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| SECRETARIA GENERAL DEL CONGRESO DE LOS DIPUTADOS DIRECCIÓN DE RELACIONES INTERNACIONALES | |
| - 1 JUL. 2016 | |
| ENTRADA | 519 |

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| SECRETARIA GENERAL DEL CONGRESO DE LOS DIPUTADOS DIRECCIÓN DE COMISIONES | |
| 01 JUL. 2016 | |
| ENTRADA | 1670 |

**VIAJE DEL PORTAVOZ DE LA COMISIÓN DE INTERIOR DEL CONGRESO
DE LOS DIPUTADOS PARA ACUDIR AL TALLER ACERCA DEL PAPEL DE
LOS LEGISLADORES EN EL DISEÑO DE LAS POLÍTICAS
ANTITERRORISTAS CELEBRADO EN ESTAMBUL**

Los días 19 a 22 de abril de 2016 se celebró en Estambul (Turquía) el Taller acerca del papel de los legisladores en el diseño de las políticas antiterroristas. A la reunión acudió en representación del Congreso de los Diputados, el Excmo. Sr. D. Antonio María Ramón Trevín Lombán, Portavoz del Grupo Parlamentario Socialista y, en representación del Senado, el Excmo. Sr. D. Sebastián González Vázquez, Presidente de la Comisión de Interior. Asistió, asimismo, el Ilmo. Sr. D. Luis Manuel Miranda López, Letrado de las Cortes Generales.

El día 20 de abril, comenzó la reunión a las 09:30. Pronunció unas palabras de bienvenida Sr. Robert Strang, Secretario Ejecutivo del IIJ, quien fijó los objetivos y desafíos que se pretendían alcanzar con la reunión. Por otro lado, hizo una evaluación sobre la evolución de las conferencias en las que se enmarca este Taller y estableció las bases para la redacción del Memorándum final. Estableció que el objetivo último era intercambiar opiniones entre los parlamentarios.

A continuación intervino el Sr. Ireneusz Fidos, Jefe de Asuntos Políticos de EU. Comenzó su intervención aludiendo a la seguridad internacional y las zonas más conflictivas (Siria, Irak, Libia, el Cáucaso) para insistir en la necesidad de cooperación en esta materia. Por otro lado, puso en valor la relación que existe entre Turquía y la Unión Europea, así como los avances que ha hecho Turquía en materia de Derechos Humanos y la función del Parlamento en el desarrollo de la legislación internacional y la elaboración de la Ley Antiterrorista turca. Finalmente, entre los problemas que existen en la actualidad, a su juicio el más importante es la escalada de radicalización terrorista y, en consecuencia, insistió en que la cooperación debe ser en estos momentos una prioridad.

El Sr. Tunç Ügdül, Director general del Ministerio de Asuntos Exteriores de Turquía comenzó su exposición haciendo una reflexión sobre la situación del mundo en la actualidad en materia de terrorismo y señalando que nunca se había producido una situación así en la que el miedo jugara un papel tan importante. Su principal preocupación era la captación de los jóvenes por las organizaciones terroristas en las diferentes partes del mundo. Por otro lado, ante las acusaciones que se han vertido sobre Turquía en relación a su tolerancia con el terrorismo, rechazó esta idea y apuntó que dada la situación geográfica turca, tres países próximos eran territorio de entrenamiento de terroristas y que, en todo caso el terrorismo va unido a todos los países en la actualidad. Por otro lado, las condiciones de cada país son determinantes para combatir el terrorismo. Al igual que el anterior interviniente, destacó que Turquía es el primer país en tener una legislación antiterrorista que está en constante revisión para adaptarla a las circunstancias actuales. Finalmente, abogó por erradicar el terrorismo con el

análisis de los factores que dicen los propios terroristas que lo causan como son la democracia, la etnia, la lengua o la cultura para concluir que la lucha ha de ser contra los que pretenden subvertir el sistema.

