

Second day of the Thirteenth Meeting
MC(13) Journal No. 2, Agenda item 8

DECISION No. 4/05
ENHANCING LEGAL CO-OPERATION IN CRIMINAL MATTERS
TO COUNTER TERRORISM

The Ministerial Council,

Determined to reinforce OSCE counter-terrorism activities in accordance with international law and in line with existing OSCE commitments,

Recalling United Nations Security Council resolutions 1373 (2001), 1566 (2004) and 1624 (2005), which call upon all States to become party as soon as possible to the relevant international conventions and protocols relating to terrorism, and to co-operate fully in the fight against terrorism, as well as relevant OSCE counter-terrorism commitments,

Recalling also United Nations Security Council resolution 1631 (2005), in particular where it urges “all relevant regional and subregional organizations to enhance the effectiveness of their counter-terrorism efforts within their respective mandates, including with a view to develop their capacity to help Member States in their efforts to tackle the threats to international peace and security posed by acts of terrorism”,

Welcoming the ongoing efforts within the United Nations to finalize, on an expedited basis, the draft comprehensive convention on terrorism,

Recognizing that the above-mentioned conventions and protocols represent a universal legal regime against terrorism and, in the absence of bilateral treaties on mutual legal assistance and extradition, could together with the UN Convention against Transnational Organized Crime (Palermo convention) serve as a basis for legal co-operation,

Noting links that exist between terrorism and transnational organized crime,

Noting the importance of the UN Convention against Transnational Organized Crime,

Noting with appreciation the OSCE Secretariat’s initiative taken at the request of the UN Counter-Terrorism Committee Executive Directorate in developing a programme on enhancing legal co-operation in criminal matters related to terrorism in the OSCE area and organizing as the first step the Expert Workshop on this issue, held in Vienna on 15 April 2004,

Noting also the good working collaboration between the OSCE and the UN Office on Drugs and Crime (UNODC), as well as the valuable technical assistance tools developed by the UNODC for implementing the universal anti-terrorism conventions and protocols and promoting legal co-operation in criminal matters, in particular those related to terrorism,

Taking into account the recommendations made by participants in the 2005 Annual Security Review Conference with regard to further developing co-operation with the UNODC, supporting its efforts aimed at strengthening the legal regime against terrorism and promoting its technical assistance tools, in particular the Mutual Legal Assistance Request Writer Tool software, including through facilitating training and disseminating best practices for caseworkers,

Decides that the participating States should co-operate actively and fully among themselves, in accordance with applicable rules under domestic and international law, in efforts to find and to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts, on the basis of the principle to extradite or prosecute;

Invites participating States to consider the expert suggestions contained in the report on the OSCE Expert Workshop on Enhancing Legal Co-operation in Criminal Matters Related to Terrorism (SEC.GAL/111/05 of 18 May 2005), as a scale of options for improving international legal co-operation;

Tasks the Secretary General and relevant institutions to assist requesting participating States to fulfil their commitments related to the fight against terrorism. The OSCE will continue to collaborate with the UNODC in strengthening the legal regime against terrorism by promoting implementation of the universal anti-terrorism instruments, and facilitating international legal co-operation in criminal matters;

Tasks the Secretary General to organize in 2006, in co-ordination with the Chairmanship-in-Office and in co-operation with the UNODC, an OSCE expert workshop in Vienna, with the aim to promote the UNODC technical assistance tools for advancing international legal co-operation in criminal matters casework, in particular the Mutual Legal Assistance Request Writer Tool software, including through facilitating training and disseminating best practices for caseworkers;

Tasks the Secretary General to organize for requesting participating States, in close co-operation with the UNODC, national training workshops for prosecutors and judicial officials on issues of extradition and mutual legal assistance in criminal matters, in particular those related to terrorism.

MC.DEC/4/05
6 December 2005
Attachment

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER PARAGRAPH 79
(CHAPTER 6) OF THE FINAL RECOMMENDATIONS OF THE
HELSINKI CONSULTATIONS**

By the Delegation of Turkey:

“Turkey wishes to make the following interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations:

We have joined the consensus in order to make possible the adoption of this decision which, *inter alia*, addresses an important component of our collective fight against terrorism, namely, the links between terrorism and organized crime. The language in the decision seeks to reaffirm these links by means of formulations that are at variance with the OSCE agreed documents. Turkey regards the context in which this decision is elaborated to be inappropriate for a competent and thorough consideration of the nature of these links. Therefore, the adoption of the decision in no way alters, either in letter or spirit, the binding character, or mitigates the operational impact, of the participating States’ earlier policy statements contained in the Bucharest Plan of Action for Combating Terrorism (2001) and the OSCE Charter on Preventing and Combating Terrorism (Porto, 2002), and more importantly, United Nations Security Council resolution 1373 (2001).

Turkey requests that this statement be attached to the journal of the day.”