**Organization for Security and Co-operation in Europe
Office in Tajikistan**

Roundtable on Understanding Violent Extremism and Radicalization Leading to Terrorism

28-29 April 2009

Dushanbe

-- Report --

Peace and security in our region is best guaranteed by the willingness and ability of each participating State to uphold democracy, the rule of law and respect for human rights….
We reaffirm that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security.

*-- **OSCE Charter for European Security (1999)***

Background

The dangers posed by terrorism and other forms of violent extremism have drawn increasing attention within the OSCE area in recent years. In the context of combating terrorism, OSCE participating States have recognised the fundamental importance of strengthening democratic institutions, human rights protection, and the rule of law.

The OSCE's commitments on terrorism date back to 1983.[1] Participating States have made it clear that all counter-terrorism measures must respect human rights as a necessary component of any effective approach.

Central Asian States also increasingly pay attention to "extremism". Within the context of their developing democracies, issues related to extremism have raised particular challenges for the Central Asian States. While States have a legitimate interest, and obligation, to take appropriate measures to ensure security and protect their citizens, some of the legislation and other measures targeting extremism have been controversial. Such measures affect civil society, individuals and communities while posing numerous challenges and practical issues for law enforcement.

Approach

On 28 to 29 April 2009, ODIHR together with the OSCE Office in Tajikistan convened a roundtable on understanding violent extremism and radicalization leading to terrorism in order to provide a forum for the open exchange of experiences and practices on the ground between Tajik and international participants. (See attached Annotated Agenda.) It focussed on understanding violent extremism from the perspective of Tajik law enforcement officers through emphasis on discussion and working group sessions. The two-day event was comprised of three parts:

1. General approach, challenges and issues;
2. Perspectives from the community (non-governmental organizations); and
3. Other approaches and lessons learned from other jurisdictions.

Throughout the roundtable, participants engaged in discussions in order to identify and understand the main issues and challenges with respect to violent extremism in Tajikistan and to identify areas for further activities.

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[1] In the Concluding Document of the 1983 Madrid Meeting, OSCE participating States expressed "their determination to take effective measures for the prevention and suppression of acts of terrorism… in conformity with the Helsinki Final Act."

Materials

Participants were provided with the following materials in Russian:

- Council of Europe "Leaflet on the Fight against Terrorism";
- Council of Europe "Guidelines on Human Rights and the Fight against Terrorism"; and
- ODIHR manual on "Countering Terrorism and Protecting Human Rights"

Session 1

Presentations:

During the first session, presentations setting out key questions and issues were delivered that included the following viewpoints:

Since 9/11 in particular, there has been an increasing tendency in policy and practice to view security and human rights as opposing rather than complementary forces. States, which are legitimately interested in ensuring security within their borders, should nevertheless seek to address violent extremism and to counter terrorism from a comprehensive perspective that takes into account the protection of human rights and the potential counter-productive impact of violations. The linkage between human rights and security should be examined closely in conjunction with the question of which approaches are effective and why.

The underlying question is whether an approach is effective. This covers a range of perspectives. For example, do harsh interrogation methods yield reliable, credible intelligence? What is the effect of such methods on a wider circle of persons, such as the person's family or friends or community? Will these methods inspire trust in authorities or erode the integrity or legitimacy of the authorities? Will such methods likely help or hinder the cause or appeal of terrorist organizations?

Authorities can take a reactive or intelligent approach to security. The immediate use of force can often be counter-productive. Another example of a reactive approach would be relying on the use of group characteristics or stereotypes as a basis for certain action, rather than collecting and assessing intelligence that is both relevant and specific to a certain situation. By contrast, an intelligent approach requires understanding the issues in a more complex way, and developing a multilayered strategy. Before acting, the authorities should ask themselves whether the use of force is helpful or not in the circumstances based on how it may impact on both the individual and the society at large.[2]

In Tajikistan, the issue of "violent extremism" is a serious concern for the authorities. Nevertheless, it may not be clear to what extent "violent extremism" or terrorism is actually a real threat, or what "violent extremism" actually is. Part of the challenge involves accurately understanding and assessing the nature and scope of the problem. "Religious extremism" is a term often substituted for "violent extremism" when talking about these issues. Although "religious extremism" is particularly identified as a major challenge, in Tajikistan, economic, political ideological, legal and organizational aspects are also considered to be key factors. While addressing "religious extremism" effectively may ultimately depend on law