El Sr. Ahmet Aydin comenzó su intervención señalando lo importante que era para Turquía ser el foro donde se desarrollara este encuentro. El foco del mismo debía ser el Estado de derecho y los derechos humanos. El objetivo final sería buscar un lugar de encuentro entre los parlamentos y las sociedades de los países representados para unir sus fuerzas frente al terrorismo. Por otro lado, reflexionó acerca de la posición de Turquía en relación con las organizaciones terroristas y cómo éstas han afectado de manera notable a su propio desarrollo, concluyendo que, en el largo plazo, las organizaciones terroristas pueden minar los Estados y las Civilizaciones. La única manera de combatir esta situación, continuó, es a través de enmendar los errores pasados y establecer una estrategia global y conjunta para combatir esta amenaza. Como muestra de este compromiso destacó que, en los últimos tiempos, Turquía había adoptado medidas de lucha contra el terrorismo y llevando a cabo una importante transformación a este respecto. Sin embargo, notó que una de las causas que subyacen al peligro del terrorismo es la xenofobia y la islamofobia. Para hacer frente a esta situación, todos los países tienen que adoptar medidas. Por otro lado, llamó la atención sobre el problema de la financiación de los grupos terroristas pues sólo pueden sobrevivir gracias a ella, siendo necesario cortar de raíz esta situación así como frenar el reclutamiento de nuevos terroristas entre las personas jóvenes. Finalmente, la única vía posible sería través de la incorporación de los principios de la ONU a cada uno de los Estados.

A continuación, se celebró la primera mesa redonda en la que participaron el Sr. Celalettin Güvenç, Presidente de la Comisión de Interior de la Asamblea de Turquía, el Sr. Javier Nart, europarlamentario, el Sr. Stefano Dambruoso, diputado de Italia y moderó la Sra. Jemima Njeri, investigadora. La discusión se centró en la exposición de la legislación terrorista, así como en los instrumentos que se hayan adoptado tanto desde el punto de vista internacional como nacional. En particular, se analizaron la Resolución de la ONU 1267 y los instrumentos del Consejo de Europa. Por otra parte, se buscaron las causas que generan terrorismo y, en particular, se puso de manifiesto, nuevamente, la necesidad de controlar los recursos y la financiación de los grupos terroristas. Se concluyó que el equilibrio entre la libertad y la seguridad es el reto de las modernas democracias. A continuación, se abrió un breve coloquio.

La segunda mesa redonda versó sobre los métodos de investigación contra el terrorismo y la efectividad de la justicia. Los intervinientes fueron el Sr. Hakki Köylü, Vicepresidente de la Comisión de Justicia de la Asamblea de Turquía y el Sr. Abdellatif Berroho, miembro del parlamento de Marruecos. El centro del debate giró en torno a la necesidad de establecer instrumentos internacionales que permitan generar procesos de investigación exitosos, así como una colaboración más estrecha entre las cortes de justicia. Sin embargo, se puso de manifiesto la dificultad de colaborar entre organismos internacionales y entre los propios países. Una primera medida consistiría en armonizar

criterios tales como el periodo de detención, la extradición o el control de fronteras. Finalmente, se concluyó que la transnacionalidad es un punto importante para combatir el terrorismo pues las propias organizaciones terroristas tienen este carácter y hace que sea aún más necesario mejorar la colaboración global. A continuación, se abrió un breve coloquio.

Tras el almuerzo, se celebró la tercera mesa redonda. En ella participaron el Sr. Jason Azzopardi, diputado de Malta, el Sr. Cokou Alexis Agbelessessi, diputado de Benin, el Sr. Mohammed Rashid, Presidente de la Cámara de la Federación de Etiopía y el Sr. Khalid Chaouki, representante de la Unión para el Mediterráneo. Ejerció de moderadora la Sra. Elena Dal Santo de UNICRI. El objeto de la discusión fue poner en común las buenas prácticas para que la sociedad civil se involucrara en la elaboración de la política antiterrorista y aceptara el compromiso en la lucha contra el terrorismo. Con independencia de otros temas de discusión, buena parte de la mesa redonda y el posterior coloquio se centró en la puesta en común de un modelo de sociedad alternativo con mayor inclusión de los jóvenes pues, al fin y al cabo, las nuevas generaciones son las que están llamadas a, de una parte, evitar caer en las redes de captación terrorista y, de otra, salvaguardar el futuro. Por otro lado, se analizó cómo el tratamiento que dan los medios de comunicación al terrorismo en general y al DAESH en particular está siendo muy perjudicial para la lucha contra el mismo.

Como último punto del día, el Sr. Valerio de Divitiis hizo un resumen de todo lo discutido a lo largo de la jornada.

Finalizado el encuentro, la Delegación se entrevistó con el Cónsul General en Estambul, D. Pablo Benavides Orgaz.

Los participantes acudieron a la cena oficial.

