

Bringing Terrorists to Justice

Strengthening criminal justice capacity and cooperation in the fight against terrorism in the East African Community

BACKGROUND

Security Council resolution 1373 (2001) requires all Member States to bring terrorists to justice. States' investigative, prosecutorial and judicial authorities have been forced to develop ways to deal with the increasing complexity of such cases. Effective prosecution in counter-terrorism cases is often beset by unusual developments and challenging case-management issues, thus requires a specific set of skills and expertise. To address these issues, the Counter-Terrorism Committee launched a series of practitioners' seminars for prosecutors involved in counterterrorism cases. The inaugural seminar on the theme of *Bringing Terrorists to Justice* was held at United Nations Headquarters in New York (1 - 3 December 2010). The Committee has since followed up on this initiative with three successful follow-up practitioners' seminars.¹ This forum has enabled senior prosecutors from around the world to map the challenges associated to terrorism cases; discuss key issues such as the relationship between intelligence and evidence; examine the unique concerns associated to the prosecution of preventive offences; and address policy perspectives. Discussions throughout the seminars highlighted the importance of coordination and cooperation, and the key relationship between law enforcement and prosecutors.

The Committee's assessment visits to countries of the East Africa Community (EAC) have similarly shown that the requirement to bring terrorists to justice poses a major challenge for national criminal justice systems and that many States face similar challenges in investigating and prosecuting terrorism cases. Sub-regional meetings, conducted by the Committee's Executive Directorate (CTED) in partnership with other organizations, such as the International Criminal Police Organization (INTERPOL) and International Organization for Migration (IOM), confirm that many of these challenges relate to cross-border investigations and effective border control, in that terrorists – by way of example – may rely on the logistical and financial support provided by accomplices in neighboring states, and exploit poorly monitored coastlines and territorial borders in the planning and execution of their criminal activities.

Other regional challenges include the common geopolitical features of East African countries, such as porous borders; limited capacity and infrastructure of the different States; proliferation

¹ These were held in Ankara (18-20 July 2011), Algiers (5-7 June 2012) and Dar es Salaam (26-28 February 2013).

of small arms and light weapons in the area; the relationship between terrorism and transnational organized crime; and the threat of violent extremism. It is therefore important to consider these challenges on a subregional basis. Stronger inter-state cooperation can maximize the use of available national and regional resources in bringing terrorists to justice in accordance with the rule of law.

In parallel with ongoing efforts by the United Nations, the Center on Global Counter Terrorism Cooperation (CGCC) has been a key player in facilitating stronger counter-terrorism cooperation in East Africa and the Greater Horn. Working closely with the Intergovernmental Authority on Development (IGAD)'s Security Sector Programme, CGCC has assisted IGAD Member States – Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda – in the development of regional conventions on extradition and mutual legal assistance, undertaking practical trainings, and develop new thinking on preventing terrorism in the subregion in line with the United Nations Global Counter-Terrorism Strategy. These efforts sought not only to develop and improve the counter-terrorism-related capacities of individual countries in East Africa, and their cooperation, but also to contribute to the regional security that will underpin equitable regional development.

ABOUT THIS PROJECT

Responding to the need for greater regional cooperation to counter terrorism and transnational crime in the EAC, the United Nations Counter-Terrorism Executive Directorate (CTED), in partnership with the Center on Global Counter Terrorism Cooperation (CGCC), and with the support of EAC Member States, is launching a series of regional workshops focusing on police and prosecutorial cooperation in East Africa. This process, undertaken with the generous support of the Governments of Australia and New Zealand, will bring together law enforcement officers and prosecutors from Burundi, Kenya, Rwanda, Tanzania and Uganda to discuss practical ways to enhance cross-border cooperation to prevent and counter terrorism.

These workshops will seek to achieve the following objectives:

- To enable the Committee and CTED to facilitate capacity-building for law enforcement officers and prosecutors in areas of criminal justice and cross border assistance identified during the assessments visits and various events, and identified during previous workshops;
- To build upon the experience and good practices developed and employed by the participating counter-terrorism prosecutors and law enforcement officials through dialogue with international, regional and relevant sub-regional organizations;
- To provide capacity-building for law enforcement officers and prosecutors in area of investigating and prosecution terrorism cases;
- To promote improved inter-agency cooperation and coordination; and
- To provide a platform to facilitate dialogue among East African states for enhancing the level and quality of their cooperation and mutual assistance in countering terrorism by building an informal network of prosecutors and law enforcement officials.

The “First Regional Workshop for Law Enforcement Officers and Prosecutors in East Africa on Effectively Countering Terrorism and Bringing Terrorists to Justice,” hosted by the Government of Uganda, will take place in Kampala between 7 – 9 May 2013. This inaugural meeting will provide the opportunity for representatives from law enforcement agencies and prosecutors from EAC member states to identify common challenges and opportunities for enhancing legal cooperation to counter terrorism. Discussions during this meeting will serve to shape the scope and content of subsequent workshops to be held in Burundi, Kenya, Rwanda, and Tanzania.

FURTHER INFORMATION

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