in the Italian justice system. He gave an account of a particular case he had previously been involved in concerning extortion rackets, the proceeds of which were being used to fund terrorist activities overseas. One family, who were victims of this extortion, agreed to testify against the accused on the basis that they receive adequate protection. This family, recalled Mr. Dambruoso, were subsequently relocated and given new identities.

In his summing up of the keynote speeches, moderator Hans Nilsson highlighted the importance of witness protection measures and cited a recommendation in the ODIHR background paper for this meeting that they must be exercised in accordance with criteria that is objective, transparent and consistently applied.

### **Discussion**

A number of victim groups raised grave concerns over the effectiveness of the legal systems in their jurisdictions. The representative of one NGO disputed an official account of the effectiveness of the legal system in one country, stating that contrary to official reports, victims of terrorist incidents do not receive proper notification about the progress of their cases, to the extent that if a family member is killed, next of kin may only be notified a week or two later by an informally delivered note. In other instances, family members are only alerted to the death of a victim by media reports.

In regard of victims' participation in court proceedings, some NGO representatives complained that in one participating State, victims may only enter the court and confront suspects or make statements at the judges' discretion, a permission that may be given or revoked arbitrarily. Concern was expressed that some hearings may be held in closed session. Victims' groups complained that hearings in terrorism or other politically sensitive cases in this state can be frequently postponed, resulting in indefinitely protracted cases. According to one victims' group, one such case has been progressing for four years without any end in sight, or any legal mechanism for expediting it. Representatives from this group considered that in light of the trauma sustained by the witnesses there is obvious public interest in resolving the matter, especially given that a reasonable suspicion exists that chemical weaponry used by the state's security forces during the incident in question may have left lingering physical side effects on the immediate community. Other victims groups concurred, stating that not only do the authorities within this particular state routinely ignore basic European standards and human rights, but that the justice system is structured in such a manner as to afford impunity for all state actors involved.

Participants at the meeting expressed general agreement that the dignity of victims needs to be protected, and that all terrorism trials should be open and in accordance with international law. One participant explained how in one court hearing that he had witnessed in a terrorism trial, the lack of separation in the courtroom of the victims from the friends and families of the suspects, inevitably led to the victims receiving taunts and harassment from the friends and family members of the accused.

The need to protect the dignity of victims from intrusive media was graphically highlighted by the account of another participant who recalled a particularly distasteful episode involving a female victim who, as a result of the injuries that she sustained during another high-profile terrorism incident, fell into a coma. During her period of hospitalisation, one media photographer crept into her room to photograph her in her comatose state; the photograph appearing in a national newspaper the following day.

One victims' group expressed the opinion that the operation of clandestine detention facilities is a triumph for terrorist propaganda. Their belief was that the secret nature of these facilities ensures that the victims of the terrorist incidents concerning inmates of these facilities are denied adequate information about their cases. Recurrently, this means that the victims are denied the satisfaction of securing a transparent criminal conviction and from learning what really happened in their case. One representative expressed incredulity as to how one state can claim sole jurisdiction over a particular terrorism case, and detain the suspects in secrecy, when the majority of victims of that incident were of another nationality.

Most participants agreed that states are under a primary obligation to counter terrorism in accordance with international human rights standards. Some delegations described modifications they have made to domestic legislation in recent years taking account of social, legal, psycho-medical assistance and rehabilitation, including career counselling for both the victims and their families. A project to conduct comparative analysis of state's laws on victims of terrorism was proposed by one victims' group, to assess not only legal provisions, but also best practice. It was acknowledged that assessments of states' legal systems should encompass more than just the criminal justice system, and include broader legal structures encompassing civil and public law systems and states inquisitorial legal processes. One participant suggested that states that are serious about effective support systems should look at how it all works in practice: Government enquiries are extremely important and if conducted thoroughly can make recommendations for best practice.

In his summary of the session, Moderator Burgos observed that victims' status in all aspects of criminal proceedings needs to be clarified and made more substantial. The issue of having victims and perpetrators in the same room at the same time needs to be re-examined. Everyone should have access to the

courtroom and there needs to be vigilance in enforcing order during legal proceedings.



**Recommendations:**

- “Victims” should be defined broadly to encompass legal entities; groups or associations;
- In order to minimise the risk of harassment, do not seat victims and their families next to perpetrators and their families or associates in the court room;
- Ensure adequate legal aid for indigent victims;
- Ensure that victims receive timely and full information about the progress of trials; enable them to respond in their native language, to receive copies of all important decisions, to participate in proceedings, to direct questions at the accused, to comment on the suitability of the sentence and verdict;
- Ensure adequate witness protection methods are in place;
- All criteria for applying witness protection mechanisms must be objective, transparent and consistently applied;
- There must be no impunity for state authorities;
- Assessments of national legal systems should take a holistic approach; not focus solely on the criminal justice system but incorporate broader legal structures including civil and public law systems and state’s enquiry processes;
- Government enquiries are extremely important: They should be conducted in public with full disclosure; making recommendations for best practice;
- Terrorist trial should be public in order that victims can learn the full details of the case and see justice being done; and,
- All court buildings should have adequate disabled access.

## **Session 4: Role of Civil Society**

Moderator/: Mr. Ángel Lossada Torres-Quevedo, Director General, Ministry of  
Rapporteur Foreign Affairs of Spain

Keynote speakers: Ms. Françoise Rudetzki, Founder of “ S.O.S Attentats”, France  
Professor Berthold Gersons, Professor at the University of  
Amsterdam’s Department of Psychiatry, Netherlands  
Ms. Marina Litvinovich, Chair of the Board of the “Aid to Victims  
of Terror Foundation”, Russian Federation.

### **Summary**

Participants recognised that the trauma suffered by victims of terrorist incidents can endure for many years. As such support programmes must be devised considering the support that is needed in the immediate, medium and long terms. Civil society has an invaluable role to play throughout these phases. In the immediate aftermath of an incident, civil society can assist in the provision of emergency assistance; from basic logistical needs such as food, transport and shelter, to guidance and advice, fundraising, counselling and coordinated representation with official state response units and the media. In the medium term, civil society can contribute to the provision of medical, legal and psycho-social support services. It can liaise on behalf of victims with governmental authorities and lobby for their interests. In the long term, civil society organisations can provide on-going sedentary care, psychological support, storytelling, reporting and uncovering the facts of incidents.

Participants recognised that disasters affect individuals, communities and societies in different ways. But what all affected communities require is adequate information. Methods that alleviate psychological damage include debriefing, information sharing, support and advice, self-help and support groups. It was further noted that long-term monitoring of assistance programmes is required to vary the assistance as required, recognising that techniques will have varying degrees of benefit depending on the individual.

### **Keynote Speeches**

Françoise Rudetzki of French NGO *SOS Attentats* was the session’s first keynote speaker. From the outset, she highlighted that the individuals whom her organisation represents are not seeking retribution, but a right of legal redress. She noted that the international legal framework that currently exists tends to overlook the needs of victims of terrorist acts, preferring instead to focus on the strategic fight against terrorism. Ms. Rudetzki delivered some historical background about *S.O.S Attentats* and some of the services it offers. She explained that the organisation serves to guide, inform and accompany victims. It can provide access to a variety of support services including to a network of practitioners of medicine, psychiatry and law, as well as representation by way of media spokespersons and liaison with governmental authorities. The organisation publishes a number of documents on victims’ rights, organises

commemorative ceremonies, and has consultative status with United Nations ECOSOC.

Ms. Rudetzki addressed the challenge of reconciling states obligations to human rights, the needs of victims, and the needs of national security. She recognised that although the rights of victims in legal proceedings must be respected, trials of terrorist suspects are becoming a rarity. She noted that there are regular concerns that criminal proceedings can be drawn out for many years, and that final sentences are too often suspended. In these instances, victims become disillusioned and less aware of their rights. Courtrooms may lack adequate access for the disabled. Ms. Rudetzki argued that asylum should not be granted to terrorist suspects. Further, Ms. Rudetzki elaborated on the previously described French insurance policy scheme that contributes to a national victims' compensation fund. She explained that victims have ten years to apply to the fund. The success of their application will be based on an assessment of their physical injuries and impact on their career, and is not limited to individuals of French nationality.

The next keynote speaker, Professor Berthold Gersons, gave a presentation on the psychological affects of terrorist incidents and other disasters. Professor Gersons highlighted that the effects need to be examined in the context of individuals, on communities and on societies, with crisis solutions operating correspondingly. Although, individuals are different and will react to trauma in various ways, there are common psychological effects. Professor Gersons explained that people usually live their ordinary daily lives under an illusion of safety; a confidence in the world around them that enables them to function effectively in the course of their everyday lives. An unexpected disaster removes this sense of safety, leading to a loss of sense of control which in turn can lead to fear. Moreover, when a disaster occurs, many people will instinctively flee, abandoning fellow victims, which in turn can lead to feelings of guilt and even loneliness.

In the medium and long term, post-traumatic stress disorder (PTSD) can develop in victims of disaster that culminate in a general loss of trust in the world around them. In this way, terrorist attacks can create divisions in societies that can set people up against each other. Sufferers of PTSD experience a reduced ability to concentrate and can suffer from forgetfulness. Consequently, they are not well placed to adhere to complex systems of rules and procedures. Victims' assistance programmes therefore need to be simple to understand, ideally with a single focal point who can direct the victims for treatment and assistance as required.

