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**Session I - Special Investigation Techniques - an Overview of Existing
International Standards and their Application**

SITs constitute, on the basis of various international and regional instruments, at least the following

- . Controlled deliveries
- . Electronic surveillance (wire-tapping, clandestine filming etc)
- . Infiltration of an undercover operative
- . Online searches
- . Clandestine analysis of computer hard drives etc
- . Tracking devices on vehicles

However, the list is growing with the rapid evolution of technology.

Because of its often international character, terrorism poses particular challenges for investigators and prosecutors - which are compounded by the need to stop an attack before it happens. In these circumstances SITs are a vital tool in the fight against terrorism.

Nevertheless, SITs use must still take place within a rule of law framework and they should respect human rights to the extent possible, i.e., there should be a balancing of the investigatory benefit in terms of information learnt against any infringement of human rights, most often the right to privacy.

There are several international and regional instruments to draw on for guidance on how to find that balance:

- . UN Convention on Organized Crime
- . ICCPR
- . UNODC 2009 Guidance on the use of SITs in the organized crime field
- . UNODC Handbook of 2012
- . Council of Europe Committee of Ministers Recommendation (2005) 10
- . Arab Convention against Terrorism of 1998
- . Several other Conventions not yet in force, related to corruption, organized crime etc.

Several regional tools have been developed to facilitate the use of SITs across borders, particularly in the EU which is a highly developed model of regional integration. These tools include

- . The European Arrest Warrant
- . Eurojust and its practices

- . Europol and its practices
- . The developing European Investigation Order

There is agreement that regional organizations have an important role to play in the field. They can

- . Help draft conventions and other instruments
- . Help identify standards and best practices
- . Encourage cooperation between member states
- . Promote regional harmonization
- . Establish centers of excellence on SITs

Finally, note that while International Organisations also have a politically important role, their effectiveness depends to a considerable extent on a common understanding of the problem of terrorism, something that does not always exist

This suggests that in some cases working in regional groups which are often more homogeneous may be more effective.