

**REPORT**  
**OF THE SPECIAL REPRESENTATIVE ON**  
**ANTITERRORISM ISSUES**

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**Report by  
The Special Representative of the President of the OSCE PA  
on Antiterrorism Issues,**

**Mr. Panos KAMMENOS**

**INTRODUCTION**

Terrorism constitutes one of the most serious challenges concerning international security. The unequivocal and strong condemnation of terrorism in all its forms and manifestations as criminal and unjustifiable is an obligation for the international community. Since 9/11 2001 terrorism has become the most eminent threat against humanity.

The terrorist attacks clarified that terrorism is not a static phenomenon but an ever-changing one as it constitutes a global challenge. The fight against it requires a coordinated world action. Although governments and the international community have accelerated means and methods to confront the evolving threats, much needs to be done in order to effectively challenge them. A wide spectrum of counter-terrorism action is currently undertaken by the international community in the global fight against terrorism. Therefore OSCE has to coordinate its counter terrorism activities with all international and regional organisations in order to limit existing gaps and to avoid unnecessary duplication.

Following the high-level OSCE meetings that produced key documents that shape how the OSCE prevents and combats terrorism the Special Representative on Anti-Terrorism will base his efforts for the immediate mobilisation of all involved actors in order to prevent and combat all forms and manifestations of terrorism.

These will include:

- **The implementation of UN Security Council Resolutions for the obliteration of international terrorism, in particular 1267,1373,1540,1566,1617 and 1624, with parallel respect to the obligations under international law for human rights and fundamental freedoms.**
- **The ratification and implementation of the 12/13 international Protocols and Conventions relating to terrorism.**
- **Emphasis to provide technical and economic support to states that are unable to form institutional bodies for the fighting against terrorism.**

Moreover, in order for the international community to effectively confront terrorism it is necessary to face a series of conditions in which terrorism finds suitable opportunities for its spread and growth.

Within this framework the OSCE and hence the Special Representative could acquire more active role through the creation of specialised institutions, which will function under the principles of:

- **Prevention and administration of conflicts.** A lot of terrorist groups resulted from local or regional violent conflicts. Some of these conflicts turn into a magnetic pole for terrorists from distant regions. The extended and suspended conflicts often constitute a fertile ground for the growth of terrorism.
- **Inter-cultural and Inter-religious communication and dialogue** aiming to promote mutual understanding and respect between nations, nationalities and religions. The role of the religious leaders is considered as particularly essential, as the promotion of equality of all different kinds of believers relies in their domain.
- **Elimination of Social and Economic Exclusions.** Exclusions and discriminations based on national origins or religious believes, as well as the failure of many countries to incorporate minorities and immigrants, generate feelings of marginalisation and an increasing tendency of incorporation into extremist groups. Consequently all the above contribute in the recruitment for

terrorist groups. This appears to be in effect particularly for young people, and more specifically for second generation immigrants, who, in some developed countries, are deprived of equal opportunities. The exclusion based on nationality or religion is often composed by the political, as well as the economic and the social ones. Also, particular attention should be given to the youth's unemployment. These types of exclusion are able to compose an explosive mixture.

- **International development and developmental collaboration** in economic, political, social, and environmental level based on the objectives and definitions of the United Nations and of other International Organisations so that inequalities, that function as prime reasons for terrorism, could be faced in international level.
- **Support of International and Human Rights Law.** It is observed that terrorism mostly grows within environments that are characterized by:
  - Lack of good governance
  - Absence of civil rights and freedoms
  - Violation of human rights

Moreover it is proved that certain regimes during their efforts against terrorism make an excessive use of force and repression without discrimination which as a consequence strengthen the support base of terrorists among their population. In accordance with the United Nations' Development Program and also with the programs of other international economic organisation, OSCE can further develop its policy by supporting the state of law, good governance, human rights law and judicial systems.

## **I. MEASURES TO PREVENT AND COMBAT TERRORISM**

Following the decisions of the United Nations, the Council of Europe, the OSCE, other international organizations and UN Agencies, the Special Representative believes that a series of concrete measures, aiming at the prevention of terrorism, is essential to include:

- **Penal prosecution of any person, group or organization, who facilitates, participates or tries to participate in the financing, planning, preparation or perpetration of terrorist acts, including cyber terrorism & cyber crime, with parallel assurance for human rights, the protection of the refugees and the international humanitarian laws.**
  
- **Implementation of the Principle of Extradition of any person who facilitates, participates, or tries to participate in the financing, planning, preparation or participation of terrorist acts, with respect to the engagements that result from the international law.**
  
- **Assurance of mutual understanding for the extradition of perpetrators, in accordance to the relative provisions of international and national law and the obligations under human rights law, refugee law and international humanitarian law.**
  
- **Assurance of collaboration for the exchange of precisions and well timed information.**
  
- **Intensification of inter-state collaboration which is essential in the sector of fighting crimes that potentially is related to terrorist activities, such as:**
  - Drug trafficking and money laundering, following the UN Political Declaration against Money Laundering, the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism
  - Illicit arms trade, in particular small arms, light weapons, and especially Man Portable Air Defence System, Following the Small Arms and Light Weapons Document which is central to the OSCE's efforts to prevent and combat terrorism.
  - Smuggling of nuclear, chemical, biological, radiological and other materials that are able to cause death, following the International Convention for the Suppression of Acts of Nuclear Terrorism and the

Convention on the Physical Protection of Nuclear Material and its Amendments.

- Confronting and countering the growth of the severe problem of the abuse of internet technology for the purpose of terrorism.

