



UNIVERSIDAD
DE MÁLAGA



Ayuntamiento
de Málaga

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

International Conference on Terrorism and Organised Crime

Málaga, Spain, 21-22 September 2017

15/06/2017

INTERNATIONAL CONFERENCE ON TERRORISM AND ORGANISED CRIME

CONCEPT PAPER

Directorate General I – Human Rights and Rule of Law

Background to the 2017 Conference:

The connection between terrorism and organised crime presents a number of major concerns to national security and law enforcement. Many European States have experienced terrorist attacks with significant links to organised criminal activity, using connections to organised crime to finance operations, procure arms and ammunition, and forge travel documents. From extreme right- and left-wing to violent separatist groups and jihadi fighters, there is clear evidence of a “crime-terror nexus” in Europe.

Generally, organised crime and terrorism have been dealt with as separate topics in law and policy. Premised on the notion that criminal gangs and terrorists clearly have distinct motivations to pursue either illicit profits or ideological/political goals respectively, law enforcement entities have adopted different strategies to prevent and suppress their activities. Depending on the national context, counter-terrorism has usually been reserved for specialised state security bodies while organised crime has been dealt with by the police. However, the clear dichotomy between the two phenomena has become increasingly blurred as terrorist actors and organised crime have emulated each other’s practices, raising a number of questions about the adequacy of current approaches in this area.

Additionally, in Europe there is an observable trend of extremists and terrorists with a significant background in criminal behaviour, particular in petty crimes, domestic violence and drug convictions. Jihadist groups in particular have sought out recruits with a criminal background and utilised connections to the criminal underworld in the planning, preparation and execution of attacks.

At the domestic level, the challenges posed by the “crime-terror nexus” require a comprehensive approach that ensures the facilitation of regular interagency collaboration and information sharing for the purposes of identifying possible links between terrorism and organised crime. Mindful of the fact that there may be a range of related crimes falling under the remit of several domestic entities, these approaches should enable law enforcement authorities to investigate and prosecute suspected persons in an efficient and effective manner. A coherent set of policies need to be in place to ensure that States are equipped with all feasible means to counter crime and terrorism while also upholding the rule of law, respecting human rights and safeguarding fundamental principles of democratic governance.

Domestic law enforcement entities must not only work together, but also with their foreign counterparts. Falling at the intersection of several legal regimes, such as the UN Convention on Transnational Organized Crime (2000) and the sectoral anti-terrorism instruments, States face a number of legal and practical issues in this area. As the particular modalities of each regime can differ greatly, there is no common regulatory approach to deal with the ever-changing nature of both terrorism and transnational organised crime. At a minimum, effective cross-border co-operation is necessary to prevent, suppress and disrupt these complex criminal networks, as law enforcement needs to be able to share relevant information and intelligence on suspected individuals who may be based in one country but who are part of a group that spans several others. As many aspects of national security are closely connected to collective security, making effective use of current international instruments will remain essential to the success of law enforcement action against terrorism and organised crime.

Aim of the Conference:

Building on the 2014 International Conference of the same name, the 2017 Conference aims to raise awareness of contemporary trends in state responses to transnational organised crime and terrorism, and also provide a platform for participants to discuss practical approaches to this multifaceted phenomenon.

By bringing together representatives of law enforcement authorities, policy-makers, and experts from a diverse range of backgrounds and national contexts, the Conference aims to identify and share best practices in the fight against terrorism and organised crime.

Structure of the Conference:

The Conference will be composed into the following four main sessions:

- **INTRODUCTORY SESSION:** Presentation of the Council of Europe Report on Terrorism and Transnational Organised Crime (TOC)
- **SESSION I:** Convergence of organised crime and terrorism
- **SESSION II:** Joint investigation Teams: The frontlines of TOC and terrorism
- **SESSION III:** The role of the judiciary: upholding the rule of law
- **SESSION IV:** Borderless Networks: Cybercrime dimensions of Terrorism and TOC
- **SESSION V:** Connecting the dots: towards a better co-ordinated response
- **CLOSING SESSION:** Adoption of conclusions

INTRODUCTORY SESSION

Presentation of the Council of Europe Report on Terrorism and Transnational Organised Crime

Experts input:

1. Crime and Terrorism: Links and Synergies by Dr. Peter Neumann, Professor of Security Studies, King's College, London
2. Legal Instruments combating TOC and terrorism: overlapping, lacunae or opportunities? by Prof. Dr. Ana Salinas de Frias, Chair of Public International Law, EU Law and International Relations, University of Málaga

SESSION I

Convergence of organised crime and terrorism

This session looks at the modus operandi of organised crime and terror in Europe. It explores how and why some terrorist groups adopt the means and methods of organised criminal groups in order to finance and execute their activities, while certain criminal organisations may emulate terrorist tactics by strategically using violence and intimidation to disrupt state institutions in order to secure and benefit their illicit activities.

SESSION II

Joint Investigation Teams: Combating Trafficking in Antiquities, Arms and Drugs

This session will feature presentations from government and police officials detailing their recent practical experiences and lessons learned from joint investigation teams (JITs) in the fight against trafficking in arms, art and drugs by organised crime connected to terrorist groups. In

light of recent multilateral actions, such as the EUROPOL-coordinated Operation Pandora, this looks at the practice and future of international efforts to clamp down on trafficking in art, arms and drugs which may be in support of terrorist groups operating in the Middle East and North Africa.

SESSION III

Ensuring criminal justice: Fair trial rights in the co-operation between Intelligence and Police Services

This session explores ways to avoid and resolve legal practical difficulties that may emerge between investigators and intelligence services during the pre-trial phase in cases with both terrorism and organised crime aspects. The session will hear from prosecutors, judges and high-level officials from the Ministry of Justice regarding means to maintain fair trial rights and due process in cases where classified intelligence (including foreign intelligence) or sensitive evidence gained through special investigative techniques (SITs) forms part of the case against suspects. As such, it looks at ways to implement and oversee practical procedures for cooperation between intelligence agencies, law enforcement and judicial officials with a view to ensuring effective and efficient criminal trials in line with applicable rule of law standards.

SESSION IV

Borderless Networks: Cybercrime dimensions of Terrorism and Transnational Organised Crime

This session focuses on how States can enhance their current approaches and adopt new concrete strategies to work with their neighbours to fight against transnational networks connecting terrorism and organised crime through the Internet. Particular attention is paid to facilitating co-operative activities in relation to internet-based crime and the investigation, transmission and receipt of digital evidence.

SESSION V

Connecting the Dots: Towards a better co-ordinated response

This final session explores the feasibility of implementing comprehensive and co-ordinated approaches to terrorist groups acting as, or connected with, organised criminal networks. With a view to further Council of Europe activities, this session aims to identify and share practical means to improve co-operation for the prevention, investigation and prosecution of organised crime and terrorism.

CLOSING SESSION: adoption of conclusions

* * *

Speakers: up to 3 per session.

Targeted Participants:

- Government officials of CoE member States and observer States
- Representatives of law enforcement authorities, including judges, prosecutors, and police
- Policy-makers
- Academic experts
- Representatives of relevant international and intergovernmental experts

Total: ~80