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[2] For example, on 30 April 2009, President Barack Obama of the United States explained his decision to ban the use of waterboarding, having acknowledged that it is a form of torture, stating: "It corrodes the character of a country… [and banning this technique] takes away a critical recruiting tool." For a video of this speech see: http://www.guardian.co.uk/world/2009/apr/30/obama-waterboarding-mistake

enforcement, the importance of education should also be taken into account. One approach, therefore, could involve government development of academic programmes of religious or Islamic studies. Knowledge of Islam itself might be a key defence against those who seek to misuse or abuse it in the name of violence or extremism.[3]

Discussions

Participants were provided with a case study as the basis for discussion. It described a scenario in which a man is accidentally killed during a police operation to apprehend a suspected terrorist, set against the backdrop of a longstanding inter-ethnic conflict in a fictional country. While many comments made by participants were case-specific, several key observations emerged, including:

- A central question is how to protect, or take into account, human rights during police operations which involve the use of force;

- It is necessary for police to always use minimum force regardless of the nature of the police operation;[4]

- It is necessary to consider all consequences before the use of lethal force, including the possibility that the suspect may be innocent, the potential harm to innocent by-standers (collateral damage), any immediate public order impact, any increased tension between different communities or between the police and the public[5], as well as political implications or impact on a peace process;

- Adequate training for all persons involved in counter-terrorist operations is important,[6] including in relation to operations, applicable laws and human rights;[7]

- There must be accountability of police officers involved in the lethal use of force in order to protect and ensure the rights of the public[8];

- The state has an overarching responsibility for the actions of all police officers; police supervisors have responsibility for the actions of their subordinates;[9]

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[3] One speaker observed that in Tajikistan many people do not have a basic knowledge of Islam or different religions. This lack of knowledge makes it possible for others to exploit or manipulate the religion.

[4] The Law on Militia states that firearms should not be used in a crowed or public place. It also states that firearms can only be used in certain circumstances including self-defence; in an emergency; and while detaining persons who have committed a crime. Article 15 provides that firearms may be used: to defend citizens from attack or free hostages; to repel armed or group attack against police, citizens' homes, government buildings, etc.; for detention of individuals showing armed resistance, fleeing police, or caught in the act of a serious crime; self-defense, etc. It also provides that firearms may not be used in crowds.

[5] Participants observed that the use of force by police may not be well-received by the public and also that the use of force by authorities could cause a conflict to deteriorate further and/or cause the police to lose confidence of the people. Some participants also commented that prevention of terrorism is only possible where there is trust between police and the community and that one practical approach could be for police to engage in direct discussion with the population in local villages.

[6] In Tajikistan, participants indicated that there are officers specially trained in the use of force.

[7] The Law on Security and the Law on the Militia each clearly stipulate that protection of human rights is a priority. (Article 1 of the Law on Security includes individuals and their rights and freedoms amongst the fundamental "objects" of security. The other two objects are the society and the state. Article 3 of the Law on the Militia lists the protection of the life, health, rights and freedoms of the citizen first amongst the fundamental areas of action for the Militia; Article 5 further provides that the militia is to protect the rights and freedoms of each person without discrimination.)

[8] Article 13 of the Law on the Militia provides that whenever a person is injured or killed by a police officer, the officer must make a report to his supervisor for submission to the prosecutor's office.

- Where there is a perception that religion is a central issue, it must be addressed as a matter of priority.

Session 2

Presentations:

On the second day, presentations were made by representatives of two Tajik non-governmental organizations. Their presentations included the following statements:

1. The 11 religious ("Islamic") organizations which have been prohibited can be divided into two categories: (1) those which advocate and/or use force;[10] and (2) those which do not[11].

2. There are gaps in the legal definition of "extremism" and "terrorism" as well as confusion with respect to the term "religious extremism" and what it means. While "radicalism" can be understood as support for extreme opinions and methods (usually in politics), the Law on Combating Extremism defines "extremism" in terms of a manifestation of extreme forms of actions.[12] This law does not provide sufficiently clear definitions that conform to international standards or could be acceptable to the public in Tajikistan.

