



**Implementing the United Nations Global Counter-Terrorism Strategy in Central Asia  
1st Expert Meeting on Pillars I and IV of the Strategy  
Bratislava, Slovakia, December 15-16<sup>th</sup>, 2010**

**FINAL REPORT <sup>1</sup>**

The first expert meeting of the CTITF and EU project on the implementation of the UN Global Counter Terrorism Strategy in Central Asia took place in Bratislava on Dec 15-16th 2010. The meeting was co-organized by the CTITF, EU and UNRCCA with the support of the host government of Slovakia and financial support from the Government of Norway.

The goal of the first of three meetings was to provide a platform for sharing experiences, to explore mutual cooperation among Central Asian countries, to identify best practices and gaps in their efforts towards countering terrorism, and to gather concrete recommendations on Pillars I and IV of the Strategy for the Joint Action Plan for the Implementation of the UN Global Counter Terrorism Strategy in Central Asia. It brought together 56 representatives of:

- Governments of four Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan) represented through four representatives of their Ministries of Foreign Affairs, National Security Committees and Prosecutor General's Offices;
- Representatives of regional and other countries (Afghanistan, Russia, Iran); representatives of regional organizations (RATS/SCO, SCO, CIS, CSTO, OSCE, ODHIR/ OSCE, NATO, CICA, ISESCO and ICRC);
- Representatives of EU (EEAS);
- Representatives of UN/CTITF entities (OHCHR, UNODC, UNDP, UNDESA, DPA, UNHCR, CTED, DPI, UNICRI).

The first expert meeting covered Pillars I: *Measures to address the conditions conducive to the spread of terrorism* and Pillar IV: *Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism*. These were discussed during five moderated Working Group sessions:

- 1) Conflict prevention and mitigation of trans-national security threats to address conditions conducive to the spread of terrorism;
- 2) Measures to address conditions conducive to the spread of terrorism through social inclusion, education and sustainable development;
- 3) Promoting tolerance, inter-cultural, inter-religious and inter-ethnic dialogue to address conditions conducive to the spread of terrorism;
- 4) Ensuring respect for human rights and the rule of law, including good governance, to address conditions conducive to the spread of terrorism
- 5) Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.

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## Executive Summary

### Overall Messages:

- Prevention of terrorism in Central Asia is central to protecting the well-being and security of populations while ensuring national and regional stability. It is also a matter of global concern, considering that the wider region has turned into one of the main fronts of global counter-terrorism efforts.
- Linkages between terrorism, organized crime, money laundering, drug trafficking, trafficking in human beings and lack of rule of law make multi-faceted cooperation at the national, regional and international levels an urgent imperative.
- The implementation of the UN Global Counter-Terrorism Strategy, which was unanimously adopted in 2006 by the UN General Assembly, including by the Central Asian states, is a unique opportunity to coordinate efforts and put direction on the many different initiatives of national, regional and international bodies engaged in counter-terrorism.
- The four pillars approach of the Strategy is unique for its integrated, comprehensive and harmonized methodology. It recognizes that in the fight against terrorism, enforcement strategies need to be combined with preventive ones that are based on the respect of human rights and on the understanding of conditions conducive to terrorism, be they ideological, socio economic, cultural or religious. The Strategy and its holistic approach are welcomed by Central Asian countries.
- It is crucial to identify and tackle the conditions that are conducive to the spread of terrorism. For Central Asia, these include both external factors, such as instability in Afghanistan and the nexus between trans-national crime and terrorism, as well as internal factors that stem from shortcomings in ensuring social inclusion, sustainable development, inter-cultural, inter-religious and inter-ethnic harmony, tolerance and respect for human rights.
- Respect for the rule of law, good governance, and human rights for all are the fundamental basis of the fight against terrorism. These measures include for this region the implementation of a rule of law based extradition, cooperation in the asylum system, and developing clear and detailed criminal procedures and guarantees to prevent abuse of power while ensuring full respect of human rights.
- The media and the education system play a key role in promoting positive values that could counter violent extremist tendencies in Central Asia, and as such, their roles and capacities must be enhanced.
- Regional organizations, such as the RATS (SCO), CSTO, CIS, OSCE, CICA have already accumulated practical experiences that are useful in developing and implementing the Joint Action Plan for the Implementation of the UN Global Counter Terrorism Strategy in Central Asia. The Strategy can also serve as a strategic framework for enhanced cooperation and coordination of their efforts.