El día 21 de abril comenzó la sesión a las 9:00. Se abrió con la cuarta mesa redonda en la que intervinieron el Sr. Yaya Sangaré, Presidente de la Comisión de Asuntos Exteriores de la Asamblea Nacional de Mali y el Sr. Mohamed C.O. Hocine, diputado de Argelia. Moderó el Sr. Idriss Mounir Lallali, director de ACSRT. Los temas más importantes que se trataron en el debate fueron los relativos a la financiación terrorista, así como a la confidencialidad de los datos bancarios y las transacciones internacionales. Se puso de manifiesto cómo en los llamados “papeles de Panamá” había aparecido la financiación de grupos terroristas. Así pues, el equilibrio entre la transparencia y el secreto debe ser uno de los objetivos en esta materia. Por otro lado, llamaron la atención sobre la necesidad de mejorar los intercambios de información y cooperación entre las agencias y los parlamentos con el fin de tejer una red mayor de control. En definitiva, profundizar en la colaboración interestatal.

El cierre del encuentro fue a cargo de la Sra. Fatma Benli, Presidenta de la Comisión de Derechos Humanos de la Asamblea de Turquía. Comenzó su intervención con unas palabras de agradecimiento a todos los asistentes. De inmediato, entró en analizar que la paz y la seguridad deben ser los faros de guía del futuro. Y, en este

sentido, las buenas prácticas son importantes. En relación al terrorismo, señaló que el primer objetivo debería ser la propia definición del concepto para evitar confrontación entre los distintos Estados. A su vez, en relación a la religión, una mayor tolerancia y comprensión, así como pedagogía es necesario para evitar identificar a las religiones con el terrorismo pues, en el fondo, organizaciones como Al Qaeda o el DAESH, fomentan la fobia al Islam. En definitiva, encuentros como el celebrado consiguen estrechar lazos entre las distintas culturas y Estados.

A continuación, la organización brindó con un almuerzo a los participantes y, tras él, la Delegación volvió a España.

Madrid, 30 de junio de 2016.

A handwritten signature in black ink, appearing to read 'Luis Manuel Miranda López', with a large, sweeping flourish extending from the end of the name.

Luis Manuel Miranda López

Letrado de las Cortes Generales



Valletta, 6 May 2015

Rabat, 28 October 2015

Brussels, 2 March 2016

Istanbul, 21 April 2016

**Good Practices for Parliamentarians in
Developing an Effective Response to Terrorism**

DRAFT

Introduction: Terrorism is a global phenomenon that presents a direct and multi-faceted threat to human security. States have a responsibility to protect populations from terrorism-related threats, which requires actions taken with respect of human rights and the rule of law. Legislatures bear a primary responsibility in the establishment of such a framework. An engaged and independent legislative body is a critical element in developing a legitimate and comprehensive counter terrorism (CT) strategy that ensures an effective response to CT including with necessary oversight measures to protect human rights.

Parliamentarians are in the backbone in developing domestic CT legislation. Their participation in the field of CT could also increase the effectiveness of such policies, which benefits from enhanced accountability mechanisms, good governance, civic participation, resources, and adherence to international good practices as well as promoting resilience in society. CT policies are, therefore, an opportunity for increasing rule of law and human rights. Legislation is to be constantly reviewed and updated where necessary to ensure national CT policies meet evolving national, regional and global threats in compliance with international requirements. Protection of rights and upholding the rule of law is not a limitation on effective CT measures, but rather is a central pillar of CT efforts. Strengthening a rule of law counters terrorist ideology and avoids the sense of injustice that can fuel extreme activities.

In recognition of the central role of parliamentarians in countering terrorism within a rule of law framework, the following good practices intend to support: 1) incorporating the requirements of international instruments against terrorism into domestic law and enacting timely and effective national

anti-terrorism laws respecting human rights and fundamental freedoms; 2) investigating the sources of terrorism, including the financing of terrorism, radicalisation of potential individuals and typologies of terrorism; 3) establishing effective justice sector institutions and interagency bodies; 4) setting investigative tools within the rule of law; 5) promoting criminal procedure rules, rules of evidence, and justice system reforms to meet the challenges presented in terrorism cases; 6) reducing space for violent radicalization and fostering public understanding and inclusiveness of the counter terrorism response; 7) engaging civil society in the formation, development and implementation of national counter terrorism strategy; 8) allocating and segmenting sufficient budget to maximize the use of government resources to support national counter terrorism policy implementation; 9) overseeing law enforcement and intelligence services to secure citizens' rights; 10) balancing the needs of effective oversight, state secrecy and the benefits of public disclosure; and 11) promoting inter-parliamentary exchange of information and cooperation.

The issues facing parliamentarians in the CT context are necessarily cross-cutting, reflecting their overarching role in CT legislation, CT policy and its implementation, CT law enforcement and intelligence oversight, Countering Violent Extremism (CVE) and public outreach, CT budgeting and overall good governance and rule of law. The good practices for Parliamentarians in Developing an Effective Counter Response to Terrorism Regimes are based, *inter alia*, on discussions during four workshops of parliamentarians organized by the International Institute for Justice and the Rule of Law (IIJ), as part of a parliamentary initiative funded by the European Union.¹ This list of good practices is not intended to be exhaustive.² The GCTF may choose to expand or modify it to take into account States' experiences in these areas, subject to the approval of the GCTF's members.

