



Organization for Security and Co-operation in Europe

**Office of the Secretary General
Action against Terrorism Unit (ATU)**

Field Reference

for

OSCE Anti-Terrorism Efforts

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I. Introduction

In 2004, responding to the concerns of participating States, the Organization for Security and Co-operation in Europe (OSCE) is placing greater focus on addressing current and emerging terrorism threats. This broadened focus complements the continuing range of anti-terrorism programmes carried out by Institutions and bodies, as well as support provided to field operations for discrete projects and activities. This Reference aims to inform not only OSCE field personnel but also offices, Institutions, and interested international organizations of OSCE commitments, projects and programmes related to the prevention and combating of terrorism. The Reference also provides strategic planning guidelines for OSCE personnel to use as an aid in conceptualizing, planning and implementing activities within the general scope of OSCE anti-terrorism goals.

The Guide is intended to be succinct and practical. As the threat of international terrorism is not static but ever-changing, this document will be updated on a quarterly basis. As such, your written comments and suggestions are most welcomed at atu@osce.org.

II. Legal-Political Framework: Essential Commitments

The legal political framework for OSCE activities related to terrorism is formed by several UN and OSCE documents.

Key UN Documents

UNSCR 1373

As a response to the terrorist attacks of 11 September 2001, the Security Council adopted resolution 1373 on 28 September 2001, which declared that “acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations”. It called upon Member States to “become parties as soon as possible to the relevant international conventions and protocols” and “to increase co-operation and fully implement the relevant international conventions and protocols”.

UNSCR 1373 is the basic document which imposes legal obligations on all UN Member States to ratify and implement the 12 UN anti-terrorism conventions and protocols related to the fight against terrorism. It also established the Counter-Terrorism Committee of the Security Council (UNCTC), which has since become the UN’s leading body to promote collective action against international terrorism. Its mandate is to bring Member States to an acceptable level of compliance with resolution 1373 and the terrorism-related conventions and protocols.

Because UNSCRs 1368 (declaratory resolution from 12 September 2001) and 1373 determined that international terrorism constitutes a threat to international peace and security, Article 25 of Chapter V of the UN Charter is applicable, under which Member States agree to accept and carry out the decisions of the Security Council. Among the actions required to be taken by resolution 1373 are that States shall:

2. (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
- (e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment reflects the seriousness of such terrorist acts;

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings.

In elaborating means to accomplish these mandatory obligations, resolution 1373 called upon all States to:

3. (d) Become parties, as soon as possible, to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;
- (e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001).

UNSCR 1373 can be found via the ATU's public webpage at www.osce.org/atu/documents

12 UN Conventions and Protocols Relating to Terrorism

There are 10 conventions and two (2) protocols relating to terrorism, which have been developed under the auspices of the UN and its specialized agencies, open to participation by all UN Member States. UNSCRs, passed both before and after the 2001 terrorist attacks, have called upon Member States to ratify these international instruments and to fully implement them through passage of the domestic legislation necessary to fulfil obligations imposed by the conventions. The OSCE continues to work closely with the United Nations Counter-Terrorism Committee, the UN Office of Drugs and Crime and others to provide assistance to OSCE participating States to ratify and implement these 12 conventions and protocols. Should your host government require assistance on such ratification and implementation, please contact the ATU (see Ratification, Implementation and Compliance below).

These conventions and protocols were negotiated from 1963 to 1999. Most are penal¹ in nature with a common format. Typically, the instruments:

1. Define a particular type of terrorist violence as an offence under the convention, such as seizure of an aircraft in flight by threat or violence;
2. Require State Parties to penalize that activity in their domestic law;
3. Identify certain bases upon which the Parties responsible are required to establish jurisdiction over the defined offence, such as registration, territoriality or nationality;
4. Create an obligation on the State in which a suspect is found to establish jurisdiction over the convention offence and to refer the offence for prosecution if the Party does not extradite pursuant to other provisions of the convention. This last element is commonly known as the principle of "no safe haven for terrorists". It has been stressed by the Security Council in Resolution 1373 of 28 September 2001, as an essential anti-terrorism obligation of Member States.

A listing of the 12 UN conventions and protocols related to terrorism:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963. Deposited with the Secretary-General of the International Civil

² The ATU regularly updates and revises an overview of the status of ratification by OSCE participating States of the 12 UN conventions and protocols. For more information, see Ratification, Implementation and Compliance and for the most recent updated version, the ATU's public website.

Aviation Organization (ICAO). Information on status provided by ICAO, available on web site: <http://www.icao.int/icao/en/leb/Tokyo.htm>

2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970. Deposited with the Governments of the Russian Federation, the United Kingdom and the United States. Information on status provided by ICAO, available on web site: <http://www.icao.int/icao/en/leb/Hague.htm>

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971. Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America. Information on status provided by ICAO, available on web site: <http://www.icao.int/icao/en/leb/Mtl71.htm>

4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973. Deposited with the Secretary-General of the United Nations. Information on status provided by UN, available on web site: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty7.asp

5. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979. Information on status provided by UN, available on web site: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty5.asp

6. Depository for the Convention on the Physical Protection of Nuclear Material (1980) is the International Atomic Energy Agency (IAEA). The information on status provided by IAEA, dated 23 August 2002, available on web site: http://www.iaea.org/Publications/Documents/Conventions/cppn_status.pdf (no direct access)

7. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988. Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America and with the Secretary-General of the International Civil Aviation Organization. Information on status provided by ICAO, available on web site: <http://www.icao.int/icao/en/leb/Via.htm>

8 - 9. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, established at Rome on 10 March 1988, and Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988. Deposited with the Secretary-General of the International Maritime Organization (IMO). Information on status provided by IMO, available on web site: http://www.imo.org/Conventions/mainframe.asp?topic_id=248

10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991. Deposited with the Secretary-General of the International Civil Aviation Organization. Information on status provided by ICAO, available on web site: <http://www.icao.int/icao/en/leb/MEX.htm>

11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997. Information on status provided by UN, available on web site: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty9.asp

12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999. Information on status provided by UN, available on web site: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty11.asp

The 12 UN conventions and protocols, as well as a concise summary are also available on the ATU's public webpage at www.osce.org/documents

Ratification, Implementation and Compliance:

In the OSCE Bucharest Plan of Action, OSCE participating States pledged to become party to all 12 UN conventions and protocols relating to terrorism by 31 December 2002, if possible.² By that date, of 55 participating States, 20 States (36%) had done so. As of 11 January 2004, a total of 25 States (45%) became party to all 12. The treaties, to which 50 or more participating States are party (either by ratification, accession, succession, acceptance or approval) are as follows:

- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (52 States/95% ratified);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (52 States/95% ratified);
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (51 States/93% ratified);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988 (51 States/93% ratified).