## **Summary of Recommendations**

### **Session 1:**

- In order to prevent tensions that could lead to conditions conducive to the spread of terrorism, states of the region should intensify efforts to resolve conflicts that may arise due to economic or political issues, such as water/energy crisis, illegal migration, inter-ethnic conflicts, and the smuggling of drugs and weapons. Conflict prevention and dispute settlement, supported by regional and international organizations, should be through peaceful means, preventive diplomacy and dialogue.
- As instability in Afghanistan presents a threat to the spread of terrorism in Central Asia, efforts must intensify towards political and economic solutions. Cooperation among Central Asian countries and Afghanistan should be supported and coordinated in the framework of regional and international organizations in the areas of cross-border projects, capacity building, information sharing on terrorist organizations and individuals, mutual cooperation in criminal matters, exchanges of best practices, and joint training and exercises.
- Common efforts and joint initiatives involving security services, law enforcement agencies and border management need to be strengthened to counter the production and trafficking in narcotics as one of the main sources of financing of terrorism.
- A more effective border management system, including coordinated initiatives towards enhanced border control and verification of identification documents, is needed for border security, and existing initiatives of regional and international organizations need further financing.
- Systematic exchange of information is necessary among Central Asian countries on the sources of terrorism, on its linkages with organized crime, and on early warning methodologies for its prevention.

### **Session 2**

- National development strategies of Central Asian states should specifically target the youth, the women, returning migrants and other vulnerable populations in initiatives for education, sustainable human development, social justice and social inclusion in order to reduce their marginalization which makes them vulnerable to violent extremism and recruitment by terrorists. Counter-terrorism strategies should make explicit linkages with the need to eradicate conditions that lead to the spread of terrorism. At the same time, however, the development agendas should not become subordinated to the security ones.
- More research, new methodologies, shared databases, and inventory of best practices are necessary to understand and tackle the specific linkages between terrorism and socio-economic conditions, such as poverty, social exclusion and marginalization in Central Asia.
- The education system and educational institutions in the region need to be reformed and improved in order to cater to the needs of the youth in Central Asia, and to encourage them to remain in their countries. The education system should also

include knowledge about human rights, conflict prevention and resolution, Islam and shariat and values of respect and tolerance between people and religions.

- The roles, responsibilities and capacities of civil society need to be enhanced for creating conditions that counter the spread of terrorism. They should be guarded against illicit and violent propoganda that can incite to hatred in the region

### Session 3

- Governments should respect the right to freedom of religion or belief of all individuals and religious communities, particularly when adopting specific legislation and policies to counter terrorism. Any measure taken to counter-terrorism, including legislation that may limit the right to freedom of expression, religion or belief and association, must comply with the international human rights obligations, including the principles of legality, proportionality, non-discrimination and necessity.
- The institutionalization of inter-faith, intra-religious and intra-ethnic dialogue needs to be supported and capacities of existing institutions strengthened, including through exchanges between institutions within the region.
- The capacity of Imams needs to be strengthened through specialized training courses, enhanced regional or national religious institutions/theological centers and exchanges with other Muslim countries, so that they can help educate believers in Central Asia in distinguishing between traditional Islamic teachings and values and radical and extremist misinformation.
- The media must be cultivated to serve as a platform for free expression which can foster values for human rights, tolerance and anti-discrimination and disseminate information on conditions conducive to triggering conflict and the spread of terrorism. It should be guarded against abuse for purposes of incitement to ethnic and religious discrimination and hatred. Efforts towards increasing the responsibility of the media can be through the establishment of a code of conduct, training, capacity building, monitoring and financing.