3. Insufficient attention is being paid to social, economic and political reasons which cause or contribute to extremism;

4. Other relevant factors with respect to addressing extremism are:

   a. Lack of coordination between the various authorities involved in addressing the issues.[13] It was suggested that there should be instead one specific unit to deal with extremism;

   b. Lack of any specialized research institute to study or analyse issues on how to reduce extremism;

   c. Lack of a platform for development of religious pluralism which would provide a forum to inform the public about different religions and for them to discuss relevant issues;

   d. Lack of religious education which makes younger people in particular vulnerable to manipulation by "radicals";

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[9] The necessity for clear instructions or guidelines in police counter-terrorism operations was also emphasized. The state should demonstrate to the public that the authorities are competent to deal with terrorist threats and that this includes providing law enforcement with adequate training, instruction and planning.

[10] The Islamic Movement of Uzbekistan was given as an example of this category.

[11] Hizb-ut Tahrir and Salafia groups were given as examples of this category.

[12] The definition of "extremism" in Clause 3 of the law reads: "Экстремизм - это проявление юридическими и физическими лицами выражения крайних форм действий, призывающих к дестабилизации, изменению конституционного строя в стране, захвату власти и присвоению её полномочий, разжиганию расовой, национальной, социальной и религиозной вражды" ("Extremism: expression by legal or physical persons of terms of extreme forms of action, calling for destabilisation, change of the country's constitutional order, seizure of power and assumption of state authorities, incitement of racial, national, social or religious enmity").

[13] These include the State Committee on National Security (SCNS), the Ministry of Internal Affairs (MIA), the Office for Organized Crime, the Prosecutors Office, etc.

e. Lack of transparency with respect to the judicial process, including lack of access to detention places, and lack of information about preliminary investigations, prosecutions and sentencing on extremism charges resulting in suspicion that the process is biased;

f. Misunderstanding of authorities that force alone can eliminate extremism and the need for the authorities to acknowledge where mistakes are being made in order to correct them; and

g. The prison environment.

The NGO representatives stated that strengthening cooperation between the authorities and civil society is necessary, and made the following suggestions for cooperation:

1. Sharing of information;

2. Establishing a mechanism for consultation and/or dialogue;

3. Considering joint actions which involve civil society, law enforcement and mass media;

The 2008 pilot project led by the Youth and Civilization NGO and implemented in the Khujnand Region was also described as an example of a joint project in which NGOs and the authorities were working together. The consultative and analytical centre, established to deal with issues related to extremism, included representatives of Ministry of Justice, prosecutors, the Ministry of Internal Affairs (MIA), media organizations, Council of Clergy (Imams), human rights organizations and other NGOs.[14]

The representative from the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) also briefly described the UN approach to violent extremism, reinforcing the position of the NGO representatives that counter-terrorism is not just about the actions of the state but also about civil society. States may feel pressured to address issues related to violent extremism immediately and through the use of force. There is, however, a need to take into account the deeper relationship between development, human rights and security. At the UN level, the working group dealing with these issues has recognized that there are problems with the vague definition of "radicalization" and has now changed its name to "countering the appeal to terrorism."   Among other things, the working group advocates an approach which includes building and working with civil society.

Discussion

Reactions to the presentations and proposals by the NGO representatives were mixed. Some participants stated that the proposed cooperation between NGOs and law enforcement on radicalization was not clear to them. Some felt that combating terrorism was only the role of law enforcement. Others felt that the state does consult at all stages so there is no need for a special centre involving NGOs and questioned what the work and result of such a centre would be.   There was also, however, some strong support for more active engagement by civil society in public structures based on the position that this would be useful and that it should be supported at both government and private levels.   Tajik legislation reportedly mandates democratic inclusion as a priority in government policy.[15]

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[14]   There have been five meetings of the centre. Activities were temporarily suspended during the drafting of a proposal for stage two of the project. The project is being supported by the OSCE Office in Tajikistan. The proposal is to increase the number of councils or centres to be approximately three to four per province.

[15]   Some participants also took the position that the existing legislation is clear. For example, Article 179 of the Criminal Code does contain a definition of terrorism.

Some participants stated that the distinction proposed by NGOs between groups that advocate or use violence and those that do not was not clear to them. There was animated discussion about the nature of Hizb-ut Tahrir.[16] At the same time, it was acknowledged by participants that there are different opinions with respect to the meaning of "radicalism" and "extremism" and that clarity on these issues would be of assistance.