The least ratified treaties, and the number and the percentage of the OSCE participating States that have ratified them, are as follows:

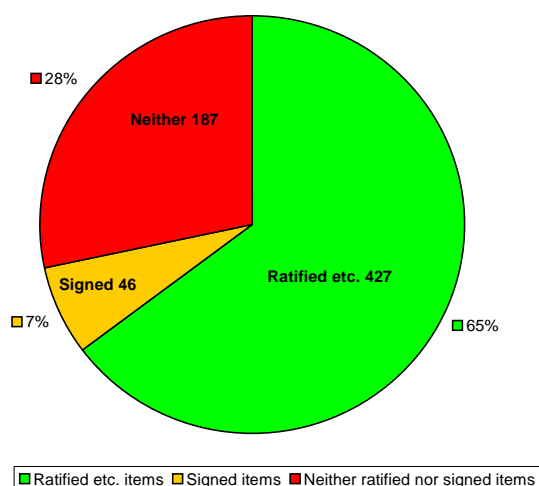
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (37 States/67% ratified);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (38 States/69% ratified);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991 (40 States, 73% ratified);
- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (42 States/76% ratified).

Eleven (11) participating States (20%) have signed but not yet ratified the Convention for the Suppression of the Financing of Terrorism, which may indicate that the ratification process is ongoing in several States. This is partially applicable also to the Convention for the Suppression of Terrorist Bombings, which seven (7) States (13%) have signed.

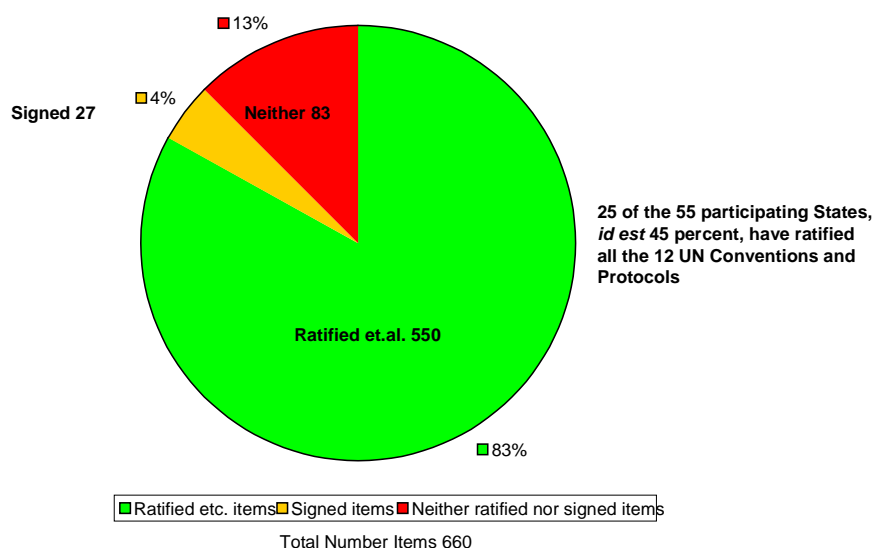
The 55 participating States and the 12 UN conventions and protocols related to the fight against terrorism form a ratification matrix numbering 660 items. Out of those, 550 are ratified (83%) and 27 signed (4%), leaving 83 neither ratified nor signed (13%). After the 11 September 2001 and the adoption of the Bucharest Plan of Action, 123 items have been ratified et. al., indicating a 18% rise in ratification (from 65% to 83%). The comparative status of ratification on both 11 September 2001 and 11 January 2004 are illustrated in the charts below.³

³ This information is collated from depository sources to facilitate the determination of the overall status of ratification of the 12 UN conventions and protocols related to the fight against terrorism by the Organization for Security and Co-operation in Europe (OSCE) participating States. The accuracy of the information portrayed herein relies on the data provided by the pertinent depository bodies of each convention (i.e. the United Nations, the International Civil Aviation Organization, the International Maritime Organization, or the International Atomic Energy Agency). With respect to requests to modify information on the relevant Internet sites, participating States are encouraged to inform the authorities of the concerned depository body. With regard to requests for modification of errors made during the collation, the Action against Terrorism Unit (ATU) of the Secretariat should be contacted.

The 12 UN Anti-Terrorism Conventions and Protocols Ratification by the OSCE participating States on 11 Sep 2001



The 12 UN Anti-Terrorism Conventions and Protocols Ratification by the OSCE participating States on 11 Jan 2004



The Action against Terrorism Unit (ATU) and the ODIHR Co-ordinator on Anti-Terrorism Issues work closely together to assess the current status of ratification and implementation of the 12 UN anti-terrorism conventions and protocols. In co-operation with the UN Office on Drugs and Crime (UNODC), the aim is to provide technical assistance to participating States upon their request, which will enhance their capabilities to review existing legislation or draft new legislation necessary to ratify the treaties. Listed below are possible types of assistance the ODIHR, in co-operation with UNODC, can provide to participating States at their request:

- Expert review of existing anti-terrorism legislation;
- Technical assistance in ratification of conventions and protocols;
- Assistance in submission of reports to the UN Counter Terrorism Committee (CTC) pursuant to UNSCR 1373 (2001);
- Assistance in drafting legislation in order to comply with international obligations related to anti-terrorism, including conventions, protocols and Security Council resolutions.

On request, the ODIHR and the ATU are also able to offer training for the judiciary and legislative review or technical assistance with drafting other types of legislation that assist in the implementation of international obligations related to anti-terrorism.