Finally in institutional level, the encouragement of states to become parties to the United Nations Convention against Trans-national Organised Crime and of the three protocols supplementing it, and implementing them could constitute an important contribution. The progressive configuration of a common policy on the terms of issuing asylum must be always in accordance with the obligations under the human rights law.

## **II. MEASURES TO STRENGTHEN OSCE'S ROLE AND TO BUILT STATES' CAPACITY TO PREVENT AND COMBAT TERRORISM**

According to the decisions of the United Nations and relevant international practices the establishment of a common and reliable data-base concerning bioterrorism and the distribution of hazardous materials is considered essential. The data-base will function under the monitoring of experts and special scientists in association with institutional security organizations, the private sector and academic NGOs. Moreover, is considered particularly important the encouragement in regional and subregional level of bilateral agreements, between state agencies and institutions that deal with the fighting against terrorism, cyber terror, organised crime, cybercrime, and distribution of arms and hazardous materials. Also, capacity building, concerning the combat of terrorism, in all the OSCE participating states is a core element of the counter terrorism efforts both in national and international level.

A series of measures could effectively contribute to this direction:

- **Provision of legal and technical assistance for the creation of institutions and bodies specialising in the fight against terrorism, organised crime and the distribution of narcotics.**
- **Encouragement of OSCE participating states for a more active participation in the United Nations efforts against terrorism, with parallel respect for human rights law and fundamental freedoms law.**
- **Diffusion among the OSCE participating states of the “know-how” with regard to the confrontation of terrorism, and formation of a “best practices” list.**
- **Exchange of information that emanates from international organisations, such as the Atomic Energy Agency, the World Health Organisation, the World Bank, the International Maritime Organisation, the International Civil Aviation Organisation, aiming at the building of a direct correspondence capacity in case of crisis, and at the strengthening of government security agencies.**

### **III. THE MANDATE OF THE SPECIAL REPRESENTATION ON ANTI-TERRORISM**

The new threats or the evolution of the older ones require new ways of thinking and more innovative and effective responses. Even more, the responses need to be more comprehensive and integrated in means, methods and scope. For instance, the anti-terrorism community need to attempt to forecast which terror group, organization or network will develop laboratories of CBRN. As terror activity is not limited on land only, maritime safety is becoming a major part of interest. Sinking a commercial ship or an oil tanker or blocking a sea route could produce immense problems to trade and subsequently to economy. The same implies to aviation security. At the same time, is widely known that illicit traffic of weapons, explosives or other illicit materials are smuggled through sea and air routes. Moreover the availability of the Internet,

satellite news channels etc. allow terrorists to communicate and demonstrate their terror abilities to a wider audience.

According to the above, the Mandate of the Special Representative on Anti-Terrorism will offer his services within the framework of the OSCE rules, promoting the collaboration of the organisation's participating states for the combat of terrorism, in accordance with the obligations under International Law, Human Rights Law and Good Governance.

The Special Representative's mandate will include:

- **Following the international situation regarding the fight against terrorism and Reporting to the President of the OSCE Parliamentary Assembly,**
- **Maintaining close contact with and serve as a focal point for the participation in the events organised by the OSCE Anti-Terrorism Unit in Vienna,**
- **Communicating with relevant actors within the OSCE and other international bodies who work on issues related to the fight against terrorism,**
- **Promoting discussions on anti-terrorism issues within the OSCE Parliamentary Assembly.**

The Special Representative on Anti-Terrorism intends to:

- Examine in-depth the political confrontations that give rise to the terrorist activity and work towards the formation of a common language and more extensively of a common policy.

- Examine the role and effectiveness of national anti-terrorism legislations towards recording and registration of them as *successful*, *less successful*, and *unsuccessful*. Under the auspices of OSCE, participating states will enhance their capability to review existing legislation or propose new.
- Urge the governments and security agencies of OSCE participating states, to act according to International Conventions, Laws and Regulations for the protection of democratic values and of Human Rights Law which are necessary for the essential legitimacy of the actions against terrorism.
- Propose and support the emergency laws, which in a given moment are considered essential for the confrontation of terrorism although they should be temporary and subjected to each legislative body.
- Ensure the exchange of information among the national intelligence agencies as a “key point” for the confrontation of terrorism, in collaboration with other OSCE bodies. Furthermore strengthen the cooperation between secret intelligence services by eliminating any obstacles during this process.
- In case that a participating state considers the use of its national army as essential for the fight against terrorism, this must remain supportive to the role of the police and to last for a short period of time. A total military attack and the imposition of military law in the place of the civil one put at risk non belligerent population and also intensify violence.
- Promote the exchange of the capacity assistance between the police’s counter-terrorism units of the OSCE participating states. The knowledge of the terrorist methods and of counter terrorist capacities constitutes major tools for these units. The Special Representating in cooperation with ATU, will provide technical assistance to enhance the capabilities of the participating states on this issue.

- Create an Observation Post for Borders Security, in order to enhance control, responsibility and the ability of states to secure their borders. This will be helpful for promoting preventive measures of financial and technical support, but more important for facilitating discipline measures to states which are inconsistent to their international engagements.

The Special Representative on Anti-Terrorism will follow the international situation of both terrorism and the anti-terrorism measures taken by the member states. On the first he will inform the OSCE of any trends that terror groups initiate, and on the second he will report to the OSCE and propose new methods to deal with them in cooperation with the other members. As the field of terrorism is wide and the threat is growing, the Special Representative will employ all the legal methods and means to deal with it.