Experts from Turkey and the UK also offered the relevant experience of their countries. It was observed that 15 years ago the Turkish Gendarmerie was suspicious of NGOs but then they began to cooperate and found common ground on which they were able to work together. For the last 10 years, the Gendarmerie has been working with NGOs in a positive fashion and now views this collaboration as both beneficial and necessary. In the UK, by contrast, as a result of an almost exclusive focus on Northern Ireland, following 9/11 authorities belatedly discovered an intelligence gap when it came to relating to and understanding Muslim communities and that this posed significant difficulties. Among other things, the Muslim Contact Unit in the London Metropolitan Police was established in order to complement other forms of covert intelligence gathering and information sources and to build relations with all communities.[17]

There was further discussion on the concerns with respect to radicalization within prison environments. In prisons and detention facilities, the challenge is to moderate the influence of religious leaders without excluding the teaching of religion. Religion also has a positive role to play in the rehabilitation of offenders. One participant expressed appreciation for the role of the OSCE in supporting the MIA Academy by delivering seminars on the topic of the law on religion. It was recognized that not only should there be efforts at the top level but also with other levels of the population which could be done through or in conjunction with the OSCE.

In general, the participants were interested in approaches which addressed terrorism from a preventive perspective. Some thought that this could be a potential area for law enforcement to cooperate with the community and/or individuals. Terrorism is a global phenomenon and does not just affect the state or one part of society. All different parts of society have both a responsibility and an interest in working towards practical solutions.

Session 3

Presentations:

On the afternoon of the second day, law enforcement experts from outside Tajikistan delivered presentations based on their national experiences. It was proposed that there can be various motivations behind violent extremism, including political, ethnic, economic, and religious. Regardless of the causal or contributing factors, however, law enforcement is challenged to address violent extremism in a way that accords with the underlying values of society. Approaches consistent with international human rights law and OSCE commitments,

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[16] A representative of the OSCE Office in Tajikistan clarified the fact that the OSCE does not take a particular position with respect to Hizb-ut Tahrir and that the organization accepts the fact that there are different positions amongst the participating States. All participating States nevertheless agree that violent extremism and radicalization leading to terrorism are concerns which should be addressed.

[17] The current UK approach is captured in the strategy called Contest II. Full details, including the strategy document, are available online at: www.official-documents.gov.uk

and of practical value, were described: (1) Democratic riot control[18]; (2) Community Policing[19] and (3) Community Safety. For all these approaches, proper police education and training, clear instruction from the top level and in implementation, and the protection and promotion of human rights are crucial elements. Other principles highlighted were good communication, accountability and partnership between law enforcement and the communities. Police should value and involve communities as part of an effective approach to safety and security.

Underscoring a theme raised by participants, namely that prevention is better than cure, another presenter focussed on the ability to engage vulnerable and/or minority communities as a key component of a comprehensive strategy to address violent extremism and terrorism. As he explained, trust is a two way flow of information. In order to establish trust and communication, however, it is necessary to understand the community itself in order to not cause offence or to be able to identify disinformation. For example, the London Metropolitan Police established the Muslim Contact Unit (the Unit) as both a conduit for intelligence and partnership. The Unit is based on principles of transparency, visibility and accountability incorporating lessons learned in the UK experience of the conflict in Northern Ireland. During the 1970s and subsequently, the UK authorities made a number of mistakes in their approach, including arresting persons not part of the violence, the use of internment[20], and the implementation of expanded powers pursuant to the Terrorism Act such as stop and search.[21] These practices, which were later acknowledged to have violated many persons' human rights, were also found to contribute to the appeal of terrorists and were relied on as effective propaganda platforms for recruitment to terrorism.