Professor Gersons drew participants' attention to the psychological well-being of crisis staff. In his experience, crisis staff can also demonstrate symptoms of psychological damage; stress and hyperactivity can be accompanied four or five days after a traumatic event by feelings of anger by those crisis staff directly involved in the emergency response effort. Authorities therefore need to give crisis staff training in the psychological effects as it may pertain to them. Professor Gersons also reiterated the need for information, and information

sharing. Debriefing, information sharing, support and advice, self-help and support groups, education about fear, stress and PTSD and public mourning can all contribute to the psychological recovery of individuals, communities and societies. Further, Professor Gersons suggested that some form of long-term monitoring of psycho-social assistance programmes may be beneficial in the medium and long terms to increase or decrease varying types of support as appropriate.

The third keynote speaker of session four was Ms. Marina Litvinovich, representing the *Aid to Victims of Terror Foundation* of the Russian Federation. Ms. Litvinovich described the services that her victims' foundation offers as broadly comprising support networks, legal advice and assistance, and advocacy. In addition, the Foundation also monitors legal developments and the circumstances that gave rise to the acts of terrorism. It conducts independent enquiries into acts of terrorism; including compiling photographs, interviews and videos, engaging independent experts, compiling reports and providing substantive evidence.

Ms. Litvinovich expressed grave concerns regarding the quality of support her organisation and other voluntary sector organisations that assist victims of terrorist acts in her country receive from the state authorities. Ms. Litvinovich stated that the official authorities are not engaged in accurate and objective inquiries into terrorist events. Official reports frequently contain discrepancies; particularly regarding causes of death of many victims. Ms. Litvinovich reported that the work of her organisation was habitually obstructed by state officials, that she and members of her organisation were harassed, intimidated and even physically assaulted. She stated that media censorship is widespread in her country and that her organisation is denied access to media forums, and that their attempts to convene public meetings have been deliberately hampered: Sometimes the availability of meeting venues is cancelled at short notice, on other occasions her activists have been greeted by picketers outside the meeting's scheduled venue. Lawyers working on behalf of the *Aid to Victims of Terror Foundation* are frequently scared away from their cases by the threatening behaviour of federal security agents.

Ms. Litvinovich explained that the Foundation tried to analyse how state counter-terrorism law affects human rights. She expressed particular concern about a law adopted after the Beslan incident which dispenses with the need to elect local government representatives. Ms. Litvinovich suggested that she and her colleagues are routinely under surveillance by Federal security agents, and that these activities are intensifying.

## **Discussion**

Victims groups expressed a consensus view that state authorities should acknowledge that moral solidarity needs to be shown with victims of terrorism, understanding that civil society groups may be placed at risk of political exploitation. One UK-based organisation added that after the 7 July London Bombings, the Mayor of London led a high-profile media campaign demonstrating continued solidarity with the UK's Muslim communities in order to mitigate the risk of a possible anti-Muslim backlash.

A short statement was read out by one victims' group that requested that the OSCE act upon the following recommendations:

- To produce a special resolution regretting a lack of effective investigation into terrorist enquiries;
- To set up a body to investigate terrorist acts where no impartial state inquiry exists;
- To enact an international law on victims or terrorism;
- To draw up a convention for minimum standards for victims' assistance, including for foreign victims;
- To pass a resolution condemning the persecution of victims' groups.

These recommendations appeared to receive general support amongst the victims' groups present.

**Recommendations:**

- Education is needed about the effects of fear, stress and PTSD, including its effects upon crisis response staff;
- Convene public mourning/memorial services;
- Consider long term monitoring of assistance programmes;
- States need to support and encourage the efforts of voluntary sector organisations, including access to media fora and meeting venues;
- Access to information: Non-governmental bodies should be free to review the facts of the incident and report their findings;
- Consider public/media campaigns of solidarity between communities that terrorists are attempting to divide.

## **Closing**

Chairperson and ODIHR Deputy Director Toralv Nordbø began the session by requesting a moment's silence to pay respect for victims of terrorism.

In her capacity as rapporteur for Session 1, Professor Anne Speckhard, noted the difficulties that arise in respect of applying the term “victim” for the purposes of policy-making. She noted that the term can potentially be considered as disempowering, and that some participants proposed alternative terminology, such as “survivor” or “bereaved”. Professor Speckhard reiterated that victims of terrorism can be distinguished from victims of other types of incident because terrorist attacks are a type of psychological warfare, deliberately designed to spread terror in the societies afflicted, and to attack fundamental rights. With few exceptions, however, most states have yet to make such a distinction when considering victims support policies. Taking good care of victims reduces the power of fear that terrorists try to exploit. It is therefore crucial to promote resilience. Professor Speckhard highlighted that some basic practical matters continue to pose logistical challenges for victims, such as difficulties in obtaining death certificates in foreign jurisdictions, and in arranging the transportation of human remains across borders.

Reporting on Session 2, Rafael Benitez emphasized that the issue of support for victims is not an academic exercise, but a problem about people. States have a duty to protect their citizens and must consider carefully the use of appropriate terminology. It is important that assistance programmes meet the needs of victims on an on-going basis, adopting a multidisciplinary and collaborative approach. Aid programmes must be transparent, with simple access and a single contact point where possible. The systems must respect parity and fairness. There is no one perfect model system; various possibilities are available to best meet the needs of victims.

In summarizing the conclusions of Session 3, Mr. Miguel García-Herraiz Roobaert, emphasised the issue of respecting victims' dignity. He stated that special care must be taken to ensure that they have adequate representation in court, and are encouraged to participate in judicial proceedings in a manner that ensures that they are free from harassment and intimidation from the accused. Mr. García-Herraiz Roobaert noted a suggestion for a “Statute of the Victim” which as well as defining the term “victim” for policy making purposes, would enshrine rights of reparation, of participation in judicial proceedings, and access to accurate information, and include safeguards against collateral harm that could arise as a consequence of a victim's involvement in the judicial process. Mr. García-Herraiz Roobaert acknowledged that gaps can exist between the ways in which laws and policies are drafted, and their practical implementation.

Mr. Ángel Lossada Torres-Quevedo, reporting for Session 4, noted some of the criticisms made by non-governmental organisations regarding the lack of support they feel they get from state authorities in certain jurisdictions. Recognising that

the trauma sustained by victims can endure for many years, Mr. Lossada Torres-Quevedo advised that support programmes should provide flexible assistance according to the changing needs of victims over the long term. In this regard, civil society has a valuable role to play in assisting victims with reparation, access to legal proceedings, rehabilitative support, and working on behalf of victims to enhance national legislation.

Mr. José Manuel Rodríguez Uribes, in his closing speech, listed some of the challenges ahead, warning that whilst recognising certain defining characteristics, government policies must avoid inadvertently creating unproductive hierarchies of victims. Consideration should be given to the status of non-national victims, and the paradoxical role of the media.



## **Final Recommendations**

- Efforts are required to assess the legal and social responsibilities of states;
- Generic contingency programmes may be developed where they permit a process of further refinement to meet individuals' needs;
- For the purposes of policy-making, the term "victim" may be replaced with the term "survivor" or "bereaved";
- Consideration should be given to a broad definition of victim that includes legal entities (associations, companies, etc.), and those in the armed forces and emergency services that have fallen victim during the course of their work;
- Government representatives should pass on contact details of victims' support focal points;
- Insurance companies should not refuse to pay out on claims based on acts of terrorism, particularly life assurance policies;
- Media spokespersons should be employed to divert media attention away from the victims;
- Recognition: Part of the healing process is in giving victims full information about the circumstances of the death of those that were close to them. Story telling and access to full information can help in this regard;
- It is important to remember that the pain of bereavement cannot be rectified by short-term measures; it can endure for years;
- Consideration should be made to setting up charitable relief foundations for the purposes of providing financial assistance rather than compensation;
- Speed and instant feedback are critical;
- Employ experienced staff and know your beneficiaries;
- Devise a system at the outset for capturing information and evaluating procedures;
- Victims' associations should employ media focal points who should be briefed to tell the media everything of relevance that is known, except specific details about individual victims;
- Establish 24hour telephone help-lines where possible;
- "Signposting" is crucial. Traumatized applicants are not well placed to follow complex procedures, ideally they should be provided with a single focal point who can guide them through the various agencies;
- Assistance/compensation should be made available to victims injured overseas, and foreign visitors injured domestically;
- Consider nationwide insurance schemes: In France each person pays a contribution of 3.30 Euros on each of their domestic insurance policies to a victims' compensation fund;
- Consider granting victims special rights in court, to enable them to attend hearings and question accused during trial;