Key OSCE Commitments

Since 2001 several high-level OSCE meetings took place that produced key documents that shape how the OSCE prevents and combats terrorism. The political obligations arising from these documents constitute the point of departure for activities by the OSCE.

Given the array of OSCE activities across dimensions that can have either a direct or an indirect bearing on the anti-terrorism effort, it is important that any OSCE activity or project with an anti-terrorism focus or component support the objectives set forth in these OSCE documents.

Bucharest Plan of Action

During the Bucharest Ministerial Council, held in December 2001, the participating States adopted the Bucharest Plan of Action for Combating Terrorism, which recognizes that the respective UN conventions and protocols, as well as UNSCRs constitute the basis for the global legal framework for the fight against terrorism. The Plan establishes a framework for comprehensive OSCE action by participating States and the Organization as a way to combat terrorism, fully respecting international law, including the international law of human rights, and other relevant norms of international law. The Plan seeks to expand existing activities that contribute to combating terrorism, facilitate interaction between States and, where appropriate, identify new instruments for action.

Bishkek Programme of Action

The Bishkek International Conference on Enhancing Security and Stability in Central Asia, conducted in December 2001 and organized jointly with UNODC, focused on new security threats in Central Asia. The conference endorsed a Programme of Action that outlines a comprehensive framework, comprising a broad number of areas for concrete action to prevent and combat terrorism. Key provisions included the call for increased working contact between the UNODC and the OSCE, as well as addressing requests by Central Asian states for joint training, operational activities and strengthening the capacity of governmental institutions.

Many of the topics contained by the Programme of Action are being addressed by OSCE Institutions or their respective sections. Field personnel in Central Asia have a key role in supporting the activities in the following areas:

- Small arms and light weapons (SALW);
- Rule of law and human rights;
- Inter-ethnic confidence building, conflict resolution and dialogue;
- Civil society development;
- Media development;

- Sustainable economic development;
- Border management;
- Training.

2002 Porto Ministerial Council

At the Ministerial Council held in Porto in 2002, the OSCE strengthened its anti-terrorism regime by adopting two documents. These were the OSCE Charter on Preventing and Combating Terrorism, as well as the decision on Implementing the OSCE Commitments and Activities on Combating Terrorism (MC Decision No.1/02). Porto Decision No. 1 calls on all OSCE participating States, bodies and Institutions to continue, on an urgent basis, the implementation of the Bucharest commitments and recognized the danger posed by weapons of mass destruction in the hands of terrorists. Additionally, the decision named four strategic areas for preventing and combating terrorism, i.e policing, border security, anti-trafficking, and suppressing terrorist financing.

2003 Maastricht Ministerial Council

The 2003 Maastricht Ministerial Council continued the Organization's effort to combat and prevent terrorism and took several concrete measures to this end. The Ministerial Council included decisions on Travel Document Security (MC Decision No. 7/03), the establishment of the Counter-Terrorism Network (MC Decision No. 6/03), as well as an endorsement (MC Decision No. 8/03) of the Forum for Security Co-operation's July 2003 decision (No. 7/03) on Man-Portable Air Defense Systems (MANPADS).

SALW Document

The Bucharest Plan of Action and the Bishkek Programme of Action both identified the Small Arms and Light Weapons (SALW) Document as central to the OSCE's efforts to prevent and combat terrorism, and many participating States consider it a priority area. The SALW Document itself is a very broad agreement that commits all participating States to a range of norms, principles and measures which, if properly implemented, could help prevent the diversion of arms into the illegal market, which is a source of supply for terrorist groups. Contained within the document are sections dealing with the following aspects:

- Controls over production, marking and tracing of small arms;
- Procedures and documentation for export, import and transit controls;
- Co-operation in law enforcement, including training programmes for law enforcement and customs officials;
- Standards for the security and management of weapons storage and stockpiles.

Council of Europe Essentials

The European Convention for the Suppression of Terrorism

The European Convention for the Suppression of Terrorism was drawn up within the Council of Europe (CoE) by a committee of governmental experts under the authority of the European Committee on Crime Problems (ECP, later renamed CDPC), and opened for signature by member States in January 1977. On 15 May 2003, a Protocol amending the European Convention on the Suppression of Terrorism [ETS No. 190] was opened for signature. As of January 2004, the Convention had been ratified by 41 member States and signed by four (4), while the Protocol had been ratified by one (1) State and signed by 37. The complete state of signatures and ratification can be consulted at the web site mentioned below.

The Convention is designed to facilitate the extradition of persons having committed acts of terrorism. It lists the offences that Parties undertake not to consider as political offences, or as offences connected with political offences, or as offences inspired by political motives, namely acts of particular gravity, hijacking of aircraft, kidnapping and taking of hostages, the use of bombs,

grenades, rockets, letter or parcel bombs, if their use endangers persons. Moreover, the Convention empowers Parties not to consider as a political offence any act of violence against the life, physical integrity or liberty of a person. It is expressly provided that nothing in the Convention shall be interpreted as imposing an obligation upon a Party to extradite a person who might then be prosecuted or punished solely on the grounds of race, religion, nationality or political opinion.

The Protocol introduces a number of significant changes: the list of offences which may never be regarded as political or politically motivated has been substantially extended and now includes all the offences covered by all the UN anti-terrorist conventions; a simplified amendment procedure has also been introduced allowing new offences to be added to the list; the Convention has been opened to observer states, and the Committee of Ministers may decide to open it to other non-member states; the possibility of refusing to extradite offenders to countries where they risk being exposed to the death penalty, torture or life imprisonment without parole; possibilities to refuse extradition on the basis of reservations to the Convention have been significantly reduced and such refusal will be subject to a specific follow-up procedure, which will also apply to the follow-up of any obligation under the Convention as amended.

The Revised European Convention for the Suppression of Terrorism and its Explanatory memorandum can be consulted at the web site mentioned below.

Guidelines on Human Rights and the Fight Against Terrorism

On 11 July 2002, the Council of Europe's Committee of Ministers adopted the Guidelines on Human Rights and the Fight against Terrorism as recommendations both to CoE member and non-member States. The Council of Europe believes that governments seeking to combat terrorism must find effective counter-measures, but at the same time not lose sight of the need to respect fundamental human rights.

