Advancing Rule of Law-Based Counterterrorism Practices in the Criminal Justice Sector

Taking stock of Implementation of the GCTF Rabat Memorandum

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BACKGROUND

The GCTF’s Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector outlines a series of 15 actionable good practices for implementing rule of law-based criminal justice measures to more effectively counter terrorism. The GCTF encourages all countries to consider the Rabat Memorandum as a source of guidance and its members and partners have been working both bilaterally and multilaterally to promote the implementation of the good practices in national and regional contexts.

As acknowledged in the introduction of the Rabat Memorandum, the capacity of a criminal justice system to engage in counterterrorism practices that comply with international law and human rights standards is not isolated to the mere existence of certain legal tools, or to the skills and knowledge of specialized practitioners alone. These good practices “must be built on a functional criminal justice system that is capable of handling ordinary criminal offenses while protecting the human rights of the accused.” It concludes that “states should in the first instance have a modern, fair and efficient criminal justice system that forms the basis for a robust criminal justice response to terrorism.”

ABOUT THIS PROJECT

In support of these efforts, the Global Center on Cooperative Security (Global Center), in close cooperation with the GCTF, is taking stock of efforts to implement the good practices identified in the Rabat Memorandum, highlight challenges, and recommend priority actions across select GCTF and non-GCTF member countries in Africa, the Middle East and the Gulf, and South and Southeast Asia.

The project will take account of concrete measures and other relevant steps that have been or are being taken to strengthen implementation of the good practices identified in the Rabat Memorandum in select jurisdictions, general and specific challenges preventing full implementation of the good practices identified in the Rabat Memorandum, as well as any impacts resulting from implementation.
of individual good practices in different countries. The final report will help inform the agenda of the GCTF Criminal Justice Sector and Rule of Law Working Group for the next two years.

METHODOLOGY

The research framework, developed in close collaboration with the GCTF, will be characterized by a simple, replicable formula with enough flexibility to be employed in diverse country contexts. The criteria examined will cover six main categories of practice outlined in the Rabat Memorandum:

- Criminalization: good practice primarily concerned with the drafting, promulgation, and operationalization of legislation in accordance with international law;
- Investigations: good practice primarily concerned with the capability for and use of specific investigatory techniques;
- Cooperation: good practice primarily concerned with the manner and extent of national and international cooperation;
- Detention: good practice primarily concerned with the exercise of lawful pre-trial detention;
- Trials: good practice primarily concerned with conduct of safe, effective, and fair legal procedure and trial; and,
- Corrections: good practice primarily concerned with the incarceration and rehabilitation of convicts.

ABOUT THE GLOBAL CENTER ON COOPERATIVE SECURITY

The Global Center works with governments, international organizations, and civil society to develop and implement comprehensive and sustainable responses to complex international security challenges through collaborative policy research, context-sensitive programming, and capacity development. In collaboration with a global network of expert practitioners and partner organizations, the Global Center fosters stronger multilateral partnerships and convenes key stakeholders to support integrated and inclusive security policies across national, regional, and global levels.

Through its criminal justice and rule of law program, the Global Center undertakes institutional needs assessments, evaluates the effectiveness of criminal justice capacity development efforts, promotes inclusive community policing practices, fosters the development of stronger platforms for interagency and cross-border criminal justice cooperation, and supports the development and delivery of dynamic justice and security practitioner training.

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