- States should guarantee compensation to all victims who are injured to the extent that they cannot work;
- Consider decentralising assistance programmes to local level;
- State financial support to victims can be administered by separate non-governmental bodies to ensure that compensation can be received by individuals who do not necessarily want to have direct contact with the government;
- Address any lack of parity where victims are injured abroad;
- “Victims” should be defined broadly to encompass legal entities; groups or associations;
- In order to minimise the risk of harassment, do not seat victims and their families next to perpetrators and their families or associates in the court room;
- Ensure adequate legal aid for indigent victims;
- Ensure that victims receive timely and full information about the progress of trials; enable them to respond in their native language, to receive copies of all important decisions, to participate in proceedings, to direct questions at the accused, to comment on the suitability of the sentence and verdict;
- Ensure adequate witness protection methods are in place;
- All criteria for applying witness protection mechanisms must be objective, transparent and consistently applied;
- There must be no impunity for state authorities;
- Assessments of national legal systems should take a holistic approach; not focus solely on the criminal justice system but incorporate broader legal structures including civil and public law systems and state’s enquiry processes;
- Government enquiries are extremely important: They should be conducted in public with full disclosure; making recommendations for best practice;
- Terrorist trial should be public in order that victims can learn the full details of the case and see justice being done;
- All court buildings should have adequate disabled access;
- Education is needed about the effects of fear, stress and PTSD, including its effects upon crisis response staff;
- Convene public mourning/memorial services;
- Consider long term monitoring of assistance programmes;
- States need to support and encourage the efforts of voluntary sector organisations, including access to media fora and meeting venues;
- Access to information: Non-governmental bodies should be free to review the facts of the incident and report their findings;
- Consider public/media campaigns of solidarity between communities terrorists are attempting to divide.

**OSCE HIGH-LEVEL MEETING**  
**ON**  
**VICTIMS OF TERRORISM**

**FINAL LIST OF PARTICIPANTS**

**Vienna, 13 – 14 September 2007**

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<b>Mr. Toralv</b>	<b>NORDBO</b>	Opening and Closing Remarks
<b>Sir Kenneth</b>	<b>BLOOMFIELD</b>	Moderator of the Session I
<b>Dr. Anne</b>	<b>SPECKHARD</b>	Introductory Speaker at the Session I
<b>Mr. Brian</b>	<b>GORMALLY</b>	Introductory Speaker at the Session I
<b>Ms. Mirna</b>	<b>GALIC</b>	Introductory Speaker at the Session I
<b>Mr. Rafael</b>	<b>BENITEZ</b>	Moderator of the Session II
<b>Mr. Dominique</b>	<b>MALLASSAGNE</b>	Introductory Speaker at the Session II
<b>Ms. Carol</b>	<b>STONE</b>	Introductory Speaker at the Session II
<b>Mr. Hans</b>	<b>NILSSON</b>	Moderator of the Session III
<b>Mr. Stefano</b>	<b>DAMBRUOSO</b>	Introductory Speaker at the Session III
<b>Mr. Fernando</b>	<b>BURGOS PAVON</b>	Introductory Speaker at the Session III
<b>Mr. Angel</b>	<b>LOSSADA TORRES-QUEVEDO</b>	Moderator of the Session IV
<b>Ms. Françoise</b>	<b>RUDETZKI</b>	Introductory Speaker at the Session IV
<b>Prof. Berthold</b>	<b>GERSONS</b>	Introductory Speaker at the Session IV
<b>Ms. Marina</b>	<b>LITVINOVICH</b>	Introductory Speaker at the Session IV
<b>Mr. Jose Manuel</b>	<b>RODRIGUEZ URIBES</b>	Closing Remarks



**HIGH-LEVEL MEETING  
ON VICTIMS OF TERRORISM**

**13-14 September 2007**

**HOFBURG, VIENNA**

**AGENDA**

**Day 1 Thursday, 13 September 2007**

9.30 - 10.00 **Opening Session**

*Opening remarks:*

- *A representative of the OSCE Chairmanship*
- *OSCE/ODIHR Deputy Director*

*Technical information by the OSCE/ODIHR*

10.00 - 12.30 **Session I: The Victim**

- *Introductory speeches*
- *Coffee/Tea break*
- *Discussion*

12.30 - 14.30 Lunch

14.30 - 17.00 **Session II: Victims' assistance programs**

- *Introductory speeches*
- *Coffee/Tea break*
- *Discussion*

***Close of Day One***



**Day 2**

**Friday, 14 September 2007**

10.00 - 12.30

**Session III: Victims in Legal Proceeding**

- *Introductory speeches*
- *Coffee/Tea break*
- *Discussion*

12.30 - 14.00

Lunch

14.00 - 16.30

**Session IV: The Role of Civil Society**

- *Introductory speeches*
- *Coffee/Tea break*
- *Discussion*

16.30 - 17.00

**Closing Plenary**

- *Reports by the Working Sessions  
Moderators/Rapporteurs*
- *Closing remarks by a representative of the OSCE  
Chairmanship*



## HIGH-LEVEL MEETING ON VICTIMS OF TERRORISM

13-14 September 2007  
HOFBURG, VIENNA

### ANNOTATED AGENDA

#### OVERVIEW

Acts of terrorism critically undermine the enjoyment of human rights, including the right to life and to physical integrity of the victims. Terrorists exploit victims by using them as means to convey their message of fear to the wider population. Preventing terrorism, assisting its victims, reinforcing solidarity with and among victims, and involving civil society in this effort is crucial in order to improve security and foster long-term stability. By empowering victims of terrorism, States are reinforcing their very societies against future terrorist threats.

Among conditions conducive to the spread of terrorism, the UN Counter-Terrorism Strategy (adopted by the UN General Assembly on 6 September 2006) includes “prolonged unresolved conflicts, *dehumanization of victims of terrorism in all its forms and manifestations*, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance.” In this connection, States Members of the United Nations resolved to “consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives [...]” Moreover, they undertook to increase their efforts in promoting “international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation.”

UN Security Council Resolution 1373 (2001) calls upon all States to “cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts.” The crucial role of regional and sub-regional organisations in the fight against terrorism has since been emphasized by the Security Council in several subsequent resolutions.<sup>†</sup> As a regional arrangement under Chapter VIII of the UN Charter, the Organization for Security and Co-operation in Europe (OSCE) is in a unique position to engage its participating States in discussing the threat of terrorism in relation to the human rights of victims. This is possible thanks to the OSCE’s comprehensive approach to security, linking together military aspects of security with the protection of human rights and the rule of law.

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<sup>†</sup> In Resolution 1566 (2004), for instance, the Council called “upon relevant international, regional and sub-regional organizations to strengthen international cooperation in the fight against terrorism and to intensify their interaction with the United Nations [...]”

OSCE Permanent Council decision No. 618 of 1 July 2004 recognizes that acts of terrorism seriously impair the enjoyment of human rights and that there is a need to strengthen solidarity among participating States for the victims of terrorism. The decision acknowledges that individuals who have suffered bodily injury or impairment of health, and dependants and family members of persons who have died as a result of such attacks, require support and assistance in accordance with each State's domestic law. To this end, participating States are invited to explore the possibility of introducing or enhancing appropriate measures, including making provision for financial support for victims of terrorism and their families.

In light of the range of legal, political and cultural experiences across the OSCE region, there is a need to discuss the concept of "victim" and how victims of terrorism may be distinguished from victims of violent crime. The establishment of assistance programs for victims of terrorist acts will be discussed on the basis of an exchange of protection models. The relationship between victims of terrorism and the national justice systems, in particular the role of victims in legal proceedings and the existence of adequate safeguards for the protection of their dignity should be carefully explored. Finally, the meeting will look at what role civil society can play in preventing the dehumanization of victims of terrorism and, more generally, in complementing States' efforts in this field.

The OSCE's cross-dimensional approach to security is based on democracy, respect for human rights, fundamental freedoms, the rule of law and social justice. Key to this are notions of comprehensiveness and indivisibility of security, and allegiance to shared values and commitments. Respect for, and compliance with, international human rights law, including politically binding commitments, stands central to the efforts to prevent and combat terrorism.

As a first conference on the issue of victims of terrorism in the OSCE, this is an important opportunity to begin both to build political consensus, and frame the OSCE's approach to victims of terrorism, building on a discussion that can explore the key issues, informed by experts in the field.

## **SESSIONS**

### **Session 1: The Victim**

This Session introduces the concept of "victim", and will identify key issues that will be dealt with throughout the High-level meeting. It will provide a chance to discuss the notion of solidarity with victims of terrorism both generally, and in the context of the UN Global Counter Terrorism strategy, and the scope for the definition of "*victim of terrorism*" and of "*victim of violent crime*". Some participating States have adopted specific legislation concerning victims of terrorism; others do not differentiate between victims of terrorism and victims of violent crime. In some cases, protection is guaranteed to victims of counter-terrorism measures.

The aim of the session is to discuss approaches in the OSCE region to solidarity with victims of terrorism and to explore in a more concrete manner questions such as who may be considered a victim in the national legal systems in the OSCE region, and how this designation applies to the trans-national nature of terrorist acts.

Questions that could be addressed:

- How can solidarity with victims of terrorism act as a factor in the prevention of terrorism?
- What are the distinguishing features of victims of terrorism?
- Is it important to differentiate between victims of terrorism and victims of violent crimes more generally?
- Are there risks in creating a *hierachy* of victims?
- Could the occupation of a casualty of a terrorist act affect his/her status as a victim?