The *Guidelines* reaffirm the obligation of states to protect everyone against terrorism, and reiterate the need to avoid arbitrariness. They also stress that all measures taken by states to combat terrorism must be lawful, and that torture must be prohibited. The framework set out in the *Guidelines* concerns, in particular, the collecting and processing of personal data, measures which interfere with privacy, arrest, police custody and pre-trial detention, legal proceedings, extradition and compensation of victims. Some specific themes addressed in the book include:

- Absolute prohibition of torture;
- Collection of personal data by governments;
- Measures interfering with privacy;
- Arrest and custody;
- Supervision of pre-trial detention;
- Detention;
- Asylum, *refoulement* and expulsion;
- Extradition;
- Right to property;
- Possible derogations and State obligations therein;
- Respect for norms of international law and international humanitarian law.

The OSCE supports the Council of Europe *Guidelines*, which can be an important resource for field personnel monitoring and reporting on procedural and other violations of human rights in the context of anti-terrorism measures.

The *Guidelines* can be found at: [http://www.coe.int/T/E/Human_rights/h-inf\(2002\)8eng.pdf](http://www.coe.int/T/E/Human_rights/h-inf(2002)8eng.pdf)

CODEXTER

The Committee of Experts on Terrorism (CODEXTER) of the Council of Europe which is responsible for co-ordinating the overall legal action of the Council of Europe against terrorism is currently examining the added value of elaborating a comprehensive convention on terrorism within the Council of Europe as a contribution to the work of the UN. Furthermore, the CODEXTER. is following the implementation of the priority activities of the Organisation in this field, namely:

- Research on the concepts of "apologie du terrorisme" and "incitement to terrorism";
- Special investigation techniques (PC-TI);
- Protection of witnesses and "pentiti" (PC-PW);
- International co-operation on law enforcement;
- Action to cut terrorists off from funding sources;
- Questions of identity documents which arise in connection with terrorism.

As well as those identified at the 25th Conference of the European Ministers of Justice (Sofia, 9-10 October 2003), (see Resolution No.1 on combating terrorism), namely the:

- Compensation of victims of violent crimes, including terrorism;
- Effectiveness of national judicial systems in their responses to terrorism the creation of a European register of national and international standards, starting with the fight against terrorism.

Council of Europe Counter-Terrorism Webpage

Council of Europe documents and information about its activities and Committees related to combating and preventing terrorism are accessible at www.coe.int/gmt.

III. ATU

The OSCE Action against Terrorism Unit was established within the Office of the Secretary General at the OSCE Secretariat in spring 2002. The ATU co-ordinates the activities of OSCE bodies, Institutions and field operations relating to preventing and combating terrorism. This includes liaising externally with other international, regional and sub-regional organisations, as well as with OSCE delegations.

ATU Activities and Objectives for 2004

- ATU organized and hosted the first international workshop on the threat that Man Portable Air Defence Systems (MANPADS) pose to civil aviation in the OSCE region. Forty of the 55 participating States attending the workshop sent airport security and counter-terrorism officials from capitals to this workshop, an indication of the high interest and relevance this workshop held for OSCE participating States. The results of this closed-door workshop are available on a law-enforcement-sensitive basis for field use and sharing with host government law enforcement officials; contact the ATU.
- Implementing the December, 2003 Maastricht Ministerial Decision on passport & travel document security, ATU is organizing an experts meeting to take place in Vienna on 1-2 March. Experts on travel documents from the International Civil Aviation Organization (ICAO) and other organizations will join relevant officials from OSCE participating States to discuss ways to bring passports and travel documents up to ICAO standards. Technical and financial assistance to participating States will also be discussed. Field presences are encouraged to work with host governments to identify and support the travel of relevant officials to this important workshop.
- To support participating States efforts to combat the smuggling of radiological materials that can be used in the making of “dirty bombs” or Radiological Dispersion Devices (RDDs), ATU has initiated consultations with the International Atomic Energy Agency (IAEA). Possible joint efforts are under discussion. Information on specific assistance including training and forensic analysis support will be provided to participating States through the OSCE Counter-Terrorism Network (see below).
- ATU in 2004 established an Internet-based Counter-Terrorism Network. As of February, 2004, over half of OSCE participating States provided counter-terrorism contacts, many in capitals, to speed information exchange on capacity building programmes, training, funding and other types of anti-terrorism support available to participating States. OSCE Heads of Missions will be included in this Network. HoM's are welcomed to request the addition of relevant staff persons to the Network through a request to ATU.
- In close collaboration with the ODIHR and UNODC, ATU is working to provide assistance to participating States on the ratification and implementation of the 12 UN anti-terrorism conventions and protocols. This includes legislative drafting and monitoring impact on human rights of anti-terrorism measures taken by participating States. Contact ATU if assistance is needed.
- To avoid duplication of efforts in the delivery of counter-terrorism assistance, the ATU has developed a comprehensive inventory of programmes and projects undertaken by OSCE entities as well as other international, regional and sub-regional organisations in the OSCE region. A copy of the “Inventory of Capacity Building Programmes Related to Anti-Terrorism in the OSCE Region” has been provided to Heads of Missions. This Inventory will be regularly updated and provided to Field Missions and Presences. Contact ATU if you have not received a copy.

Further details on some of these and other projects/programmes are provided below:

Passports and Travel Document Standards Programme

At the 2003 Ministerial Council in Maastricht, the OSCE reaffirmed its commitment to implement effective and resolute measures to prevent the movement of terrorist individuals or groups through effective border controls. To this end, the OSCE decided to institute higher standards of quality and

control of identity papers and travel documents in the OSCE area. It was decided that all OSCE participating States should aim to comply fully, by December 2004, with the recommended minimum security standards for the handling and issuance of passports and other travel documents prescribed by the International Civil Aviation Organization (ICAO). Additionally, all OSCE participating States should begin to issue machine-readable travel documents, if possible with digitized photographs, by December 2005. Moreover, the decision considers the possibility of the standard issuance of passports with one or more biometric identifiers.

