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## 2nd International Conference on Terrorism and Organised Crime

### Conclusions

The aim of the Conference was to bring together representatives from different national jurisdictions in order to discuss many important aspects of the fight against terrorism and organised crime. As the threat emanating from both phenomena is fluid, we need to adjust our responses in order to maintain effectiveness. In the past few years, many new tools and techniques have become available to counter these threats and the legal and operational framework in which these methods are used has also changed.

Making effective use of current international instruments will remain essential to the success of law enforcement action against terrorism and organised crime. This includes the use of modern Special Investigative Techniques for monitoring and surveillance, and the use of Joint Investigation Teams for cross-border threats and networks. The cybercrime dimensions of transnational organised crime and terrorism are of profound concern, potentially requiring further elaboration and clarity for both law enforcement and the public at large. Additionally, though many aspects of law enforcement and security services require a high degree of secrecy, transparent oversight is necessary to maintain public trust and ensure that preventive, disruptive and investigative activities are always conducted in accordance with the rule of law and in full respect of Human Rights.

Each of the five Sessions of the Conference focused on a different aspect of terrorism and organised crime, highlighting the scale and diversity of the challenges facing States.

- Session I on the convergence and the modus operandi of organised crime and terror in Europe was chaired by Mr Alexandros STAVROPOULOS, Chair of the Council of Europe Committee of Experts on Terrorism (CODEXTER). It explored contemporary patterns of terrorist operations, the criminal backgrounds of violent extremists, the role of prison in radicalisation and the complex ways that terrorists and criminals feed off each other. It was underlined that although they use clearly different business models, the two phenomena have to be considered as two forms of organised criminality. Subsequently an overall system to combat both terrorism and organised crime has to be built. The session highlighted some of the possible avenues for further exploration, for instance, the need to reinforce current operations to disrupt arms trafficking, and the high value of intelligence collection and monitoring of prisons. The session also stressed the importance of verifying the evolution of organised crime.
- Session II on Joint Investigation Teams (JITs) was chaired by Mr Vincent JAMIN, Head of JITs Network Secretariat. It focused on the successful co-ordination and logistical

challenges faced by multistate teams to investigate and disrupt activities such as trafficking in arms and drugs and antiquities. This session featured an in-depth reflection on recent practical experiences and lessons learned from JITs operating under EUROJUST in the fight against organised crime and terrorist groups. The importance of extending the JITs positive experience in the Council of Europe context was highlighted.

- Session III was chaired by Mr Sławomir BUCZMA, Vice-Chair of the Council of Europe Committee on Crime Problems (CDPC). It focused on the need to ensure better co-ordination between competent services as a useful tool to combat terrorism and organised crime. It explored ways to overcome a number of practical difficulties that may emerge in cases with shades of both terrorism and organised crime. The session focused on the contours of criminal cases where classified intelligence or other types of sensitive material forms part of the case against criminal suspects, and the various ways states have put into place to minimise obstacles in bringing suspects to trial while maintaining secrecy in intelligence collection techniques.
- Session IV was chaired by Ms Betty SHAVE, Cybercrime Consultant. It examined practical problems in international investigations which carried high risk of going dark, that is not leading anywhere because of the various obstacles related to questions of jurisdiction, lengthy traditional procedures and the specifics of electronic evidence being stored in the Cloud. Obligations and responsibilities of the private sector were discussed as were ways to overcome restrictions of national sovereignty.
- Session V was chaired by Mr Nicola PIACENTE, Prosecutor General, Como Court, Italy. It explored various possible ways and means to improve responses to terrorism and organised crime in a co-ordinated manner. Building on national and international experience, the session explored a number of practical means to enhance international co-operation for the prevention, investigation and prosecution of organised crime and terrorism. Concrete measures and actions by the Council of Europe were proposed.

Following the discussions, the following conclusions were drawn:

- a) currently there appears to be no structural and systematic connection or shared strategies between terrorism and organised crime. Terrorism and organised crime pursue different objectives. The main links between the two are of a logistical nature: supply of arms, producing explosive devices, recruitment
- b) terrorism is clearly a form of organised crime and therefore needs to be combatted as such by using the instruments that already have proved to be effective in the fight against organised crime and vice versa
- c) the need to develop and implement appropriate, specialized investigative tools capable of coping with the evolution in criminal conduct, particularly criminals adopting newly developed technology

- d) the importance of a high degree of specialization among public prosecutors, police and potentially judicial authorities in the fight against organised crime and terrorism
- e) the need to pay close attention to organised criminal activities and terrorist actors in prisons and to ensure there are appropriate means of monitoring and intelligence collection of potential radicalization or recruitment in prisons
- f) stress the vital role played by financial intelligence in monitoring terrorist and organised crime, particularly when it comes to analysing financial flows used to prepare for or conduct terrorist operations
- g) recognition and understanding of the use of various preventative measures by law enforcement and judicial authorities
- h) develop effective means to counter the abuse of the internet and other forms of information and communication technology in facilitating and enabling terrorists and criminals to co-ordinate criminal activities, plan attacks, radicalize and recruit. In future the Council of Europe will also work with the private sector
- i) the work on the additional Protocol to the Council of Europe Cybercrime Convention dealing with Cloud evidence is urgent
- j) the Council of Europe should develop a project to set up Joint Investigation Teams on the basis of the relevant provisions of the Second Additional Protocol to the 1959 Mutual Legal Assistance Convention
- k) States must be fully aware also of the fact that the lack of ratification of all conventions and legal instruments related to the fight against organised crime and terrorism can end in lacunae and, finally, in impunity of those who committed a terrorist offence
- l) member States of the Council of Europe who have not yet ratified the Second Additional Protocol to the 1959 Mutual Legal Assistance Convention should do it as quickly as possible in order, notably, to permit the setting up of Joint Investigation Teams
- m) the importance of international co-operation based on mutual trust was stressed as being indispensable.

In conclusion, the Council of Europe and the Conference participants expressed their warm gratitude to the Spanish authorities and to the University of Malaga for their generous hospitality and for co-organising and hosting this important Conference.