## **Session 2: Victims' assistance programs**

States should ensure appropriate assistance to victims of terrorist acts, including medical, psychological, social and emotional assistance. Ideally, victims should receive fair, appropriate and timely compensation for damage inflicted. The specific needs of victims of terrorism are widely recognised by OSCE participating States, but dealt with differently at the national level because of States' diverse legal and social traditions.

The aim of this session is to allow for an OSCE-wide exchange of information on national models and practices in the assistance and remedy to victims of terrorism.

Questions that could be addressed:

- What types of assistance, including emergency assistance, should best be provided by State authorities?
- What types of assistance, including emergency assistance, could best be provided by non-State authorities?
- Should States' assistance programs cover foreign nationals and/or nationals injured abroad?
- Should States have specialized units for managing all the assistance and compensatory measures put in place for victims of terrorism?
- Should some minimum standards be agreed amongst participating States?

## **Session 3: Victims in Legal Proceedings**

While States have a positive obligation to bring perpetrators of terrorist acts to justice in a reasonable amount of time, consideration should also be paid to the rights of victims in legal proceedings. Victims should be able to provide and receive information regarding the progress of any court proceedings related to their injuries, and have access to legal aid

and representation as appropriate. The dignity, security and privacy of victims should be taken into consideration at all stages of investigation and trial proceedings in order to avoid further victimisation, including by designing and implementing adequate witness protection arrangements.

The aim of this session is to facilitate an exchange of good practices among OSCE participating States about the status of victims of terrorism in legal proceedings.

Questions that could be addressed:

- How can victims best be represented at court?
- What mechanisms could best fulfil their entitlement to timely information?
- Are State's witness protection mechanisms effective and human rights compliant?
- How do we ensure victims' rights of privacy in the context of media freedom?
- Are there any other experiences related to support for victims of terrorism that might be of particular benefit during legal proceedings?

#### **Session 4: The Role of Civil Society**

Civil society and victims' associations play a key role in the initiation, development and implementation of policies and services that empower and support victims of terrorism. While States must not abrogate their responsibilities in the field of assistance and compensation, civil society can play an active part in supporting victims, particularly by providing advice and psychological support. Non-governmental organisations and agencies can provide practical support for victims such as counselling, welfare assistance and supplementary therapies. Human rights organisations can contribute with broader social and political support, such as advocating and lobbying on behalf of victim groups.

The aim of this session is to analyse possible roles of civil society in the promotion of solidarity with victims of terrorism, as well as to explore ways forward for participating States in supporting these initiatives across the OSCE region.

Questions that could be addressed:

- What roles can best be performed by civil society in promoting solidarity with victims of terrorism?
- What are the main challenges faced by civil society in promoting solidarity with victims of terrorism?
- How can States best support non-governmental organisations and associations of victims in their endeavours?

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**513th Plenary Meeting**  
PC Journal No. 513, Agenda item 4(b)

**DECISION No. 618**  
**SOLIDARITY WITH VICTIMS OF TERRORISM**

The Permanent Council,

Recalling that the OSCE Charter on Preventing and Combating Terrorism proclaims the commitment of participating States to take measures needed to prevent terrorist acts and to protect human rights and fundamental freedoms, especially the right to life, of everyone within their jurisdiction against terrorist acts,

Considering that acts of terrorism seriously impair the enjoyment of human rights, and reaffirming our resolve to prevent and combat terrorism and thereby increase the security of our citizens,

Reaffirming the undertaking set out in the OSCE Charter on Preventing and Combating Terrorism that all measures taken to counter terrorism must be in accordance with participating States' obligations under international law,

Recognizing the need to strengthen solidarity with victims of terrorism, who have suffered bodily injury or impairment of health, and with dependants and family members of persons who have died as a result of such attacks, in accordance with each State's domestic law,

1. Invites the participating States to explore the possibility of introducing or enhancing appropriate measures, subject to domestic legislation, for support, including financial assistance, to victims of terrorism and their families;
2. Encourages the participating States to co-operate with relevant institutions of civil society in expressing solidarity with and providing support for the victims of terrorism and their families;
3. Asks the ODIHR and the Secretariat to promote this Decision at relevant OSCE events;
4. Asks the ODIHR to compile existing legislation relating to assistance to and compensation for the victims of terrorism, so as to promote best practices in this area, and invites participating States to provide relevant information to the ODIHR;
5. Asks the Secretary General to include information on the implementation of this Decision in his annual report.



**Organization for Security and Co-operation in Europe  
Permanent Council**

PC.DEC/803  
26 July 2007

Original: ENGLISH

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**678th Plenary Meeting**  
PC Journal No. 678, Agenda item 6

**DECISION No. 803**  
**AGENDA, TIMETABLE AND ORGANIZATIONAL MODALITIES OF**  
**THE 2007 OSCE HIGH-LEVEL MEETING ON**  
**VICTIMS OF TERRORISM**

The Permanent Council,

Taking into account its Decisions Nos. 756 on the OSCE work programme for 2007 on preventing and combating terrorism, and 778 on the dates of the 2007 OSCE High-Level Meeting on Victims of Terrorism,

Approves the agenda, timetable and organizational modalities of the above-mentioned High-Level Meeting contained in the annex to this decision;

Tasks the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with developing, in co-ordination with the Chairmanship, a detailed annotated agenda, timetable and organizational modalities of the 2007 OSCE High-Level Meeting on Victims of Terrorism.

**AGENDA, TIMETABLE AND ORGANIZATIONAL MODALITIES OF  
THE 2007 OSCE HIGH-LEVEL MEETING ON  
VICTIMS OF TERRORISM**

Vienna, 13 and 14 September 2007

**I. Agenda and timetable**

**Thursday, 13 September 2007**

- 9.30 a.m. Welcoming remarks  
10 a.m. Session 1: The victim  
2.30 p.m. Session 2: Victims' assistance programmes

**Friday, 14 September 2007**

- 10 a.m. Session 3: Victims in legal proceedings  
2 p.m. Session 4: The role of civil society  
4.30 p.m. Closing remarks by moderators

**II. Organizational modalities**

The High-Level Meeting will be opened by the OSCE Chairmanship.

Each of the working sessions will have a moderator and the ODIHR and OSCE Chairmanship will provide rapporteurs.

The Rules of Procedure of the OSCE will be applied at the High-Level Meeting. Also the guidelines for organizing OSCE meetings (PC.DEC/762) will be taken into consideration

All plenary sessions will be open to all participants.

The discussions during the plenary sessions will be interpreted from and into the six working languages of the OSCE.

A comprehensive report on the discussions at the High-Level Meeting will be distributed by the ODIHR no later than eight weeks after the event.



The press will be informed by the Press and Public Information Section (PPIS), as appropriate.

### **III. Participation**

Delegations from the OSCE participating States, as well as representatives of civil society, the private sector, and non-governmental organizations having relevant experience on the topic of this meeting can participate subject to the provisions contained in Chapter IV, paragraph (16), of Helsinki Document 1992. Delegations from participating States will, ideally, include one high-level official and one national expert. They may also include representatives of civil society, the private sector and non-governmental organizations.

Relevant OSCE executive structures will be invited to the High-Level Meeting.

The OSCE Parliamentary Assembly and the Partners for Co-operation shall be invited to attend and make both oral and written contributions at the High-Level Meeting.

Other intergovernmental organizations dealing with solidarity with the victims of terrorism will also be invited, including the United Nations and the Council of Europe.

#### **Guidelines for speakers**

To facilitate discussion within time constraints, keynote presentations will be limited to 15–20 minutes and interventions/questions from the floor to five minutes.

Participants are encouraged to share national experiences and legislation on victims of terrorism in general, and more specifically on the topic of assistance, the standing of victims in legal proceeding and the role of civil society in solidarity with victims of terrorism. Participants are welcome to provide more detailed written remarks and copies of relevant documents to be shared with all participants.

To promote interactive discussion, formal statements and interventions in the working sessions should be as concise as possible and should not exceed five to seven minutes.

#### **Guidelines regarding deadlines for registration, submission and distribution of written contributions and factual information**

By 3 September 2007, participating States should, via their national delegations, inform the OSCE ODIHR of the composition of their delegations in response to the invitation that will have been sent out by the OSCE ODIHR.

By 3 September 2007, representatives of civil society, the private sector and non-governmental organizations should register either via their national delegations or by sending directly to the OSCE ODIHR their registration form for this meeting.

By 7 September 2007, participating States and other participants in the High-Level Meeting are invited to submit any written contributions they may have.

Written contributions and factual information should be submitted to the OSCE ODIHR, which will then distribute them. This information could also include contributions from OSCE institutions and other international organizations, if appropriate.

The OSCE ODIHR will not be in a position to translate written contributions; only proceedings will be simultaneously interpreted into the OSCE official languages, as mentioned above.

PC.DEC/803  
26 July 2007  
Attachment

ENGLISH  
Original: RUSSIAN

**INTERPRETATIVE STATEMENT UNDER  
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE  
OF THE ORGANIZATION FOR SECURITY AND  
CO-OPERATION IN EUROPE**

By the delegation of the Russian Federation:

The Russian Federation wishes to make the following interpretative statement under paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation in Europe.