### Session 4

- Respect for all human rights and the rule of law as the fundamental basis of the fight against terrorism must be explicitly stated in national and regional counter-terrorism legislation and strategies and adequate measures implemented in practice. Any measures taken to combat terrorism must comply with states' obligations under international law, in particular international human rights, refugee and humanitarian law.
- Support should be provided to states in conducting human right based reviews of substantive procedures and contents of counter-terrorism laws to ensure that national counter-terrorism legislations comply with international human rights law and standards. Systematic exchange of information and experiences also needs to be enhanced between Central Asian countries in compiling, analysing and sharing of database for counter terrorism legislation.

- Access to justice and criminal justice procedures, especially those applied to terrorist offences and related crimes, need to be further strengthened to comply with international human rights standards. Independent oversight and accountability mechanisms need to be established and applied as regards the use of special investigation techniques, arrest, detention and prosecution. Information and experiences in criminal justice procedures need to be better shared among Central Asian States. Safeguards must be put in place to ensure that the guarantees set out in the International Covenant on Civil and Political Rights (ICCPR) are respected on the matter of detention so that the law and the judicial process are not by-passed. International legal standards also need to be applied when it comes to the issue of the right to privacy.
- Because of the existence of different juridical and judicial systems, better coordination and mutual cooperation are needed in Central Asia in order to reach a common understanding of extradition policies and practices and establish procedures for mutual legal extradition and cooperation in criminal matters in line with international requirements.
- Counter-terrorism measures must fully comply with international refugee law refer to the 1951 Convention, relating to the Status of Refugees, and must not compromise refugee protection principles or erode the institution of asylum. At the same time, there should be better coordination between governments and international agencies on data collection and analysis.
- Systems of assistance need to be developed at the national and regional levels to address the needs of victims of terrorism, including the respect of victims' right to truth, justice and reparation. The media should further be engaged to give a voice to victims. Solidarity should be built at the international level to support victims of terrorism.
- In order to ensure transparency and accountability, national strategies on counter terrorism should be subject to opportunity for public discussion and input.
- The adoption of a single definition of terrorism among Central Asian states could be considered in order to enable the formulation of compatible and agreed upon measures to counter terrorism and to eliminate conditions conducive to its spread.

#### Session 5

- Human rights and rule of law guarantees should form a part of comprehensive, holistic national and regional counter-terrorism strategies. The accountability of states towards existing international obligations under the UN system should be strengthened and measures need to be devised to ensure that any measures taken to combat terrorism comply with international principles or that states do not use double standards in their terrorism related activities.
- Cooperation with UN human rights mechanisms including the Human Rights Council and its special procedure mandates, UN treaty bodies and the Special Rapporteur on human rights while countering terrorism should be enhanced. Resources of the UN Human Rights system, the EU, and other regional and international organizations could be consulted to provide expertise and advice.

- The assistance of National Human Rights Institutions and Ombudsman's offices could be sought in efforts towards countering terrorism while ensuring respect for human rights. Their capacity for reviewing draft legislation, engaging in dialogue with governments and legislatures and informing the public need to be enhanced.
- Information materials, guidelines and training manuals need to be adopted specifically for the region in local languages and in Russian on the inclusion of human rights instruments in counter-terrorism activities. These materials should be distributed widely, and training made mandatory for actors in the administration of justice, such as law enforcement officers, judges, lawyers and prosecutors. Human rights trainings at the national and regional levels should be provided for officials from National Security Committees, from Ministries of justice and from Prosecutor's Offices.

## Conclusions and Recommendations in Full

### Session 1: Conflict prevention and mitigation of trans-national security threats in Central Asia to address conditions conducive to the spread of terrorism