¹ As part of this initiative, the IIJ organized regional workshops with parliamentarians in Malta in May 2015, Morocco in October 2015, Brussels in March 2016, and Turkey in April 2016. At these workshops, national parliamentarians came from 22 countries, each facing directly terrorism concerns, to work together with the European Parliament and inter-parliamentary fora and networks, the United Nations, and other organizations to share their good practices and help refine this document. Participating parliamentarians made clear their absolute rejection of terrorism in all its forms and manifestations.

² This good practices memoranda focuses on parliamentarians' role in shaping global and national responses to terrorism. These recommendations have been aided by the efforts of other parliamentary fora, such as the provisions contained in the draft resolution '*Terrorism: The Need to Enhance Global Cooperation Against the Threat to Democracy and Individual Rights*' submitted to the Standing Committee on Peace and International Security of the Inter-Parliamentary Union. These good practices also are complementary of good practices contained in other GCTF memoranda such as those set forth in the *Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector* and the *Ankara Memorandum on Good Practices for a Multi-Sectoral Approach to Countering Violent Extremism*.

Good Practice 1: *CT legislation: incorporating the requirements of international and regional instruments against terrorism into domestic law and enacting timely anti-terrorism laws respecting human rights and fundamental freedoms.*

Legislatures play a central role in developing and enacting legislation to address terrorism. International and regional conventions may require domestic legislation to become effective in many jurisdictions. United Nations Security Council resolutions call upon Member States to enact legislation to address particular terrorist threats, such as terrorism financing and criminalizing preparatory acts, but leave latitude for national legislatures to develop specific approaches to achieve those goals based on the local context. Adoption of international good practices likewise often requires national legislative action, which must also be harmonised with international conventions and resolutions and regional-level conventions that address terrorism matters.³

Parliamentarians therefore are in key positions to develop and enact timely legislation to address terrorism, including translating the universal anti-terrorism instruments into national legislation. Such universal definitions assist international cooperation and avoid double standards. Legislation should shape a consistent national plan that addresses *inter alia* factors conducive to terrorism. Legislators' role is independent. Coordination with the executive branch of the government may contribute to sound preparation of legal framework on CT.

Unlike the executive branches that are typically deeply involved in preventing and/or investigating and prosecuting terrorism, parliamentarians are in the best position to draft laws in CT that meet international obligations and good practices while ensuring the protection of human rights and fundamental freedoms including those rights relating specifically to the criminal justice system, such as due process and a fair trial, and also those relating to society more generally. Such legislation should be non-partisan and built around consensus to garner support from society. Parliamentarians can look to existing reference laws that can be tailored to meet the local context.

Anti-terrorism laws and policies should be targeted and not overly inclusive, but they must be regularly reviewed and amended and fine-tuned to evolving circumstances. Related laws, for example those related to arms trafficking, border control, and human smuggling, can be relevant. Regular and careful gap analysis of existing laws is a useful tool.

Parliamentarians are elected officials, and therefore typically serve for a limited period of time, with new members joining their ranks through elections. It is therefore recommended to ensure continuity that legislatures have standing committees of parliamentarians to draft, review and amend terrorism legislation, including through public hearings and open debate, to address emerging threats in compliance with international law including human rights and international humanitarian law. Such committees should include parliamentarians and legal professional staff with experience on justice

³ For example, Good Practice 12 of the GCTF's *Rabat Memorandum* suggests that although States may approach codification of terrorism offenses differently depending on their legal traditions, they should criminalize the offenses outlined in the relevant international counterterrorism legal instruments. Adequate incorporation into national legislation of the international counterterrorism provisions and obligations constitutes a key element in a comprehensive and coherent counterterrorism legal framework.

affairs. Ensuring inclusiveness by assigning representatives from different regions, groups, and backgrounds will enhance the legitimacy of the parliamentary committees.

Good Practice 2: *Investigating the sources of terrorism, including radicalisation of individuals, the financing of terrorism, and typologies of terrorism.*

With their broad experiences and the role as representatives of society, parliamentarians are well positioned to investigate issues relating to terrorism, including examining the root causes of terrorism in order to establish policies to prevent it. Terrorism is generated by a variety of internal and external causes. Some of these can have roots in the society, such as poverty and inequality, instability and conflict, corruption and weak or absent governance, external and internal terrorism funding, double standards, frustration and cultural alienation, and perceived injustice. These causes and others provide fertile ground for citizens, especially youth, to be recruited by terrorist organisations often through the use of social media that glorifies terrorism iconizes terrorists through the presentation of false narratives. CT policies cannot be focused exclusively on narrow goals without addressing the complexity and variety of issues and cultural enablers that lead individuals into terrorism, including foreign and national factors, economic causes, the abuse of religious beliefs by violent extremists.