“The Russian Federation has joined the consensus on the Permanent Council decision on the ‘Agenda, timetable and organizational modalities of the 2007 OSCE High-Level Meeting on Victims of Terrorism’, taking into account the priority importance of discussing within the OSCE the problems involved in countering international terrorism and bearing in mind the particular importance of activities, within this framework, to protect the rights of the victims of terrorist crimes and of effectively involving the capabilities of civil society, the private sector and non-governmental organizations in these efforts.

In so doing, we interpret the second paragraph after the heading ‘Guidelines regarding deadlines for registration, submission and distribution of written contributions and factual information’ of section ‘III. Participation’ of this decision as meaning that representatives of civil society, the private sector and non-governmental organizations must be registered in accordance with the provisions of paragraph 43 of the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE of 1991 and of Chapter IV, paragraph 16, of the CSCE Helsinki Document of 1992. We are counting on the Spanish Chairmanship and the OSCE Office for Democratic Institutions and Human Rights to follow those provisions.

The Russian Federation’s consent to this decision is based on its understanding that the adoption of the decision does not set a precedent as regards the organizational modalities of future OSCE events.

We request that this interpretive statement be attached to the decision of the Permanent Council as adopted and to the journal of the day”.



## General Assembly

Distr.: General  
20 September 2000

Sixtieth session  
Agenda items 46 and 120

### Resolution adopted by the General Assembly

[without reference to a Main Committee (A/60/L.62)]

#### 60/288. The United Nations Global Counter-Terrorism Strategy

*The General Assembly,*

*Guided by the purposes and principles of the Charter of the United Nations, and reaffirming its role under the Charter, including on questions related to international peace and security,*

*Reiterating its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,*

*Reaffirming the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome,<sup>1</sup> in particular its section on terrorism,*

*Recalling all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,*

*Recalling also that, in the 2005 World Summit Outcome, world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold the resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or*

<sup>1</sup> See resolution 60/1.

humanitarian character, and the fulfilment in good faith of the obligations assumed in accordance with the Charter,

*Recalling further* the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,

*Reaffirming* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

*Reaffirming also* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

*Reaffirming further* Member States' determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

*Continuing* to acknowledge that the question of convening a high-level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

*Recognizing* that development, peace and security, and human rights are interlinked and mutually reinforcing,

*Bearing in mind* the need to address the conditions conducive to the spread of terrorism,

*Affirming* Member States' determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures,

1. *Expresses its appreciation* for the report entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" submitted by the Secretary-General to the General Assembly;<sup>2</sup>
2. *Adopts* the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy ("the Strategy");
3. *Decides*, without prejudice to the continuation of the discussion in its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy:

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<sup>2</sup> A/60/825.

- (a) To launch the Strategy at a high-level segment of its sixty-first session;
  - (b) To examine in two years progress made in the implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years and some should be treated as long-term objectives;
  - (c) To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;
  - (d) To encourage Member States, the United Nations and other appropriate international, regional and subregional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;
  - (e) To further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy;
4. *Decides* to include in the provisional agenda of its sixty-second session an item entitled "The United Nations Global Counter-Terrorism Strategy".

*99th plenary meeting  
8 September 2006*

## Annex

### Plan of action

We, the States Members of the United Nations, resolve:

1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security;
2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:
  - (a) To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;
  - (b) To implement all General Assembly resolutions on measures to eliminate international terrorism and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;
  - (c) To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfilment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions;
3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under 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.

**I. Measures to address the conditions conducive to the spread of terrorism**

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism;

2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world;

3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations;

4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our respective obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct;

5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all;

6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists;

7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance to support sustained economic and social development;

8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national

systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms to provide assistance to victims.

## II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;
2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens;
3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements and to strengthen cooperation between law enforcement agencies;
4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism;
5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money-laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials;
6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime<sup>3</sup> and to the three protocols supplementing it,<sup>4</sup> and implementing them;
7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum-seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in section II, paragraph 1, above;
8. To encourage relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing

<sup>3</sup> Resolution 55/25, annex I.

<sup>4</sup> Resolution 55/25, annexes II and III; and resolution 55/255, annex.



mandates, the United Nations Office on Drugs and Crime and the International Criminal Police Organization, to facilitate its provision;

9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of international efforts to enhance the fight against terrorism;

10. To encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them;

11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the biocrimes database contemplated by the International Criminal Police Organization. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, the scientific community, civil society and Governments, into a common programme aimed at ensuring that biotechnology advances are not used for terrorist or other criminal purposes but for the public good, with due respect for the basic international norms on intellectual property rights;

12. To work with the United Nations with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to:

(a) Coordinate efforts at the international and regional levels to counter terrorism in all its forms and manifestations on the Internet;

(b) Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard;

13. To step up national efforts and bilateral, subregional, regional and international cooperation, as appropriate, to improve border and customs controls in order to prevent and detect the movement of terrorists and prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, and nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect;

14. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations, such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization;

15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In

this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization/United Nations special notices concerning people subject to this sanctions regime;

16. To step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool, as appropriate, in particular by sharing relevant information;

17. To invite the United Nations to improve coordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency coordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary cooperation and assistance in the event of a terrorist attack using weapons of mass destruction;

18. To step up all efforts to improve the security and protection of particularly vulnerable targets, such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to this effect.

### **III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard**

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security;

2. To take advantage of the framework provided by relevant international, regional and subregional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area;

3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter-terrorism;

4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter-terrorism, relevant specialized agencies, relevant international, regional and

subregional organizations and the donor community, to develop States' capacities to implement relevant United Nations resolutions;

5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

6. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and subregional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers;

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions;

8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism;

9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities and to respond effectively in the event of an attack using such materials;

10. To encourage the World Health Organization to step up its technical assistance to help States to improve their public health systems to prevent and prepare for biological attacks by terrorists;

11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions at the national, regional and international levels;

12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their cooperation, work with States to identify any national shortfalls in areas of transport security and provide assistance, upon request, to address them;

13. To encourage the United Nations to work with Member States and relevant international, regional and subregional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.

**IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism**

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the "Protection of human rights and fundamental freedoms while countering terrorism";

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law;

3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies;

4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice systems, and we encourage them to resort to the technical assistance delivered, *inter alia*, by the United Nations Office on Drugs and Crime;

5. To reaffirm the important role of the United Nations system in strengthening the international legal architecture by promoting the rule of law, respect for human rights and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism;

6. To support the Human Rights Council and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism;

7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on the human rights obligations of States and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law-enforcement agencies, at the request of States;

8. To support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support the efforts of States and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations and reporting on these issues.



# **High-Level Meeting on Victims of Terrorism**

## **Background Paper**

13-14 September 2007

Vienna

## INTRODUCTION

The United Nations Global Counter Terrorism Strategy<sup>3</sup> recognizes that acts of terrorism seriously impair the enjoyment of human rights and that there is a need to strengthen solidarity for victims of terrorism. Individuals who have suffered bodily injury or impairment of health, and dependants and family members of persons who have died as a result of such attacks, require support and assistance in accordance with each State's domestic law.

Article 8 of the UNGCT Strategy requires that States

*“...consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalisation of their lives... In this regard we [the General Assembly] encourage States to request the relevant United Nations entities to help them to develop such national systems. We also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation.”*<sup>4</sup>

Pursuant to this recommendation, and obligations under OSCE Permanent Council Decision 618<sup>5</sup>, participating States are invited to explore the possibility of introducing or enhancing appropriate measures, including making provision for financial support for victims of terrorism and their families, subject to domestic legislation.

The OSCE High-level Meeting on Victims of Terrorism aims to put into effect such cooperation and information sharing; by clarifying what is meant by *solidarity with victims of terrorism*, and by exploring practical ideas for demonstrating such solidarity. The first session of the High-level meeting will address the definition of *victims of terrorism*, comparing perspectives from political, social and legal fields, and considering whether any such definition should be exclusive or inclusive.

When members of the community suffer, solidarity requires that societies mitigate the pain and damage inflicted. Having identified the beneficiaries of such solidarity initiatives during the first session, discussions will move onto forms of assistance and support. The role of victims' assistance programmes will be the subject of the second session of the High-level meeting.

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<sup>3</sup> Adopted by the UN General Assembly on 08 September 2006.

<sup>4</sup> Section I. Measures to address the conditions conducive to the spread of terrorism.

<sup>5</sup> OSCE Permanent Council Decision 618 encourages participating States to co-operate with relevant institutions and civil society in expressing solidarity with, and providing support for, the victims of terrorism and their families. Further, Article 13 of the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005 reads: “Each Party shall adopt such measures as may be necessary to protect and support the victims of terrorism that has been committed within its own territory. These measures may include, through the appropriate national schemes and subject to domestic legislation, inter alia, financial assistance and compensation for victims of terrorism and their close family members.” The Council of Europe “Guidelines on the Protection of Victims of Terrorist Acts” (Adopted by the Committee of Ministers on 2 March 2005) is a series of minimum suggestions for how States should support victims of terrorism. Finally, since 2004, the European Commission finances projects to sustain the fight against terrorism, one of which is particularly dedicated to help victims of terrorist attacks. Each year on 11 March, the European Union dedicates a Memorial Day expressing its solidarity to all victims of terrorism.