#### Conclusions

- Conditions conducive to internal conflicts that could make countries vulnerable to terrorism exist in most Central Asia states but in different combinations and intensity. External factors of concern are continued instability in Afghanistan and the nexus between terrorism and trans-national crime, especially drug trafficking. Internal factors have to do with the need to ensure social inclusion, sustainable development, inter-cultural, inter-religious and inter-ethnic harmony, tolerance and respect for human rights.
- Central Asia states have accumulated valuable experiences in mitigating conflict and in particular in preventing inter-state tensions from escalating into conflicts. This is testimony to strong mechanisms of conflict prevention within the region and positive peacemaking efforts of regional and international organizations.
- The record in developing inter-state cooperation in Central Asia is however mixed and needs further encouragement. The most urgent issues that need further cooperation and dispute settlement include the distribution of water resources, migration and cross-border ties between ethnic communities.
- Concerns for instability in Kyrgyzstan require concerted efforts for a peaceful transition in order to ensure that conditions such as inter-ethnic conflicts, weak borders, low living standards and unemployment do not contribute to the spread of terrorism.
- The most acute cross-border security challenge in Central Asia is related to drug-trafficking with its linkages with illicit trafficking of arms and other forms of organized crime, especially money laundering and financing of terrorist groups in the wider region. Porous borders, increased opium and heroin production in Afghanistan, lucrative incentives for criminal groups, and high demand in Western countries contribute to the use of Central Asian territories as trafficking routes.
- Persistent instability in Afghanistan remains as the most critical source of external risk for the spread of terrorism in Central Asia. It has made countries of the region vulnerable to the incursion of illicit weapons, drugs and money used for funding of extremist and terrorist organizations. Although countries bordering with Afghanistan are most affected by illicit trafficking, the entire region remains at risk.
- Much has been done by Central Asian states and regional organizations to support stabilization and reconstruction in Afghanistan. This includes the delivery of electricity to Afghanistan, building of railways, cooperation on counter-terrorism and counter-narcotics, as well as the implementation of agreements on transit of NATO non-military materials through the territories. Political, strategic and pragmatic

solutions have also been proposed by most Central Asian states (*inter alia*, initiatives of the SCO for a SCO-Afghanistan Contract Group, its Moscow Declaration on Afghanistan and the 2009 Action Plan of SCO Member States and Afghanistan on combating terrorism, drug trafficking and organized crime, the Uzbek proposal for reinvigorating the 6+3 process under the UN, Kazakh efforts to engage OSCE during its 2010 Chairmanship, the Turkmen proposal for mediating for talks, as well as Kyrgyz and Tajik proposals for cooperation with Afghanistan).

- The Central Asian states have all insisted that there isn't a military solution to the stabilization of Afghanistan, and efforts need to be intensified through political and economic means. Much greater use should be made of intelligence rather than of military force in Afghanistan in order to reduce conditions conducive to the spread of terrorism in the region, while economic projects need to intensify as incentives for peace.
- Deteriorating instability and the lack of the rule of law in the tribal areas of Pakistan are also a source of concern for Central Asian countries. These regions have become safe heavens for the Al Qaeda and for Madressahs and training camps that can contribute to incitement to commit terrorist acts by individuals from Central Asia.
- Border vulnerabilities add to the risk of the spread of terrorism from outside and within Central Asia. The monitoring of borders has geographic, political and economic limitations that need to be overcome with the support of regional and international organizations. Supporting and further developing border control projects and cross-border co-operation are necessary within the region and with the northern part of Afghanistan which have a direct impact on Central Asia.

#### Recommendations for the Action Plan

- In order to prevent tensions that could lead to conditions conducive to the spread of terrorism, states of the region should intensify efforts to resolve conflicts that may arise due to economic or political issues such as water/energy crisis, illegal migration, inter-ethnic conflicts, and the smuggling of drugs and weapons. Prevention and conflict resolution should be through establishing and maintaining a constructive dialogue between the governments. Regional and international organizations should support states' efforts through preventive diplomacy, confidence building, technical assistance, as well as mediation and dispute settlement.
- Current crises must be mitigated to prevent conflicts and instability in the region: Efforts must be intensified towards supporting the transition to a peaceful state-building process in Kyrgyzstan, and disputes over distribution of water resources between communities and between upstream and downstream countries need to be settled and mitigated to prevent the risk of escalation.
- Central Asian states, with the support of regional and international organizations, need to be included in the development and implementation of political and economic solutions in Afghanistan. Effective cooperation among Central Asian countries and Afghanistan should be supported and coordinated within the framework of regional and international organizations. Cooperation should be intensified in the areas of cross-border projects, capacity building, information sharing on terrorist organizations



and individuals, mutual cooperation in criminal matters, exchanges of best practices, and joint training and exercises.