In order to provide the programme with guidelines as well as plans for concrete action, ATU in co-operation with the ICAO will organize an expert workshop in Vienna. The workshop will bring together national experts on passport security issues with international experts on recommended travel document security standards. Participants will get fully acquainted with the recommended international standards and assess the need for financial and technical assistance necessary to fully comply with the Ministerial Decision commitments. Based on the outcome of the expert workshop, the Travel Document Security Co-ordination Team will help to facilitate ICAO expert assessment visits to key OSCE regions and participating States, in particular those that have a strong need for technical and financial assistance. The expert visits will be concluded with assessment reports submitted to the host government for consideration and possible follow-up with a view to bringing the existing document security standards in line with the recommended international standards.

Upon conclusion of an assessment visit and identification of needs, the Team will facilitate communication among participating States, their delegations in Vienna and expert assessment visits to ensure adequate and timely follow-up and implementation in the host country of recommendations as outlined by expert assessment reports. The Co-ordination Team will liaise with the host government to best utilize the available financial and technical assistance. This will involve co-ordinating provision of equipment and training for relevant officials. In order to complement the expert assessment and recommendations and the subsequent implementation of the recommended action by the respective participating States, the Co-ordination Team will maintain a database of up-to-date information on the progress made by each participating State in achieving the goals of the Ministerial Decision.

Regional Co-operation to Prevent Fraudulent Travel Documents

This series of three-day, regional co-operation workshops on travel documents brings together key governmental experts from OSCE participating States within distinct regions. During the workshops, ATU encourages co-operation and facilitates discussion among the participants on detecting false travel documents and interdicting border crossings of persons with legitimate travel documents, but used for illegitimate purposes. The overall goal of the workshops is to facilitate technical, cross-border dialogue toward improving regional co-operation among OSCE participating States. The workshops also focus discussion on issues of trafficking in human beings when related to detecting legal documents for illegitimate purposes, detecting false travel documents used for entry of trafficked persons, and improving non-technical means of detection, such as interview techniques. In addition, the workshops focus on means to protect the right to travel and move across borders legally and for legitimate purposes.

During the workshops, governmental experts present their own in-country assessments of priority technical issues related to travel documents, collaborate directly with governmental experts from neighbouring states in working groups, and exchange challenges, good practices, and lessons learned both in working groups and in plenum. The workshops encourage governmental experts to identify specific, priority areas related to travel documents on which to begin pursuing bilateral and multilateral co-operation agreements. The workshops will facilitate the production of a document on lessons learned and recommendations for concrete, immediate steps to improve cross-border and regional co-operation. The workshops will also facilitate the creation of informal technical working

groups for the regions, where necessary, to serve as a network for information sharing after the workshop.

The regional co-operation workshops could in various ways complement the recently established Travel Document Standards Programme. Expert presentations on the best practices and recommended standards relating to handling and issuance of travel documents will draw attention to the new OSCE commitments. Subsequently, through specific training on detecting *fraudulent* machine-readable travel documents, the workshops will contribute to the 2005 goal set by the OSCE on travel document security. This will also be enhanced by the provision of equipment necessary for reading machine-readable travel documents upon formal requests.

MANPADS

The OSCE participating States have expressed a shared concern over the danger posed by the access of terrorist groups to Man-portable Air Defence Systems (MANPADS), in particular regarding the threat posed to civil aviation security. To prevent the trafficking of these weapons, both the Forum for Security Co-operation (FSC) and Ministerial Council have decided to promote the application of effective and comprehensive export controls for MANPADS within the OSCE area. The decision proposes projects to face challenges related to stockpile security and management, reduction and disposal, as well as improving border controls to prevent illicit trafficking, collection and control programmes.

Currently, the effect of increased availability of MANPADS combined with increased belligerence of groups involved in terrorist attacks was exemplified by several actual incidents in 2003. To combat this threat, the ATU, in co-operation with the ICAO, organized a technical and operational workshop in Vienna on 23 January, called “Countering the MANPADS Threat to Civil Aviation Security at Airports.”

After the technical workshop, the ATU’s goal for 2004 is to increase OSCE action on the MANPADS threat through complementing existing FSC activities. The objectives are to:

- Raise awareness of the threat of MANPADS pose to civil aviation;
- Strengthen co-operation between counter-terrorism, civil aviation and other security officials and the international and regional organizations;
- Enhance security of national airports in co-operation with international and regional organizations, such as ICAO;
- Assist field operations to engage host governments on stemming trafficking or smuggling of MANPADS where such trends are present;
- Support the Conflict Prevention Center (CPC) and field operations in providing assistance and technical expertise for the collection, stockpile management and destruction of MANPADS surplus.

Counter-Terrorism Network (CTN)

The CTN’s purpose is to promote the strengthening of co-ordination of counter-terrorism measures and information-sharing among OSCE participating States. In particular, it aims to strengthen the relationship and communication between the delegations of participating States, counter-terrorism officials in capitals, the ATU and other relevant international organizations. The Network facilitates timely exchanges of information on counter-terrorism programmes, training and legal developments initiated by the OSCE and participating States. The primary emphasis will be placed on supporting and supplementing the work of the United Nations Security Counter-Terrorism Committee in implementing Security Council resolution 1373. Additionally it serves as an open-source analyses concerning trends in terrorist phenomena and includes a regular newsletter.

ATU Support to Field Activities

- Co-ordinating assistance to participating States on the ratification, implementation and compliance of the 12 UN conventions and protocols;
- Providing assistance in legislative drafting and monitoring impact on human rights of anti-terrorism measures taken by participating States, in conjunction with ODIHR;
- Facilitating the identification of international experts on terrorism;
- Facilitating the identification of projects and activities related to terrorism, in conjunction with the new Project Co-ordination Cell at the OSCE Secretariat; and
- Facilitating liaison with potential donor Delegations for terrorism-related project proposals.

ATU Webpage

The ATU also maintains a webpage over the official OSCE website, which facilitates general information flow regarding the Unit's work. Every relevant OSCE decision, as well as other important documents are available through the "Main Documents" section of this public site. Additionally, OSCE anti-terrorism extra-budgetary project proposals are also found through the ATU webpage, which can be found at www.osce.org/atu.