Prevention should involve effectively tackling radicalization, not contributing to it. In the UK, there continues to be a significant threat posed by terrorism, but the source is a very small minority. The approach that the UK government now takes is to have a comprehensive strategy which encompasses: challenging ideology; disrupting promotion of violent extremism; supporting vulnerable individuals; bolstering the resilience of communities; and addressing legitimate grievances. Police must also balance these different strands and continually ask themselves what impact their actions will have on radicalization, whether

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[18] For more information on the concept of democratic policing, see, "Guidebook on Democratic Policing by the Senior Police Adviser to the OSCE Secretary General," (May 2008), online at:
http://polis.osce.org/library/details?doc_id=2658

[19] For more information, see "Good Practices in Building Police-Public Partnerships by the Senior Police Adviser to the OSCE Secretary General," May 2008, online:
http://polis.osce.org/library/details?doc_id=3335

[20] During the 1970's, internment, the imprisonment or confinement of people, commonly in large groups, without trial, was widely used by the British authorities for persons suspected of being members of paramilitary groups in Northern Ireland. Internment, coupled with special interrogation techniques used on the detainees, led to widespread outrage and social unrest. Now it is commonly recognized that the use of internment led in fact to a deterioration of the situation. See Committee on the Administration of Justice, "The War on Terror: Lessons from Northern Ireland," January 2008, at:
http://www.icj.org/IMG/CAJ_report.pdf

[21] Under Section 44 of the UK Terrorism Act (2000), police of a certain rank are authorised to stop and search persons, cars and drivers if he or she considers it to be expedient for the prevention of acts of terrorism. This provision is not limited in terms of place or time and has been often used by Metropolitan Police and the British Transport Police in the London underground. The inconsistent use of this provision by police officers has given rise to criticism that police are inappropriately, excessively and disproportionately applying the law in violation of human rights. Some police forces have suspended its use due to concerns about negative impact. See also the "Report on the Operation in 2008 of the Terrorism Act 2000 and of Part 1 of the Terrorism Act 2006 by Lord Carlile of Berriew, Q.C," June 2009, at:
http://security.homeoffice.gov.uk/news-publications/publication-search/general/Lord-Carlile-report-2009/Lord-Carlile-report.pdf?view=Binary

their actions make things worse and whether their actions are absolutely necessary from a law enforcement perspective.

By contrast, the Turkish Gendarmerie, a law enforcement agency with jurisdiction over rural areas, trained and educated in military school has been confronted with the challenge of modernising in order to meet the changing needs of ensuring security and public safety. It now incorporates elements of working closely with communities, the protection of human rights and service. Pursuant to umbrella projects funded by the European Union, the Gendarmerie has worked to enhance its professionalism in five key pillars: modernization of law enforcement activities; training; ethics and professionalism; criminal investigation capacity; and national and international cooperation.

The approach of the Gendarmerie has evolved significantly over the past 10 years following the recognition that addressing grievances and improving the conduct of the Gendarmerie were also crucial to prevention of conflict. As a result, a human rights centre was established within the Gendarmerie to investigate allegations of human rights violations committed by officers which would ensure accountability to the public and also serve to deter (or prevent) future violations.[22]

The Gendarmerie now also places great emphasis on adequate training: since 1992, human rights and education has been taught as a separate course in Gendarmerie school to commissioned and non-commissioned officers and special sergeants. This course includes teaching on Council of Europe standards for law enforcement officers, and is designed to integrate human rights into the Gendarmerie's approach to law enforcement as necessary in order to effectively address the phenomena of globalisation, transnational crime and terrorism.[23]

The presenter urged participants to consider as a priority improvement of the human rights standards of law enforcement with the assistance of the international community. He suggested that a strategic pillar could be established to address both legislation and institutional activities. Reform should take place not in a piecemeal fashion but in a planned and comprehensive way which takes into account the experiences and lessons learned from other countries. On the issue of community relations and working with NGOs, it is important to select appropriate, trustworthy partners. Civil society dialogue partners need to be neutral and acceptable by all. However, a long-term approach to security requires careful consideration of all the voices of dissent, including those considered to be extremists, and addressing deep society inequities, including poverty and underdevelopment, lack of political pluralism and democracy. There are no short-term solutions. Without understanding the reasons for terrorism, it is not possible to counter it.

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[22] The centre has a public notification system, and a 24-hour call centre staffed by duty officers. Improvements have also been made to infrastructure and facilities, which are used for apprehension and detention of suspects.