Parliamentarians have the responsibility to assess and address causes of terrorism to tackle its roots while strengthening democratic foundations. Minorities' rights respect (traditions, customs) are instrumental for societal resiliency and inclusion that prevent terrorism at its roots (no polarization among different ethnicities). Interfaith dialogue can seek to reduce sectarian tension.

One good practice for parliamentarians to convene public hearings to discuss root causes of terrorism within the local community. Potential hearing witnesses can include local officials, education, religious, and other community leaders, terrorism experts, youth experts, prison officials, and, where appropriate, even former terrorists who can provide a window into the radicalisation process. Such hearings must be handled in a non-partisan manner and lead to concrete solutions that can contribute to the development of national strategy and that can be implemented through legislation, policy and other means. The involvement of front-line civil society organisations, in particular those working with youths and the defence of children rights, contribute to the public hearings.

Good Practice 3: *Establishing effective justice sector institutions and interagency bodies.*

Justice sector institutions are typically based on organic laws that establish the parameters of their authority. Interagency bodies are usually established and fostered through legislation. Their conception and design aim at pursuing coherent national level CT policies mandating different bodies with specific functions and roles to converge into a unique country vision and action. It is vital that such representative institutions establish responsibilities within the civilian criminal justice system. Parliamentarians therefore play an important role in establishing effective justice sector institutions that can prevent and counter terrorism and related criminal activities.

Conceiving and amending such institutional organic laws builds a broad foundation of national CT efforts. Parliamentarians must actively play the primary role of encouraging, developing and legitimizing sustainable justice sector institutions and organic laws. Judicial reforms can assist in this process. Specialised prosecutors, task forces, and courts can serve the purpose of effective prosecution and adjudication, as terrorism is a crime that is more effectively combatted with expertise and experience. Community policing efforts can foster better understanding and local knowledge. The development of a rapid response capacity to changing situations is often necessary.

In regions where the rule of law has been absent or undermined due to civil or military unrest or misguided policies to prior CT activities, parliamentarians play a critical role in ensuring that basic rights are restored. There can be no impunity for torture or other gross violations of human rights. In this context, rights of the victims of terrorism⁴, access to justice, and redress mechanisms should be guaranteed. It is a good practice for parliamentarians to play an active role in drafting and reviewing legislation related to the establishment and authority of different institutional or interagency bodies and consider centralizing as much as possible entities involved in preventing, investigating and countering terrorism under one authority where appropriate with a view to maximize information sharing. Parliamentarians should encourage justice institutions to be receptive to regular improvement of their technical capacities. Clearly defined mandates further ensure that authority is not abused. For other justice sector institutions, such as the judiciary, parliamentarians must ensure their independence and adequate resources. As representatives of society, parliamentarians must make sure that misguided efforts to counter terrorism do not undermine the very rule of law values that the terrorists wish to destroy.

When an international tribunal or a court has been established to focus on the adjudication and solution of specific countries' issues, as citizens' direct representatives, parliamentarians have to play an active role for observing proceedings as well as file inquiries. These may involve emergency conditions and rules set for certain countries.

Good Practice 4: *Setting investigative tools within the rule of law.*

The mandate of authorities vested with investigative responsibilities should be based on clear rule of law foundations and accountability. This concerns intelligence and investigative entities' legal mandates.

Investigators' methodologies and practices including turning intelligence into evidence, using evidence derived from the Internet, and conducting special investigative techniques must all be firmly based on sound legal provisions with adequate safeguards to protect the rights of citizens from abuse.

Parliaments play a key role in ensuring that CT investigations and adjudications respect due process and also guarantee the principles of legitimate use of investigative techniques such as undercover operations, confidential sources, and electronic surveillance. This concern equally applies to the

⁴ See the *Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings*.

intelligence services.⁵ The code of criminal procedures or other legislation should clearly regulate and define these practices and ensure proportionality and standards for detention consistent with international human rights law, such as those embodied in the International Covenant on Civil and Political Rights (ICCPR).⁶

It is a good practice to invest legislative bodies with the responsibilities to address procedural matters pertaining the investigation of terrorism-related cases to ensure that they abide by the rule of law, provide for judicial oversight, and protect the rights of the accused.