IV. ODIHR

The main goal of the ODIHR Co-ordinator on Anti-Terrorism Issues ("Co-ordinator") is to ensure that anti-terrorism measures taken by participating States fully comply with OSCE commitments and international human rights law. The ATU and the Co-ordinator together assess the current status of ratification and implementation of the 12 UN anti-terrorism conventions and protocols. In co-operation with the UNODC and the ATU, ODIHR provides technical assistance to participating States upon their request, in order to enhance their capabilities to review existing legislation or draft new legislation necessary to ratify the treaties.

The Co-ordinator also works to build awareness of human dimension issues in preventing and combating terrorism and to develop projects which address factors that may engender terrorism. The Co-ordinator elaborates activities for the ODIHR and co-ordinates them with OSCE Missions, the Secretariat and other international organizations. And the Co-ordinator monitors developments related to the fight against terrorism throughout the OSCE region.

Key ODIHR anti-terrorism activities include:

- Technical assistance to participating States on request in support of drafting anti-terrorism legislation and strengthening existing legislation;
- Assisting participating States on request to support implementation of relevant UN Security Council resolutions, UN conventions and protocols relating to terrorism;
- Projects related to promoting human rights, tolerance and multi-culturalism;
- Projects related to preventing violent conflict and promoting peaceful settlement of disputes;
- Analysis of the factors that engender terrorism and acceptable methods for combating those factors;
- Liaison and co-ordination with other human rights organizations;
- Development and implementation of projects specifically related to preventing and combating terrorism;
- Analysis of anti-terrorism legislation and its impact on human rights;
- Monitoring developments related to the fight against terrorism.

V. OSCE Strategic Areas and Field Activities

This section builds on the four "strategic choices" identified by the OSCE Chairmanship in 2002 for OSCE action against terrorism: policing, border security, anti-trafficking and countering the

financing of terrorist activities. The ATU additionally highlights as priorities the following areas: ratification, implementation and compliance; regional co-operation; national counter-terrorism focal points; the role of the media; and human rights. The following section is structured along the OSCE strategic choices and priority areas. Each strategic area will be elaborated and will include a general background, strategy, and will offer considerations for field activities.

OSCE Comparative Advantage

The OSCE's comprehensive approach to security gives the Organization a comparative advantage in addressing factors across the OSCE dimensions that may engender terrorism. In addition to the wide programme of activities carried out by the Institutions and bodies, another key element to the OSCE's comparative advantage is its field presence. While many OSCE field activities are already directly or indirectly addressing factors that can contribute to violent extremism and the emergence of terrorism, this Reference suggests two considerations for planning field activities that address terrorism.

First, as mentioned earlier, it is important that OSCE field activity or project focusing on terrorism or with a terrorism component clearly aim to fulfil OSCE obligations set forth in the aforementioned key OSCE documents (*See Legal/Political Framework*). Second, it is valuable that missions assess and report the degree to which projects carry a primary or secondary bearing on preventing or combating terrorism. This is preferable to "re-labelling" projects normally falling under another programme or category, as anti-terrorism activities.

Policing and Law Enforcement

Criminal Intelligence

The connections between criminal activity, particularly organized crime, and terrorist activity are well documented. Yet further steps need to be taken in establishing a criminal intelligence strategies or State-wide criminal intelligence databases that can identify persons who are suspected of having links to terrorist activity. Because of the links between terrorism and the criminal infrastructure necessary to fund it, it is crucial to have a system of information gathering, analysis, storage and retrieval relating to convicted or suspected criminals. Such information systems require the:

- Provision of specialist training and equipment;
- Funding and the provision of training and equipment, frequently initiated through bilateral agreements;
- Technical and material assistance for the creation of databases.

Police Training

The OSCE has considerably expanded its expertise and activity in the area of police training programmes. While only a small number of Missions have police training mandates, those that do are singularly placed to incorporate specialist training on investigating terrorism. Where necessary, basic police training may include the actions to be taken at the scene of a suspected terrorist incident or in anticipation of one. The training of investigators and crime analysts is highly specialist and normally provided through bilateral agreements with selected countries. Those countries and international organizations supporting a training and advisory capability might also be included in the OSCE central knowledge base.

Police training may also be required for the implementation of new legislation, including money laundering, admissibility of evidence gathered by covert surveillance, and asset confiscation. Such training should be incorporated into proposals for providing assistance in drafting and implementing legislation generally, and should draw on the experience of countries where such legislation is already in force.

(*See also: Border Security*)

Knowledge-Base of Anti-Terrorism Prevention Measures

The OSCE is able to explore ways to collect and store information on concrete anti- and counter-terrorism measures. The OSCE may profit from the experience of participating States, and States outside the OSCE region, that have direct, long-term experience in counter-terrorism measures. These measures may range from the inexpensive and straightforward to the expensive and sophisticated (such as CCTV surveillance linked to vehicle identification systems). Similarly, a large number of private sector firms that specialize in providing equipment and methods for protecting people and property may also offer lessons and information adaptable to the OSCE's requirements.

Bilateral embassies may be a first point of contact for exploring information on counter- and anti-terrorism measures. The OSCE may also act as an information clearinghouse, categorizing types of assistance available and how to engage such assistance. Additionally, through their ongoing liaison with host governments, Missions may be in a position to facilitate information-sharing between host government agencies and the OSCE central database. When new assistance activities with anti-terrorism and policing components are identified, dialogue with the Strategic Police Matters Unit (SPMU) and the ATU should ensue. This is to insure quality and co-ordination with bilateral and UN programmes.

Border Security

The ability of a State to secure its borders is fundamental to preventing the movement of terrorists, as well as trafficking. Strengthening border security and controls and improving the level of expertise of border police contribute to combating transnational trafficking in human beings, drugs and weapons, and are already components of OSCE law enforcement proposals. Improving border control also implies co-operation across borders. Hence, it is often ideal to consider a cross-border and regional co-ordination approach to activities (see Regional Co-operation). Specific options for border policing activities may include:

- Creating and/or strengthening State border police service;
- Providing existing or new border police services with expertise on how to operate border controls;
- Technical assistance and cross-border/regional co-operation on travel document control;
- Providing border police with the necessary search facilities for persons and vehicles;
- Creating a national IT system on which details of persons, vehicles suspected or wanted may be stored and accessed by border police;
- Promoting co-operation between law enforcement bodies, such as border guards, in neighboring countries;
- Facilitating contact and co-operation between border services of neighboring states;
- Facilitating greater access of law enforcement authorities to Interpol databases;
- Provision of equipment (ideally accompanied by training).