[23] Lessons learned from the experience of the Turkish Gendarmerie: (1) The state should provide effective training to law enforcement bodies with the objective of complying with international standards because this helps officers to minimize the risk of using disproportionate force and to cope with the stress they experience while performing their duties; (2) Full respect for human rights is indispensable in the fight against extremism, terrorism and criminality as violations of human rights are one of the main sources of terrorism and conflict. When the authorities violate human rights for short-sighted advantages they not only surrender the moral high ground but undermine the state's constitutional foundation, increasing directly or indirectly support for terrorism. (3) Terrorism can only be effectively combated with international cooperation.

<u>Discussions</u>

In discussions, the importance of terrorist sources of funding was identified. A participant suggested that the government, law enforcement, NGOs and the international community could work together to identify persons who are responsible and then cut funding.   Funding, however, is only one factor and it is necessary to look at the environment that allows terrorism to flourish. Other participants had strong concerns that cooperation with NGOs could undermine the efforts of authorities to counter terrorism, and that some NGOs are linked to terrorist organizations.   This was cited as evidence that NGOs must be part of the problem. On the other hand, participants also stated that there needs to be space for the NGOs so that they can know that law enforcement and the authorities are working for them, and that cooperation with civil society is indeed necessary.

General Conclusions

There is a gap between civil society and law enforcement in Tajikistan. Trust between the two needs to be built gradually so as to respect concerns about security. This could be done by engaging in specific projects.

When combating terrorism, the authorities need to keep in mind that they seeking to protect the safety and security of citizens. Police are there for law enforcement, not retaliation, and thus should be careful about employing certain tactics.

Education is crucial**.**

Recommendations made by participants:

- Seminars and workshops which include representatives from other areas, like education and prosecution, and address the crucial role of education. The government should take urgent measures to eradicate large scale religious illiteracy including controlling the dissemination of religious ideas and taking appropriate measures to ensure an understanding of traditional Islam;

- Efforts to increase and strengthen the coordination, collaboration and interaction between the State Committee on National Security (SCNS), prosecutors and the police;

- Consideration of how NGOs and the authorities (law enforcement) can cooperate;

- Further workshops which provide more specific recommendations from external experts and describe other good practices of other pS; and

- Further workshops specifically addressing the issue of religious radicalization.

Recommendations or needs identified by presenters:

- Promote greater cooperation between the authorities and civil society/NGOs;

- Facilitate additional exchange of national experiences and practical approaches in addressing violent extremism;

- There is a need for comprehensive strategy to address the situation on the ground as well as a need to understand more about the exact nature of the threat;

- There is a need for a human rights component in counter-terrorism strategies to help address the issues of radicalization and extremism;

- There is a need for community engagement by the authorities, including engaging NGOs and the religious community;

- Implement the community police concept into the police structures in Tajikistan. This could be part of the police reform efforts;

- There needs to be clear, centralised law enforcement command which can provide overall leadership for development and implementation of a comprehensive counter-terrorism strategy;

- Law enforcement officers need to be properly equipped and properly trained in order to deal with public assemblies. This includes understanding and training on human rights issues; and

- Further opportunities for sharing national experiences and lessons learned, particularly with respect to understanding the role of human rights and best practices in this area, would be valuable in order to understand the importance and effect of human rights compliant strategies and how to implement them in practice.

Possible follow-up activities by OSCE Office in Tajikistan supported, where possible, by ODIHR:

- Consider joint focus group studies on community-police relations involving both the community and law enforcement;

- Assist in the development and/or implementation of projects that involve cooperation between law enforcement and NGOs with respect to violent extremism [issues], including potential for sharing of information, establishment of forums for communication between communities and law enforcement such as expansion of centres described by NGO Youth and Civilization;

- In conjunction with the MIA, develop, support and/or facilitate law enforcement outreach programmes on specific issues relevant to violent extremism, such as knowledge about different religions and relevant government programmes;

- In conjunction with ODIHR, SCNS and the MIA, develop the ODIHR training module on human rights and countering terrorism to be integrated into curriculum for the MIA Academy and/or SCNS Higher School;

- In conjunction with the MIA, assess the prison and detentions facilities and programmes in Tajikistan with a view to strengthening capacity and understanding of vulnerabilities to radicalization leading to terrorism; and

- In conjunction with the other OSCE Institutions, foster police reform attempts with a strong emphasis on community policing. Such activities could include study visits, focussed workshops and development of specific tools, such as standard operating procedures for police.

Press Release: http://www.osce.org/odihr/item_1_37338.html?print=1