Good Practice 5: *Promoting criminal procedure rules, rules of evidence, and justice system reforms to meet the challenges presented in terrorism cases.*

In line with *The Hague Memorandum on the Good Practices for the Judiciary to Adjudicate Terrorism Cases*,⁷ criminal procedure rules and rules of evidence play a critical role in ensuring that the criminal justice system can address terrorism, including the protection of the rights of victims and the protection of witnesses and their families. The failure to address terrorism, including terrorism financing, through the criminal justice system poses serious risks of human rights abuses. Sources of criminal procedure rules and evidence vary according to jurisdictions. In some jurisdictions, such rules are codified through legislation. In others, the rules in court are developed by judicial bodies.

For example, given the international dimension of terrorism cases, evidence from different jurisdictions (such as international evidence and digital evidence) should be admissible in courts consistent with the rights of the accused. Principles of extradition should be observed. Existing legal instruments such as the Convention on Cybercrime, provide model legislation for mutual legal assistance (MLA) requests, such as in the area of digital evidence. It is recommended to have a MLA in place to help cross-border legal cooperation. Parliamentarians need to ensure the required legal ground for MLA and cooperation

⁵ A useful reference is contained in the GCTF's *Recommendations for Using and Protecting Intelligence Information in Rule of Law-Based, Criminal Justice Sector-Led Investigations and Prosecutions*. These recommendations are based on Good Practice 6 of the GCTF's *Rabat Memorandum*, which encourages States to enact rule of law-based measures to protect the sources and collection methods of such information in terrorism cases.

⁶ Terrorist cases typically involve extensive and thorough investigations, which may include the gathering of evidence from other countries. Period of pretrial detention should allow for prompt judicial review of pretrial detention, but should not be a constraint for the continued gathering of additional evidence.

⁷ The good practices identified in *The Hague Memorandum* are: 1) the necessity for specially-trained judges; 2) the use of continuous trials in terrorism cases; 3) developing effective trial management standards; 4) the establishment of special measures to protect victims and witnesses; 5) the right of the accused to a fair trial with counsel of his choosing; 6) the necessity for rules regarding the use and protection of intelligence information, sources, and methods in trial; 7) effective courthouse and courtroom security; and 8) developing media guidelines for the court and trial parties. This memorandum elaborates on these good practices, all of which reinforce the UN Global Counter-Terrorism Strategy.

to be implemented within a robust and rule of law-based framework. Robust rules of asset freezing and asset forfeiture are important tools to counter terrorism and terrorism financing. Ultimately, public trials without the use of secret evidence provides legitimacy to the government's efforts to counter terrorism.

Good Practice 6: *Fostering public understanding, and inclusiveness in the development of national counter terrorism policies and framework.*

Parliamentarians play a key role in developing public opinion-, and are therefore key for CT awareness of the whole society. Their role is twofold.

First, through their dialogue with members of society and countering and delegitimizing false narratives, parliamentarians play a role in preventing an environment where terrorism can flourish. It is not possible to effectively counter an ideology without an alternative credible message. As community leaders, parliamentarians are also well positioned to foster interfaith and interethnic dialogue or work with religious and educational leaders. Such actions can help prevent the cycle of terrorism before it starts.

Second, as elected officials not directly involved in investigating, prosecuting, or adjudicating specific CT cases, parliamentarians stand as independent representatives of the people and, therefore, they are well positioned to credibly articulate CT policy on behalf of the citizens. Parliamentarians have to ensure non-discriminatory and equality before the law practices, and lead by example. They must foster inclusiveness and good governance mechanisms. These efforts can increase community-level understanding and ownership of national CT policies. Citizens' resilience is a goal to counter the terrorists' narrative and communication.

Parliamentarians can assist in tempering the immediate emotional reactions of the public in response to specific terrorist incidents, and redirect the focus on solutions that address the long-term interests of society and thereby contribute to fostering a balanced and strategic approach for the resilience of communities against terrorist ideologies and, more generally, against terrorist recruitment efforts.

It is therefore a good practice for parliamentarians to discuss and debate policies in a non-partisan, rational, accurate and non-demagogic style to encourage an informed and open national debate where different opinions and beliefs are respected, and to build public understanding, resilience, and consensus.

Good Practices 7: *Engaging civil society in the formation, development and implementation of national counter terrorism strategy.*

Local civil society is at the frontline of communities and, therefore, constitutes a basin of knowledge for authorities to draw on. The consultation of civil society organisations (CSOs) helps to inform more

effective and resonant CT strategies. The participation of civil society in the formation of CT policies ensures the variety of opinions of the population.