Victims of terrorism are individuals who have suffered harm by unlawful acts. Criminal law and other branches of the legal system exist to prevent, punish and deter unlawful behaviour. In doing so, however, they remove from the individual both the responsibility and the right to take remedial or retributive action against alleged offenders. This removal of responsibility should not lead to negative consequences for victims, by hampering the opportunity to protect themselves from the offender, to obtain fair restitution, or to be fully informed about the procedures which will apply in their case. In demonstrating solidarity with victims, States should endeavour to promote, protect and fulfil the rights of individual victims during any legal proceedings relevant to their situation. This is the topic of the third session of the High-level meeting.

Increasingly, States are recognising that civil society can make a vital contribution to efforts to express solidarity with victims of terrorism. This may involve provision of support and services that can, perhaps, be better offered by non-governmental organisations: Support networks, advocacy and campaigning for the rights of victims are possible examples. The role of civil society is the subject of the fourth session of the High-level meeting.

Solidarity thus represents the *leitmotif* of the High-level meeting on victims of terrorism. This event provides OSCE participating States with a forum to exchange ideas and practices in relation to defining the context of this solidarity and how to best demonstrate it in practical terms, whilst protecting the rights of victims before the law and encouraging citizens individually and collectively to become actively involved.

## **1) DEFINING VICTIMS OF TERRORISM**

*“Victims of terrorist acts are denied their most fundamental human rights. Accordingly, a counter-terrorism strategy must emphasize the victims and promote their rights. In addition, implementing a global strategy that relies in part on dissuasion, is firmly grounded in human rights and the rule of law, and gives focus to victims depends on the active participation and leadership of civil society.”*

- Former United Nations Secretary General, Kofi Anan<sup>6</sup>

Terrorist acts aim at demolishing democracy, human rights and fundamental freedoms. By expressing solidarity with victims of terrorism - by restoring the victims' ability to live freely, productively and in peace - we diminish the effects of terrorist acts and in so doing undermine the terrorists' *raison d'être*. Providing support and rehabilitation for victims of terrorism should therefore be an integral part of efforts to combat terrorism.

Defining “victims of terrorism” for the purpose of policymaking, however, is not straightforward. Some people feel that the term “victim” is important as a formal

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<sup>6</sup> Report of the United Nations Secretary-General: Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy. Presented at the sixtieth session of the United Nations General Assembly on 27 April 2006. Document A/60/825.

acknowledgement of the unlawful harm caused to them. Others may consider that the term carries negative connotations of weakness, disempowerment or vulnerability, and accordingly, they might prefer the term “survivor”. When considering basic terminology, it is therefore important at the outset to acknowledge individual sensitivities. It may be that to propose special protection for the rights of victims runs the risk of exaggerating the impression of vulnerability.

Further, by singling out victims of terrorism from victims for treatment above that ordinarily provided to individuals who have suffered harm inflicted by other causes, there may be a risk of creating unproductive distinctions between classes of victims, or even a “hierarchy of victims”. In post conflict regions in particular, such hierarchies can intensify social divisions and therefore be counterproductive.<sup>7</sup> Acts of terrorism should not be rewarded with intensification of social divisions, and as such caution must be exercised when considering the types of benefits victims of terrorism may receive as compared to those granted to other types of victims.

The notion of solidarity with victims should imply an obligation towards fellow-individuals, not mere charity. Efforts to express solidarity with victims of terrorist attacks should successfully empower the survivors whilst uniting public opinion against the terrorists.

#### Existing definitions in international treaty law

There is no definition of a “*victim of terrorism*” in existing international treaty law. Participants at this meeting are therefore encouraged to consider how this lacuna may be filled, mindful of the cross-border nature of most terrorist activities. When attempting to draft such a definition for the purposes of affording individuals certain rights and benefits, the following points may be considered:

- Is the term “victim” appropriate terminology?
- Will a definition of the term “*victim*” be reliant upon a definition of a particular offence?
- Must a direct causal link with a terrorist act be established?
- Must the damage sustained have been intentionally inflicted?
- What level of damage or suffering must be sustained?
- Can groups as well as individuals be victims?
- What if the victim was also intentionally complicit in the terrorist attack or engaged in another criminal activity at the time of the incident?
- Could the occupation of a casualty of a terrorist act affect his/her status as a victim?

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<sup>7</sup> In the particular case of Northern Ireland, this alleged hierarchy has been so described: “*At the top of the hierarchy of victims were those deemed ‘innocent’ - usually women and children, usually killed by paramilitaries. At the bottom were members of those same paramilitary groups killed by state forces; they often attracted little widespread sympathy outside the communities from which they drew support*”, Rolston, B., in Hamber, B., Kulle, D., Wilson, R., (Eds.), *Future Policies for the Past*, in “Democratic Dialogue”, 13, Belfast, 2001.



In regard of criminal acts more generally, a definition of “*victim*” can be found in the UN General Assembly Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power<sup>8</sup> (hereinafter “the 1985 UN Declaration”), at Article 1:

*1. “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.*<sup>9</sup>

The 2005 UN Declaration of Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (hereinafter “the 2005 UN Declaration”), states:

*“8. For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.”*

Both of these documents ascribe a status of victimhood in relation to broad categories of criminal acts or abuses of power. The term “victims” can be applied to persons who have suffered harm “*individually or collectively*”, where victims of a shared category are defined in terms of the injury sustained or the circumstances of the attack, rather than on the basis of their personal or ethnic characteristics.

Both the 1985 and 2005 UN Declarations contain formulations which have the effect of broadening the definition of victim beyond an individual principle sufferer, and irrespective of the legal status of the perpetrator. In particular,

*“A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term ‘victim’ also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.”<sup>10</sup>*

This formulation, taken from Article 2 of the 1985 Declaration, considers that the term “victim” can be applied irrespective of whether or not a perpetrator has been identified or convicted. Further, it suggests that individuals will be entitled to benefit from all

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<sup>8</sup> Adopted by General Assembly resolution 40/34 of 29 November 1985.

<sup>9</sup> Article 1, UN General Assembly resolution 40/34. The 2005 UN Declaration of Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law follows this general definition (UN General Assembly resolution 60/147, para. 8).

<sup>10</sup> *Ibid* Article 2 of the 1985 Declaration. This wording is mirrored in Articles 8 and 9 of the 2005 UN Declaration.

rights accruing to victims irrespective of whether or not they suffered directly or indirectly as a result of the act, or whether the damage sustained was intentional. Spouses of individuals killed in a terrorist attack can therefore be classed as victims under these UN Declarations even though they themselves were not targeted during the incident.

Some occupations or activities implicitly confer an element of risk. If an individual was willingly engaged in an activity that exacerbated their injuries at the time of a terrorist incident, it is important to consider the impact this may have on their entitlement to assistance and compensation. For instance, should the entitlement for compensation be differentiated if an individual sustained injuries whilst they were on duty as an employee of the armed forces or emergency services? If an individual suffers harm at a time when they were engaging in a criminal activity related to the commission of the harmful act, should this preclude them from fully enjoying rights attaching to *bona fide* victims?

## **2) GENERAL PRINCIPLES OF VICTIMS ASSISTANCE**

When considering the forms that victims' assistance initiatives may take, it is important to consider first what victims need, before asking what resources State's may offer. Guidance in this regard can be found in the following documents:

- Council of Europe Guidelines on the Protection of Victims of Terrorism;
- UNODC Handbook on Justice for Victims; and,
- The European Forum for Victim Services *Declaration of the Social Rights of Victims of Crime*.

Participants at the meeting are invited to consider how these models may be modified or supplemented in the context of victims of terrorism and the UN Global Counter-Terrorism Strategy.

### 1. Council of Europe

In March 2005 the Council of Europe issued broad guidelines on the Protection of Victims of Terrorist Acts.<sup>11</sup> Under these guidelines, the Council of Europe recommended that,

- 1. States should ensure that any person who has suffered direct physical or psychological harm as a result of a terrorist act as well as, in appropriate circumstances, their close family can benefit from the services and measures prescribed by these Guidelines. These persons are considered victims for the purposes of these Guidelines.*
- 2. The granting of these services and measures should not depend on the identification, arrest, prosecution or conviction of the perpetrator of the terrorist act.*
- 3. States must respect the dignity, private and family life of victims of terrorist acts in their treatment."*

The services and measures referred to are generally described and comprise of *inter alia*:

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<sup>11</sup> Adopted by the Council of Europe Committee of Ministers at its 917<sup>th</sup> meeting on 02 March 2005.

- Emergency assistance;
- Continuing medical, psychological, social and material assistance;
- Effective access to justice and the law;
- Fair, appropriate and timely compensation;
- Protection of the rights to privacy and family life;
- Protection of individuals' dignity and security;
- Information; and,
- Specific training to persons responsible for assisting victims of terrorist acts.