It is recognised that not all OSCE field missions are specifically mandated to address border-related issues. Missions with border security-related mandates are advised to discuss their ideas for future border security-related projects with the following units in the Secretariat, as applicable:

- The Action against Terrorism Unit (ATU) is involved with issues where counter-terrorism measures are specifically implemented.
- The Conflict Prevention Centre (CPC) has established a Border Issues Co-ordination Unit, working as a focal point for all issues to do with Border Management and Security.
- The Strategic Police Matters Unit (SPMU) has significant expertise in areas related to Border Policing Security issues.

- The FSC Support Unit (CPC) has a mandate to promote the implementation of the OSCE Document on Small Arms and Light Weapons, which includes measures to combat cross-border trafficking.
- The ODIHR conducts human rights training as a part of Border Security/Control measures.
- The Gender Adviser has a particular remit to address the subject of trafficking in human beings.
- The Office of the Co-ordinator for Economic and Environment Affairs (OCEEA) is involved in suppressing financial backing for terrorist organisation and so is a source of advice on illicit funds transfer and movement.
- The CPC Project Co-ordination Cell has a list of all projects put forward for consideration, funding and implementation. This will provide missions with a useful means of co-ordination.
- CPC Mission Programme Officers have access to all departments and units in the Secretariat and as such are also well placed to advise or find solutions to problems.

Anti-Trafficking

Trafficking of Weapons

The dual aspects of stockpile security and export controls of Man Portable Air Defence Systems (MANPADS), in conjunction with civil aviation security are of ongoing concern to the OSCE. Working closely with international organizations such ICAO, the ATU and the Forum for Security Co-operation Support Unit (FSU) are providing expertise addressing current and potential threats posed by this type of small arm and light weapon in the possession of non-state actors and terrorist groups.

Upon the request of the Chairman of the Forum for Security Co-operation (FSC), the ATU and ICAO provided a detailed briefing on this threat. On 23 July 2003, the FSC adopted a decision on MANPADS, which tasked the FSU to overview the OSCE information exchanges on small arms and light weapons with a view towards preparing a matrix displaying pertinent information provided by participating States on "portable launchers of anti-aircraft missile systems." This work was reported to the FSC last October.

Field Implementation

The majority of the FSU mandate for anti-trafficking activities derives from the OSCE Document on Small Arms and Light Weapons (SALW). The final section of the Document, Section V, deals with the potential role of the OSCE missions in implementing small arms measures as part of early warning, conflict prevention, crisis management and post-conflict rehabilitation. It has been difficult to implement this section for two reasons. First, very few missions have a mandate to undertake these kinds of activities. Secondly, the Document was agreed upon in the FSC, which is one of the decision making bodies of the OSCE, but which has no authority to direct the work of the field operations. Thus, an institutional disconnect persists, which participating States are trying to address in Vienna. It should be borne in mind this question is considered to be highly political by some delegations.

In spite of this, projects can be conducted in support of implementation of the commitments undertaken by all participating States in the SALW Document. The FSU has some experience with such activities, and maintains a roster of experts for project related activities. The Unit also has good contacts with a number of governments that are interested in funding activities on SALW.

Suggested field projects could include:

- Seminars and workshops for government officials, military personnel, parliamentarians, arms manufacturers, and non-governmental organizations on any of the aspects outlined above.

- Training courses on any of the activities outlined above, including border security (see previous section).
- Public awareness programmes in support for weapons collection activities or reform of weapons possession legislation.
- Consultative assistance for any of the areas outlined above (e.g. technical advice for management and security of small arms stockpiles).
- Co-operation with and support for the work of other international organizations, e.g. UNDP, NATO, UNODC, Stability Pact for South East Europe (including South East Europe Small Arms Clearinghouse in Belgrade), Collective Security Treaty Organization, etc.

Trafficking in Human Beings⁵

Preventing and countering trafficking in human beings is increasingly a priority activity for the OSCE that cuts across all dimensions.⁶ The connection between trafficking in human beings and terrorism resides in the role of organised crime. The hidden, illegal nature of trafficking in human beings relies on smuggling routes and infrastructure already established by organised crime. Transnational organised criminal groups thrive on the proceeds of trafficking and illicit profits are used to corrupt government officials. The costs and risks to law enforcement agencies are greatly increased.

Thus, efforts to counter trafficking can bring dividends in preventing and countering terrorism. In addition to combating trafficking in human beings in the economic and human dimensions, the Secretariat and the ODIHR have begun activities in the politico-military dimension, targeting training to law enforcement agencies. In this regard, the SPMU has an anti-human trafficking expert available to assess and assist with the implementation of related projects. Similarly, the ODIHR has launched a number of projects focusing on human rights approach to trafficking, and is a member of the Expert Co-ordination Team of the Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings. Field operations can also apply for funding for projects in this field to ODIHR which manages a small anti-trafficking fund. The largely international nature of trafficking networks (though there are domestic networks, as well) calls for activities based on cross-border co-operation.

Some suggestions for field projects may include:

- Training of police in interdiction and handling trafficking cases;
- Legislation reform;
- Border management and travel document control;
- Cross-border and/or regional co-operation initiatives.

Countering the Financing of Terrorism

Money Laundering

Anti-money laundering measures increasingly play key roles in States' efforts to promote economic development, private businesses and the rule of law. Yet money laundering is also key to financing terrorism. The UN Political Declaration against Money Laundering (1998) recommended that States

⁶ Key documents include: 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, the 2000 UN Convention against Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air; OSCE Vienna Ministerial Decision, 2000; OSCE Bucharest Ministerial Decision, 2001; OSCE Porto Ministerial Declaration 2002; OSCE Action Plan for Activities to Combat Trafficking in Human Beings (2000).

