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Speech

By

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Welcome and Introduction

I would like to begin by thanking you all for being here today. I would also like to thank the Mayor of Malaga and Ms Ana SALINAS DE FRIAS for their welcoming remarks and for their hard work and cooperation in helping us organise this conference here in Malaga.

We are all sadly aware of the recent events in Barcelona. This timely Conference comes in the wake of many such tragic attacks and incidents across Europe. But these attacks were not solely domestic. In Barcelona, 34 nationalities were among the dead and injured. All too often, when one of us is attacked, all of us are affected.

These Conferences are a vital exercise in bringing together a range of experts and participants to help bridge the gaps between critical areas of European and international peace and security. Together, we will discuss – here in Malaga - key issues and share vital information to facilitate and support action to fight against organised crime and terrorism in its many manifestations.

For those of you who weren't here in 2014, the previous conference on terrorism and transnational organised crime was a very useful exercise. Based on the outcomes of that Conference, the Council of Europe has taken many concrete steps to improve our efforts to counter both of these phenomena, through an Action Plan on Transnational Organised Crime and the adoption of a new instrument to counter Foreign Terrorist Fighters.

This conference aims to build on these efforts further and help ensure we remain on the right track.

Crime-Terror Nexus

The conference is an opportunity to explore some core questions: how do terrorists and organised crime interact with one another? Traditionally, terrorism and organised crime are seen as highly differentiated criminal activities – terrorism being driven by ideology, organised crime by pure and simple greed. Perhaps this picture is over-simplified, underestimating issues such as the illicit financing of terrorist groups and the terrorist modus operandi of some organised criminal gangs in their defiance of state authority. A prime example is the so-called “narco-terrorism” under Pablo Escobar, who's Medellin Cartel assassinated police officers, judges and public officials, and even bombed a passenger airline.

Though transnational organised crime and terrorism may be distinct phenomena in many cases, there can be interlinkages manifest in all aspects of law enforcement, from prevention to investigation, from disruption to prosecution and sentencing. Where such interlinkages are present, where terrorists and organised criminals are recruiting from similar pools or collaborating in crime, we must seriously examine how best we can coordinate our action and expertise in response.

Some countries, for instance, no stranger to terrorist violence in previous decades, has not suffered a major terror incident in many years. Some say their mastery of tools and

techniques to fight organised crime has greatly enhanced their ability to prevent and disrupt terrorists from recruiting or carrying out attacks.

All of us stand to benefit from an exchange of ideas and approaches.

Council of Europe Actions

The Council of Europe has been very active in these areas in recent years, and we are eager to continue facilitating further action between our partners and colleagues in both national authorities and international organisations. Within the Council of Europe, we have a number of committees dedicated to facilitating international cooperative efforts to fight terrorism and organised crime and many of their representatives are here today.

All of these experts have been active in promoting best practices and helping to guide collective efforts in the Europe (and beyond) in the fields of organised crime and terrorism. A clear recent example is our new Council of Europe Convention on Offences relating to Cultural Property, which opened for signature in May 2015. The importance of this treaty is clear: while we need to stop groups like Daesh from looting and destroying cultural sites in Syria and Iraq, at the same time we also need to stop the criminals who traffic and sell these precious stolen goods in Western markets. The treaty provides national authorities with efficient tools and a legal basis to disrupt those who seek to profit from these crimes, both regular criminals and terrorists.

To follow up on the 2015 White Paper on transnational organised crime, the Council of Europe is currently implementing a comprehensive Action Plan to help co-ordinate international efforts. A concrete measure already implemented is the use and regulation of Special Investigative Techniques. A recent Council of Europe Recommendation addresses police and judicial authorities, covering a range of practical investigative approaches and covert actions against organised crime and terrorism, for instance in terms of surveillance or financial intelligence.

Connected to this, we are also looking at improving the Council of Europe role in the facilitation of Joint Investigative Teams, and we are in the process of elaborating on a number of activities helping investigators, judges, and prosecutors from different states to work together to fight cross-border criminality and terrorism. A session of this Conference will be entirely devoted to this issue.

Financing

There are also similarities between terrorist organisations and organised crime groups when it comes to disguising the origin and purpose of their financial means. Both sectors use very similar techniques to do this. States follow the approach that, if they restrict access to this “dirty money”, one cuts off the lifeline of both criminals and terrorists. It is for that reason that anti-money laundering and counter-terrorist financing standards are both set by the same international body, the Financial Action Task Force (better known under its

abbreviation “FATF”). MONEYVAL, the competent Committee in the Council of Europe, is evaluating 34 states and territories against these standards. Moreover, 31 states in Europe have acceded to a 2005 Council of Europe Convention on the matter (sometimes referred to as the “Warsaw Convention”). Therefore, they have accepted obligations which go beyond the global standard. This concerns in particular the issue of international cooperation, which is crucial both with regard to organised crime groups and international terrorists.

MLA and Cybercrime

Furthermore, the Council of Europe has a long history of facilitating mutual legal assistance and judicial cooperation in criminal matters, providing the essential legal basis for States to work closely.

Treaties on Mutual Legal Assistance, Extradition, Transfer of Prisoners or Cybercrime are widely ratified and regularly implemented, including by a number of non-European states such as Bolivia, Costa Rica, Mexico, Chile, Japan, Australia and the United States of America. The Cybercrime Convention is the most relevant international treaty on Cybercrime and electronic evidence. It serves as a guideline for any country developing comprehensive national legislation against Cybercrime and as a framework for international cooperation between State Parties to this treaty. 55 countries are Parties and 16 countries are Observers to this Convention. At least double that number has used the Budapest Convention as a guideline for domestic legislation.

To make these treaties even better and more efficient, we are here to examine how to improve such international cooperation and information-sharing regimes in the continued fight against transnational crime and terrorism.

Closing remarks

I would like to close by remembering those we could not save in Barcelona, London, Moscow, Istanbul, Paris, and others.

In many instances, there were linkages to organised crime: arms dealers selling instruments of death and destruction, forgers and financiers, traffickers and smugglers, these so-called “normal criminals” that must have played a role in preparing the attacks.

For all these topics, and more, there are excellent panels with practitioners and experts present here today - I wholeheartedly encourage you to take this chance to discuss common interests and concerns, to share your best practices.

Together we can better prevent and respond to these tragedies. The outcomes of this Conference will feed our future engagements in an even more determined and coordinated work with all the great bunch of expertise we have in the Council of Europe. I am so pleased to see that all representatives of the relevant Council of Europe committees of experts are present here in Malaga for this Conference. We will make the best use of that unique expertise.

The Council of Europe stands ready to facilitate follow-up actions recommended by you at the end of the Conference.

Thank you.