

Policy Guidance PG.3

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**Counter-Terrorism Committee
Policy Guidance on International Cooperation**

1. Security Council Resolution 1373 (2001), adopted unanimously by the United Nations Security Council on 28 September 2001, and other Security Council resolutions, call upon Member States to work together to prevent and suppress terrorist acts, including through increased cooperation. Resolution 1373 specifically decides that Member States shall “ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice....”. Furthermore, resolution 1373 decides also that all states shall “afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings....” Member States are called upon, in particular, to cooperate “through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and to take action against perpetrators of such acts”. The international counter-terrorism instruments also require States to cooperate with one another and to make terrorist offences extraditable and to submit terrorists for prosecution if they are not to be extradited. The United Nations Global Counter-Terrorism Strategy and its Action Plan, adopted unanimously in 2006, also contain provisions on international cooperation and extradition.

2. The Committee adopts the following policy guidance on the work of the Committee and its Executive Directorate (CTED), with a view to the effective implementation of all relevant obligations of Member States in the area of international cooperation:

- a. Call upon Member States to become parties to and implement the international counter-terrorism instruments.
- b. Encourage Member States to increase their bilateral cooperation on extradition and mutual legal assistance, including concluding agreements, as appropriate.
- c. Recommend to Member States to become parties to relevant sub-regional and regional instruments on extradition and mutual legal assistance.

- d. Urge Member States to use the applicable international instruments to which they are parties as a basis for mutual legal assistance and consider using the international instruments as a basis for extradition in terrorism cases.
- e. Encourage Member States to enact and, where appropriate, review and update extradition and mutual legal assistance laws consistent with their international obligations, including their human rights obligations.
- f. Recommend to Member States that they expedite, simplify and give priority to extradition and mutual legal assistance requests in terrorism-related cases and implement international and regional best practices in the field of extradition and mutual legal assistance, with due respect for human rights, fundamental freedoms and international refugee law.

In the field of extradition:

- g. Remind Member States of their obligations to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice.
- h. Remind Member States of their obligation to deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens.
- i. Remind Member States of their obligation to extradite or prosecute under applicable international counter-terrorism instruments to which they are parties, and of their obligation to ensure in conformity with international law that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists.
- j. Remind Member States of their obligation to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts.

In the field of mutual legal assistance:

- k. Recommend to Member States to enhance effective cooperation with one another, including the expeditious exchange of information and improved cooperation amongst competent authorities.
- l. Recommend to Member States to make every effort to enhance mutual legal assistance in terrorism cases and to share information, in accordance with international and domestic law, about the outcome of requests for such assistance.
- m. Recommend to Member States to provide the widest possible range of assistance in terrorism cases and to build bridges between different legal systems.
- n. Encourage Member States to enhance the coordination of cross-border/joint investigations in terrorism cases.

The Committee also requests CTED to intensify its efforts to:

- o. Identify and facilitate delivery of the necessary technical assistance to Member States that have not yet established effective extradition and/or mutual legal assistance processes.

- p. Facilitate technical assistance aiming at the training of prosecutors, judges and other relevant officials involved in extradition and mutual legal assistance law and practice.
- q. Work closely with international, regional and sub-regional organizations to strengthen judicial and other relevant networks and cross-regional cooperation in order to facilitate the effective processing of extradition and mutual legal assistance requests by Member States.
- r. Initiate, support and take part in international, regional and sub-regional activities aimed at promoting international, regional and sub-regional cooperation in terrorism cases.
- s. Identify and promote international best practices and tools for promoting international cooperation.
- t. Continue to closely cooperate with other actors of the UN system in the field of counter-terrorism, including the Analytical Support and Sanctions Monitoring Team of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities, the Expert Group of the Security Council Committee established pursuant to resolution 1540 (2004), and other entities of the Counter-Terrorism Implementation Task Force, in performing these tasks.