Section 1 of the document states that the granting of these services and measures should not depend on the identification, arrest, prosecution or conviction of the perpetrator of the terrorist act.<sup>12</sup>

## *2. The United Nations Office for Drugs and Crime*<sup>13</sup>

The UNODC Handbook on Justice for Victims<sup>14</sup> (hereafter the “UN Handbook”) is a detailed guide of more than 120 pages, which aims to give states practical, technical guidance on designing and implementing victims' assistance programmes by elaborating on principles contained in the 1985 UN Declaration. It offers guidance to states on the practical support they should ideally give to victims of crime, resources permitting.

According to the UN Handbook, the goal of a victim assistance programme is to,

*“assist victims in dealing with emotional trauma, participating in the criminal justice process, obtaining reparation and coping with problems associated with the victimization.”*<sup>15</sup>

Whilst the authors of the handbook note that not every recommendation contained therein will necessarily be appropriate or even possible in some situations<sup>16</sup>, they recommend that a comprehensive victims' assistance programme should at least contain the following nine clusters of services:

- Crisis intervention;
- Counselling;
- Advocacy;
- Support during investigation of a crime;
- Support during criminal prosecution and trial;
- Support after case disposition;
- Training for professionals and allied personnel on victim issues;
- Violence prevention and other prevention services; and,

<sup>12</sup> Section 1, entitled “Principles”, paragraph 2.

<sup>13</sup> Formerly known as the United Nations Office for Drug Control and Crime Prevention.

<sup>14</sup> See also Recommendation Rec(2006)8 of the Committee of Ministers of the Council of Europe to member states on assistance to crime victims (Adopted by the Committee of Ministers on 14 June 2006 at the 967th meeting of the Ministers' Deputies)

<sup>15</sup> Handbook on Justice for Victims On the use and application of the Declaration of basic Principles of Justice for Victims of Crime and Abuse of Power, Chapter 2, published by the United Nations Office for Drug Control and Crime Prevention, 1999.

<sup>16</sup> “The handbook is not meant to be prescriptive but serves as a set of examples for jurisdictions to examine and test”, *Ibid.* Forward page v.

- Public education on victim issues.<sup>17</sup>

The UN Handbook stresses the on-going need for State authorities to consider the emotional trauma of the victims, encouraging programmes to adopt a systematic approach to take into account the severity of the victimizing event and its impact on the victim.<sup>18</sup> It suggests that in order to gain a general understanding of the need of victims in a jurisdiction, it is important to analyse the gaps in, and priorities of, existing victim services in order to identify what additional services are appropriate for the programme to implement. It is also important to include consideration of special aspects such as information about age, race, ethnicity, religion, marital status, geography, economic circumstances, education and culture.<sup>19</sup>

### 3. European Forum for Victim Services

The European Forum for Victim Services<sup>20</sup> *Declaration on the Social Rights of the Victims of Crime*<sup>21</sup> (hereinafter “the European Forum Declaration”) is an attempt to recommend a list of social rights ascribable to victims of crime. Although the concept of assigning “rights” in this context may be contentious in some jurisdictions, the document serves as a useful guide in determining what victims’ needs may be, mindful of the trauma they have sustained. The European Forum Declaration states that victims of crime should be entitled to the following:

- Recognition by society of the effects of crime;
- Information regarding their rights and the services available;
- Access to health care services;
- Financial compensation where the crime results in a loss of income;
- Access to appropriate home security measures;
- Support and protection in the workplace and in educational establishments;
- Financial compensation for trauma;
- Access to free victim support services; and,
- To have their privacy protected.

Aside from requesting practical programmes of support to victims, the European Forum Declaration lays particular emphasis on issues related to communication between State authorities, victims’ groups and the media. It begins by claiming a right of recognition,<sup>22</sup> an article incorporated to emphasize that victims’ assistance initiatives cannot be fit for purpose if they have not been designed and implemented with adequate consultation with victims groups. The document suggests that public agencies have an obligation to provide adequate information to victims about services available, highlighting that staff require special training to understand the stress and trauma that victims suffer. The establishment of help lines and other forms of fast, reliable information for victims and their families may be considered.

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<sup>17</sup> *Ibid*, Chapter 2, page 16.

<sup>18</sup> *Ibid*. Chapter 2, page 15.

<sup>19</sup> *Ibid*, Chapter 2, page 12.

<sup>20</sup> The European Forum for Victim Services was founded in 1990 by national organisations in Europe working for victims of crime.

<sup>21</sup> 2001. Available at [http://www.euvictimservices.org/EFVSDocs/social\\_rights.pdf](http://www.euvictimservices.org/EFVSDocs/social_rights.pdf)

<sup>22</sup> “*If victims of crime are to receive adequate recognition for the pain and suffering they have endured, society must first consider victims’ views and take these into account*”,

### Notable Elements

Each of the three models recognizes that victims' assistance programmes should go well beyond providing only medical and psychological support. In particular, the issue of respecting the victims' right of privacy is repeated:

*“While sensitive coverage of cases involving victims can be helpful and in some cases even healing, media coverage that is sometimes viewed as insensitive, voyeuristic and uncaring can compound the emotional and psychological suffering of victims. Most crime victims have never before dealt with the news media. They can be thrust, often unwillingly, into the limelight solely because of the crimes committed against them. The news media are often viewed as a double-edged sword in their coverage of crime and victimization as regards the dichotomy of the public’s right to know versus the victim’s right to privacy.”<sup>23</sup>*

There are a range of issues, such as publication of victims' identities, publicising the nature of injuries, reporting of trials, security matters, access to hospitals and other institutions, which may be especially sensitive in terrorist cases<sup>24</sup>. The European Forum's Declaration suggests that a regulatory charter could be produced to govern media coverage of victims' cases. Whilst victim support groups could consider developing public relations campaigns in order to raise public awareness about the nature of the crime and the needs of victims, media professionals may be offered training on how best to improve their sensitivity to victimisation.

The UNODC Handbook recommends that professional crisis interviewers, including police investigators, consulate staff, prosecutors, welfare and trauma counsellors, must always consider whether or not the victim feels safe to talk:

*“A parallel concern should be whether the victim feels safe. The victim may not feel safe in the following circumstances: (a) the victim can see or hear the assailant being interviewed by police; (b) the victim is being interviewed in the same area where an attack took place; (c) the victim is not given time to replace torn or lost clothing; (d) the victim is hungry, cold and uncomfortable; (e) the assailant has not been apprehended and has threatened to return; (f) the perpetrator is known to the victim; or (g) the victim’s family or friends or witnesses are threatened. Any of these situations may make the victim feel unsafe even if there are police officers or security personnel present.”<sup>25</sup>*

Where compensation is being paid, any means-testing or trauma assessment applied to quantify compensation should be appropriately and sensitively conducted, giving due regard for the needs of the children and families of victims, of foreign or migrant victims, and of child victims.

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<sup>23</sup> *Ibid.* Chapter 3, page 78.

<sup>24</sup> *Ibid.* Page 10.

<sup>25</sup> *Ibid.* Chapter 2, page 21.

### 3) VICTIMS IN LEGAL PROCEEDINGS

In the aftermath of a terrorist incident, public opinion exerts pressure on State authorities – in particular the police and judiciary – to swiftly convict key suspects. Victims, however, gain nothing from miscarriages of justice. Trials must be open and fair to ensure that the correct individuals are suitably brought to justice. Any expression of solidarity with victims should not undermine the accused’s presumption of innocence. The solidarity should therefore be *with* the victims and not *against* the alleged terrorists.

Due process regarding criminal justice and compensation matters tends to focus on formal criminal or civil court procedure. In certain jurisdictions, however, the role of restorative justice as an alternative to formal criminal justice systems may be considered.

The 1985 UN Declaration describes basic standards of treatment that should be afforded to victims during legal proceedings:

*“4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.*

*5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.*

*6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:*

- (a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;*
- (b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;*
- (c) Providing proper assistance to victims throughout the legal process;*
- (d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;*
- (e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims...”*

The UN Handbook, in elaborating on these general principles, advises that all victims should have access to the justice system, including customary justice, traditional proceedings, juvenile proceedings, administrative and civil proceedings, and international tribunals. Victims should be supported in their efforts to participate in the justice system through direct and indirect means (for example as a witness for the prosecution or as an *amicus* of the court); timely notification of critical events and decisions, provision in full of information on the procedures and processes involved; support of the presence of victims at critical events; and assistance when there are opportunities to be heard. The structure of the justice system should take into account

the obstacles which many victims encounter in seeking such access, owing to factors such as culture, race, language, resources, education, age or citizenship.<sup>26</sup>

The European Forum for Victims Services', in their Statement on Victims' Rights in the Process of Criminal Justice (hereafter "The European Forum Statement") endorses these ideas, proposing that during the course of legal proceedings, victims should be entitled to the following:

- Respect and recognition at all stages of the criminal justice proceedings;
- Receive information and explanation about the progress of their case;
- Provide information to officials responsible for decisions relating to the offender;
- Have legal advice available, regardless of their means;
- Protection both for their privacy and for their physical safety; and,
- Compensation both from the offender and from the State.<sup>27</sup>

The European Forum Statement proposes that victims, when reporting a crime, should be given the opportunity to 'opt in' to procedures for being kept informed at the earliest opportunity of all developments relating to their case, including the arrest of the offender, the decision to prosecute, dates of hearings, bail, final decisions, and any release from a custodial sentence.<sup>28</sup> In terrorist cases considerations of security, the need to protect sources and other sensitive aspects may restrict the ability to give wholly detailed information to victims, but this makes it all the more important that the channels of communication to victims are kept open; if it is not possible to communicate certain information, then victims can be told the reasons why.