CSOs reflect a cross section of society, and can provide valuable inputs and should be consulted by legislators in the formation of terrorism-related laws and policies. Community leaders' engagement should be part of civil society consultation practices by parliamentarians, for example, in preventing youth recruitment by terrorist organizations. CSOs play an essential role for communication and awareness raising efforts against terrorism, including countering narrative for delegitimizing violent extremists' views. CSOs also offer tools for monitoring the implementation of laws and policies designed to counter terrorism. The involvement of civil society in CT contributes to the engagement of people at the margins of society. Developing community outreach channels is a further role that parliamentarians can play, which helps to ensure an inclusive and sustainable support for national CT policies. Families of victims can play a role for developing informed CT policy drawing on direct experiences. CT policies formation needs to integrate community-level feedback. Civil society plays a proactive role in preventing terrorism through de-radicalisation and counter-narrative actions, especially at a community level. CSOs are critical participants in ensuring educational institutions provide robust alternatives to terrorism and identify at risk youth. Some CSOs are directly supportive of the victims of terrorism and can assist legislators to safeguard related rights. The potential abuse of civil society organizations, such as charities, by terrorist and related organizations (e.g. to provide terrorism financing, movement and support) should be prevented and individuals involved in breaches of the law should be investigated and prosecuted, but without interfering with the healthy role played by legitimate CSOs.

Civil society must have space and fertile ground to succeed in its mission. CSOs' action has to be in a result-oriented synergy with national authorities with proportionate accountability levels even while they remain separate from formal government structures. It is a good practice for parliamentarians to ensure civic groups and individuals can openly express their views regarding CT measures through hearings open to the public. A robust and open debate regarding the need and efficacy of existing and planned CT measures can lead to greater consensus within society.⁸

Good Practices 8: *Allocating and segmenting sufficient budget to maximize the use of government resources to support national counter terrorism strategy implementation.*

Parliamentarians play a central role in approving public expenditures and use of public resources. Effective CT measures require adequate funding and justice sector officials should receive adequate compensation. Since an increased budget does not necessarily reflect a better CT policy, CT efforts' funding must be considered in light of other government programs designed both to prevent terrorism and to meet the other needs of its citizens. This process should include transparency of procurement and recruitment components of resource allocation. As representatives of the citizens, parliamentarians

⁸ See the GCTF's *Abu Dhabi Memorandum on Good Practices for Education and Countering Violent Extremism* as well as Good Practice 11 of the GCTF's *Ankara Memorandum on Good Practices for a Multi-Sectoral Approach to Countering Violent Extremism*.

are well positioned to make rational assessments of public expenditure to support executive institutions' accountability and ensure good governance.

A sound rule of law compliant CT policy directly strengthens the representative institutions and good governance of countries. Societal core sectors such as welfare, education, health, religious services should be considered as part of comprehensive CT response where citizens' security is built through correct pursuance of rule of law and human rights across society. CT provides for an opportunity for strengthening democratic basis and society resilience to violence and intolerance. Security and justice are part of broader development goals. Anti-corruption efforts are complementary to these goals. Investing in the pursuit of human rights compliant CT policies means sustaining societal democracy foundations.

It is a good practice to ensure that public resources are available for sustainable CT policies. Parliamentarians may be able to identify and liaise with external supports for funding of the national budget. While it may not be possible, or even advisable, for parliamentarians to micromanage all aspects of the national government, they should firmly establish budgetary policies and sustainable goals. Parliamentarians should develop mechanisms for allocation of funds, effective auditing processes and end use monitoring of CT policies and expenditures, through use of a select committee where appropriate, and conduct on site visits to ensure direct information to relevant parliamentary committees. Sharing budget information with the public serves a valuable purpose of allowing citizens to know how public financial resources are being spent.

Good Practice 9: *Overseeing law enforcement and intelligence services to secure citizens' rights.*

Independent oversight of justice and security sector bodies requires a parliamentary committee to carry out its mandate consistently and neutrally. Effective oversight requires direct access to information. Capacity building on oversight requirements with an element of comparative approach between jurisdictions is to be promoted. Parliaments should establish the legal framework that sets the powers and defines the limits of law enforcement and intelligence agencies. This includes:

- setting up mechanisms to establish fully equipped and professional law enforcement and intelligence agencies (i.e. exercise control over selection, appointment and promotion systems) and define operating procedures;
- preventing torture and other gross violations of human rights;
- providing means to raise and maintain the required quality of institutions' standards and technical capacities (i.e. providing financial resources, investing in human resource capacities, and, providing a functioning administrative structure);
- defining and implementing evaluation mechanism of law enforcement and intelligence services agencies;
- linking the provision of financial resources to law enforcement and intelligence services agencies with accountability obligations and, for this purpose, robust conduct auditing.