(that had not yet done so) adopt by 2003 national money-laundering legislation in accordance with relevant provisions of the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Convention), as well as other UN measures. The UN International Convention for the Suppression of the Financing of Terrorism (2002) recognizes that financing is at the heart of terrorist activity. The Convention calls for efforts to identify, detect and freeze or seize any funds used or allocated for the purpose of committing a terrorist act.

The Bishkek Programme of Action as well as a special session at the 10th OSCE Economic Forum highlighted the importance of the creation of anti-money laundering structures and legislation, as well as the ratification and implementation of international instruments. In this regard, the UNODC Global Programme against Money Laundering (GPML) and the OCEEA co-operate on activities aimed at combating money laundering and suppressing the financing of terrorism. Activities focus on creating comprehensive legislation, in combination with effective structures of criminal investigation and proceeding.

OCEEA

In a co-operative effort, the UNODC and the OCEEA have developed national workshops on combating money laundering and suppressing the financing of terrorism. The workshops constitute the first phase of awareness-raising and needs assessment. The approach consists of legal framework development, implementation assistance (“mentorship” programme), and capacity-building (including specific training elements). So far, six workshops were implemented with the governments of Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan. Follow-up roundtables to the workshops, aiming at assistance in creating anti-money laundering mechanisms, have so far been organized in three of the countries. Further interest has been expressed by the Governments from countries in South Eastern Europe, and is being discussed with the UNODC.

The OCEEA is also organising a project to build the capacity of Albania's Financial Intelligence Unit (FIU) to counter money laundering. The project involves FIU study visits to Slovenia, training on software and analysis of financial data, and application of the software to relevant local institutions.

Regional Co-operation

Recognising the trans-national nature of terrorism, the Bishkek Programme of Action and the Bucharest Plan of Action call for increased regional co-operation on anti-terrorism initiatives. Regional co-operation (as multi-lateral cross-border co-operation) is most obviously a key programming element for border activities. However, regional co-operation can address an array of other terrorism-related issues, from information sharing (such as travel document control or best practices) to sharing resources (such as training facilities). Regional co-operation helps bring relevant national resources and actors to bear on a shared problem.

OSCE Field Operations

The OSCE field presence should bear in mind that not all regional co-operation projects must be training or technical assistance provision; there are issues that may be addressed effectively by fostering dialogue and problem solving among key national players. Effective regional co-operation can require co-operation among field operations. It is advisable that when conceptualising regional co-operation projects, one consider the potential role and value added by including other (relevant) field operations in project planning, implementation, and follow-up. This is also an issue addressed by the Heads of Mission meetings, convened by the conflict Prevention Centre.

Media

Freedom of the Media: Competition of Ideas and Tolerance

The media play a key role in preventing and combating terrorism. The use of hate speech, messages based on or promoting intolerance, and the absence of a competition of ideas can all contribute to the emergence of extremism. The Bucharest Plan of Action calls on the Representative of the Freedom of the Media to *inter alia* to develop, on request, projects aimed at “supporting tolerance towards people of other convictions and beliefs through the use of the media”, as well as “promot[ing] measures aimed at preventing and fighting aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism in the media”.

The Plan also tasks the Representative to encourage pluralistic debate, promote tolerance and monitor hate speech. The ATU highlights the role tolerant and pluralistic media can play in preventing extremism and intolerance and thus contribute to anti-terrorism. The Representative on Freedom of the Media has implemented projects in the fields outlined in the Bucharest Plan, and is to follow them up this and next year. One of them looked at media in multilingual societies. The historical successes registered in Luxembourg and Switzerland in turning multi-lingualism into an advantage rather than a problem show that language variety need not be a threat to security or unity, but can be an enrichment of identity and culture. In countries, who are beginning their nation-building and developing their civil society, media in all languages can be seen as a powerful social resource that can be mobilised to assist in that process. With regard to the Internet, the easy dissemination of hate speech is a phenomenon that will be addressed at the Conference on Anti-Semitism in Berlin, April 2004, at the Forward-looking event on the relationship between propaganda and hate crimes in Paris, 16-17 June 2004, and at the Conference on Racism, Xenophobia and Discrimination in Brussels, autumn 2004. The office of the Representative on Freedom of the Media will contribute to these conferences.

Human Rights

The OSCE’s comprehensive approach to security offers a comparative advantage in regards to ensuring the important balance between anti-terrorism measures and human rights standards. At the Porto Ministerial Council of December 2002, OSCE participating States elaborated a Charter on Preventing and Combating Terrorism (Charter). In the Charter, participating States pledged themselves *inter alia* to: “Undertake to implement effective and resolute measures against terrorism and to conduct all counter-terrorism measures and co-operation in accordance with the rule of law, the United Nations Charter and the relevant provisions of international law, international standards of human rights and, where applicable, international humanitarian law” (7).

ODIHR

ODIHR promotes human rights specifically in the context of legislative measures taken since 11 September 2001. OSCE participating States are under the obligation to take the necessary measures to protect the fundamental rights of everyone within their jurisdiction against terrorist acts. These measures, however, must be in accordance with international human rights standards and international humanitarian law.

Since September 11th, a number of participating States have introduced specific anti-terrorism, crime and domestic security legislation. It is important that these pieces of legislation are not viewed merely in the current atmosphere of the global ‘fight against terror’, but examined in the context of legislative norms and human rights standards. Some anti-terrorism measures initiated in the current climate may also be an opportunity to restrict certain fundamental freedoms by targeting, for example, minority or religious groups, NGOs and journalists. To assist field personnel, the ODIHR Human Rights Section produced a booklet entitled *Individual Complaints On Human Rights Violations: A Practical Guide for OSCE Field Personnel*, which contains a section on anti-terrorism measures.

The ODIHR can also provide assistance to projects at country level to review anti-terrorism measures taken by participating States specifically to combat terrorism and the wider concerns of

human rights violations in the fight against terrorism. Further details can be requested from the ODIHR Co-ordinator on Anti-Terrorism Issues or the Human Rights Section.

VI. Project Support

The ATU and the ODIHR Co-ordinator remain at the disposal of field personnel to discuss potential projects. Field personnel are encouraged to contact the individuals below at the earliest possible project planning stage for informal consultations about project strategies and options.

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