In elaborating on a right to provide information, the European Forum Statement declares that,

*"Victims frequently feel that they have information which is ignored by the authorities because it does not form part of the specific evidence needed to prove the case... Victims should be free to include any information they wish, although they should recognise that the information will be disclosed to the defendant and can be challenged if necessary."<sup>29</sup>*

The degree to which this may be a problem may differ between adversarial and inquisitorial justice systems. In some jurisdictions a formal victim statement to the court is encouraged before sentencing so that the judge may better appreciate the damage inflicted. It may be important for prosecutors to speak to victims in order to understand the wider context of the particular offence brought before the court. The

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<sup>26</sup> UNODC Handbook on Justice for Victims, Chapter 2, page 34.

<sup>27</sup> The full text of the document is available at:

[http://www.euvictimsservices.org/EFVSDocs/criminal\\_justice\\_rights.pdf](http://www.euvictimsservices.org/EFVSDocs/criminal_justice_rights.pdf) See also, Council of Europe Recommendation No. R (85) 11 of the Committee of Ministers to Member States on the position of the victim in the framework of criminal law and procedure, 28 June 1985. And also CoE Guidelines on the protection of victims of terrorist act, especially IV ("Investigation and prosecution"), V ("Effective access to the law and to justice") and VI ("Administration of justice").

<sup>28</sup> *Ibid.* Page 6.

<sup>29</sup> *Ibid.* Page 7.

official procedure should provide the opportunity to exercise this right so that no victim feels the need to rely on unofficial means of communication or publicity.

The European Forum Statement advocates the provision of free or subsidised legal aid to victims who may be required to give evidence.<sup>30</sup> This can be problematic in jurisdictions that only provide legal aid to defendants in criminal proceedings. Indigent victims who wish to give evidence in criminal trials may require financial aid for transportation to court hearings. Similarly, the provision of legal aid may be problematic in civil proceedings where matters of restitution or compensation are at issue, or where the Government may be the defendant in a case.

Rights of protection and privacy are especially important in terrorist cases.<sup>31</sup> In some States, victims and other witnesses have been allowed to testify under protective measures; anonymously, from behind screens or by video or audio link. The significance of public appearance and cross-examination may vary between jurisdictions based on an inquisitorial or adversarial system. In either, however, the principle of justice being transparent and public and the principle of protecting a victim from further victimisation must be balanced with the rights of accused to challenge the evidence put against them.

Witness protection programmes may be a vital part of counter-terrorism efforts in persuading people that they will be safe testifying against alleged terrorists. They do represent, however, a significant and long-term commitment of resources. In some cases, it may also be necessary to provide systems of protection to victims or potential victims of terrorist acts. This may include physical security at home, guards, subsidised housing or even relocation. Access to such systems of protection must be based on objective, transparent and consistently applied criteria. Special provisions should be made available for child victims.

The European Forum Statement proposes that victims should have the right to apply for compensation – one possibility being to compensate from assets seized from those convicted of the criminal acts. The UN International Convention for the Suppression of the Financing of Terrorism suggests that States shall consider establishing mechanisms whereby the funds derived from forfeitures are utilized to compensate the victims of terrorist offences. While such sources of funding doubtless have their appeal, the level of compensation for victims of terrorism should not be solely dependent on the vagaries of how much money could be extracted from individual terrorists or their organisations. State compensation schemes should be based on consistently applied methods of calculation, taking into account compensation for injuries, emotional distress and loss of earnings.<sup>32</sup>

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<sup>30</sup> *Ibid.* Page 7

<sup>31</sup> *“Consistent with the principles of justice, the privacy of victims and other witnesses should be protected. The names of victims should not be published in the press or media, and details which would identify them should be withheld. The address of victims and other witnesses should not be made available to the defendant or read out in open court, unless the address is of specific relevance to the charge.”* Principle 5: Protection. *Ibid.* Page 8

<sup>32</sup> *Ibid.* Page 9



#### **4) THE ROLE OF CIVIL SOCIETY**

Advocating for improved education and public awareness programmes, the UN Global Counter Terrorism Strategy encourages initiatives that promote a culture of peace, justice, tolerance, social inclusion and human development. Civil society organisations therefore have a vital role to play in expressing solidarity with victims of terrorism; not only by providing practical support to the injured, but more broadly by raising awareness about terrorism and the plight it causes among victims, in denouncing the ideology of terrorists, and in helping to heal wounds between communities.

In many States there are non-governmental support groups working with victims. These may exist at national level, sometimes as federations of smaller groups, and at regional and local level. They may be supported by justice ministries or police and may rely on the work of volunteers. Typically, they offer immediate support to those victimised, help with making claims for assistance and compensation, accompany witnesses at court and advise on personal security. Such organisations might require extra support to work effectively with victims of terrorism and to raise awareness within their communities.

Non-governmental and private sector organisations can make valuable contributions to victims' assistance programmes. Private insurance companies and charitable foundations may have roles in terms of compensation. Businesses will have roles as employers and corporate donors and some may have responsibility for security related matters.

States should not relinquish their responsibility to take the lead in solidarity with victims of terrorism, but in certain circumstances non-governmental organisations can deliver services more effectively than statutory agencies for the following reasons:

- They may be less bureaucratic and hence capable of more flexible and timely responses;
- Where there are particular sensitivities or hostility to the State, they can get closer to recipients and their support may be better accepted;
- They may be better able to pilot innovative ways of fulfilling unmet needs;
- Through networking and campaigning, they may be able to advocate victims needs and interests more effectively; and,
- Their "*self-help*" ethic can motivate and empower victims.

Traumatised victims will have a range of needs (medical, psychological, emotional and social), some of which can best be met through self-help or specialist groups. Loss of self-confidence is a common result of trauma, as is a loss of trust in surrounding society. Being able to come to a safe place, to meet with people who have suffered similarly and to receive professional support in a familiar and comfortable setting are needs that can be met by self-help groups. Many victims' associations were set up as a response to particular incidents, by groups motivated to assist victims with specific mental or physical requirements.

Some of the services deliverable by self-help or specialist victims' groups may be:

- Befriending;
- Training;

- Advice;
- Adult education;
- Counselling;
- Complementary Therapies;
- Art and Play Therapies;
- Holidays;
- Respite support;
- Drop-in Centres;
- Advocacy – individual and collective; and,
- Story-telling and remembering.

These services should be seen as complementary to basic State provision, even though, to varying degrees, they may be reliant upon State financial assistance.

Victims' assistance groups should be able to campaign for social changes that would be necessary to properly protect and fulfil victims' rights, especially those established by victims of terrorism themselves, without hindrance from state authorities. By networking, convening public meetings and developing contacts with the media, victim's assistance groups can highlight the social damage inflicted by acts of terrorism and diminish public support for terrorist groups. State authorities could lend their support to such endeavours by, for instance, facilitating the availability of meeting venues or access to public service broadcast and media enterprises. This is particularly important where such advocacy involves perspectives that express some opposition to current government policy.

## 5) CONCLUSION

Solidarity is a concept that contains elements of both self-interest and altruism. Solidarity should neither be an abstract call to charity, nor a narrow appeal to self-interest, but an understanding that it is possible and necessary to combine individual and collective interests.

In practice, the application of this principle means that victims are not seen as passive recipients of philanthropy but as potential activists in the re-assertion of their resilience. The United Nations Global Counter-Terrorism Strategy speaks of the "*dehumanization of the victims of terrorism*" as one of the factors conducive to the spread of terrorism.<sup>33</sup> Solidarity with victims combats this perceived dehumanisation, reasserting their status and self-confidence. As such, it can also be understood to diminish the longer term impact of terrorist attacks whilst counteracting the terrorists' aim of dividing societies.

The discussion in the preceding pages has identified numerous, legal, social and political issues that require consideration if solidarity with victims is going to be adequately demonstrated. Addressing these concerns could require a range of changes in legislation, policy and practice. Non-governmental organisations can make a vital

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<sup>33</sup> UN General Assembly resolution A/60/L.62, 6 September 2006, Plan of Action, section I.

contribution to States' programmes of victims' assistance, but to be effective, they will require cooperation and support.

The purpose of this meeting is to gather together governmental and non-governmental stakeholders from across the OSCE region to share practices and ideas, understanding that it is in the interests of all to be working from a common perspective and to share responsibility. Accordingly, participants are encouraged to explore potential areas of mutual cooperation and assistance, with a view to developing coordinated, multi-disciplinary responses in the future.

To achieve solidarity with victims of terrorism, States must endeavour to implement a unified, coherent approach, utilizing contributions from all interested parties. Initiatives that aim at solidarity should empower victims, not only by offering them the practical support they require, but by ensuring that when the trauma finally begins to subside, they can be proud to call themselves survivors.