Selection and clearance of parliamentary members is instrumental to ensure their timely access to information that is not open to the general public while preserving operational information

confidentiality. Parliamentary oversight committees need selection mechanisms to bear the responsibility of this unique role.

Different parliamentary committees can be relevant for overseeing law enforcement and intelligence agencies' work. Therefore, merging various committees' members in a specific select committee for overall CT oversight can increase effectiveness.

Oversight of intelligence, enforcement and prosecutorial authorities must ensure that human rights abuses are promptly addressed. Judicial independence must be preserved throughout. The distinction between investigation entities and intelligence services should be preserved. Policies and actions that fail to respect human rights must be independently investigated by relevant parliamentary committees. Parliamentarians should further proactively ensure that the oversight mechanisms are timely and adapted to evolving circumstances. Citizens' awareness of their rights, including right to security, helps to better comprehension of the responsibilities and builds increased trust in CT policies. The media and civil society can contribute to oversight efforts by having open channels to bring information to the attention of oversight committees without fear of reprisal.

Parliamentarians should similarly monitor prisons management and conduct assessments of any specific CT and countering violent extremism (CVE) practice aimed at the reintegration and rehabilitation of those convicted for terrorism offences that is carried out within the detentions settings.⁹

Operational information (investigation) and review of its management after conclusion are to be separated. The former may require full classification, the latter a chance for greater transparency and trust. The limitation of rights can be legitimated by security objectives as long as it is exercised in compliance with the rule of law and criminal justice international standards.

Good Practice 10: *Balancing effective oversight, operational security, and the benefits of public disclosure.*

Disclosure of information to the public is beneficial for transparency as it builds the public's trust in their government over the long term. Executive branch officials' claims of state secrecy should be closely scrutinized to prevent efforts to conceal misconduct or ineffective policies.

Nevertheless, there can be justifications for withholding information, sources, and methods, particularly those relevant to ongoing CT operations. The right to information can therefore be limited when the need of security requires the classification of information. Parliamentarians should reach a protocol with other parts of the government to ensure that sufficient levels of information are disclosed while maintaining the needed level of secrecy for the government to lawfully exercise its functions with regard

⁹ See the GCTF's *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders* for a useful reference on this matter.

to CT objectives. Legislators need to define the overall legal framework for state information classification.

It is a good practice to form a committee of parliamentarians, which is to be provided with sufficient security clearance to evaluate directly classified materials. A specialized parliamentary committee can assess the level of details to be disclosed to the public. Information should remain classified only so long as it serves a legitimate need of state security or to protect sources and methods and the confidentiality of ongoing investigations; classified materials should be reviewed regularly to determine whether classification is still required, and materials no longer requiring classification should be promptly declassified and made available.

Good Practice 11: *Promoting inter-parliamentary exchange of information and cooperation.*

Terrorism is a global challenge with a strong transnational dimension. Parliamentarians play a role in developing and supporting foreign policy. They should seek opportunities to encourage policies that lead to resolution of local or regional conflicts that, if left unresolved, can create conflict zones where terrorism can grow.

Inter-parliamentary efforts can provide a critical bridge to permit greater international cooperation. The information sharing among national authorities is essential, yet too often it is frequently hampered by less than adequate existing cooperation mechanisms. Parliamentarians stand in a position to open dialogues to develop the necessary levels of trust and cooperation with their international counterparts often with more flexibility than executive structures. As part of such parallel bilateral and multilateral diplomacy, it is recommended for inter-parliamentary fora to convene regularly and discuss CT policies and their commitments. It is a good practice for parliamentarians to establish points of contact and exchange existing good practices with other countries and ways to maintain a balance with legal safeguards protecting human rights.¹⁰ Existing regional and international parliamentary assemblies and networks can support these efforts.

Parliamentarians also have a special role to play in developing the architecture of regional bodies that can further support operational and information sharing to foster regional and inter-regional CT responses. Parliamentarians likewise have a responsibility to contribute to the development of the wider CT regional and global response of the international community. Inter-parliamentary cooperation may focus on action, such as following up on legislation implementation, taking concrete steps for the enhancement of CT legislation and its rule of law compliance, or facilitating cooperation among CT practitioners. International organizations can provide briefings and subject matter knowledge sharing for and among parliamentarians. Voluntary international mutual review mechanisms can be beneficial when adopting new legislation or policies, or amending existing ones.

¹⁰ *The Rabat Memorandum's* Good Practice 9 specifically encourages the development of practices and procedures to encourage international cooperation in CT matters.