- Existing and planned initiatives of regional and international organizations for stabilization and reconstruction of Afghanistan, including the upcoming UN regional initiative with OIC, the SCO-Afghanistan Contact Group and Moscow Declaration, and OSCE border control and police training projects, need to be supported as means for eradicating conditions conducive to the spread of terrorism in the wider region. More active partnership between NATO, ISAF and UNAMA with the SCO, RATS, CSTO, CIS and CICA is also necessary.
- Although cooperation has steadily improved, further efforts are still needed to counter the production and trafficking in narcotics as one of the main sources of financing international terrorism. In particular, joint initiatives involving security services, law enforcement agencies and border management need to be strengthened. The expertise of such organizations as RATS, CSTO, UNODC and CARICC on counter-narcotics needs to be better tapped into for tackling the organized crime/narcotics/terrorism nexus in the region.
- A more effective border management system, including coordinated initiatives towards enhanced border control and verification of identification documents, is needed for border security. Existing efforts have been useful but insufficient for meeting this challenge. Greater attention and more resources are necessary to build on the valuable experiences developed by the OSCE, the EU and the UN.
- Early warning methodologies for crisis prevention, information about the sources of terrorism, as well as analysis of linkages between terrorism and organized crime need to be developed and shared among the countries of the region with the help of regional and international organizations. National research institutions of the region should be engaged in joint research and training on countering terrorism.
- The media, and in particular electronic media, is an increasingly important vehicle for disseminating and interpreting information on conditions conducive to triggering and spreading conflict and terrorism. International and regional organizations should work together with the states of the region to strengthen and promote a free and vibrant press while at the same time engaging media representatives and state authorities – at the local as well as regional levels - to support an increasing responsible coverage of such conditions.

<b>Session 2: Measures to address conditions conducive to the spread of terrorism through social inclusion, education and sustainable development</b>
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Conclusions

- In this region, the linkages are not immediately apparent between socio-economic exclusion, poverty and terrorism. Although, without doubt, sustainable development, social inclusion and education have positive outcomes for the overall well-being of Central Asians, given the complex phenomenon of terrorism, simplistic causality linkages cannot be drawn, especially in the absence of specific knowledge, methodologies, and instruments to gauge the evidence in the region.

- On the one hand, sustainable development, in a way that is inclusive and provides welfare and employment for people, does address conditions conducive to the spread of terrorism directly. Where states have been successful in wealth and employment creation and in improving living standards, incentives have been diminished for recruitment. The evidence has been the fact that regions excluded from development planning processes are prone to more incidents of terrorist activities, and poor and uneducated people have been recruited to act as foot soldiers of terrorists.
- On the other hand, however, terrorist recruitment and activities have also manifested among highly educated, rich and socially integrated societies. Leaders are not necessarily from the poorest regions or from low income groups. Poverty is not always a reason for engaging in terrorist activities, and the problem might not be simply resolved by increase in welfare. Even if there is a strong link between security and development, it is also important not to confuse the development agenda with the security one and risk jeopardizing the neutrality and impartiality of development and humanitarian organizations, while stigmatizing the poor and excluded people.
- Stigmatization, indignity and social injustices are the most important dynamics contributing to the existence and spread of terrorism. Reducing poverty is, therefore, not enough. It has to be accompanied by measures to provide human development and human security, as well as opportunities for people to live dignified and meaningful lives. Good governance requires the creation of efficient institutional mechanisms allowing people to express their needs, concerns and opinions and ensuring respect for their civil, economic, political, social and cultural rights.
- Good governance is also not enough, if corruption and other dysfunctionalities are manifested at the local level. A balanced approach to development planning should be adopted to ensure that all communities within a nation are targeted equally in order to reduce marginalization. A rights based approach to development should also include respect for the rights to freedom of opinion and expression, and the right to take part in the conduct of public affairs.
- Quality education is both an objective in itself and a tool for diminishing conditions conducive to terrorism and its spread. The weak education system in some Central Asian countries, therefore, needs to be reformed in order to retain those who would otherwise choose to study abroad, often in unregistered Madressahs, where they can become exposed to incitement to religious hatred and violence.

#### Recommendations for the Action Plan

- In order to effectively counter terrorism, national development plans and MDG Plans of Action of Central Asian countries need to include specific goals and measures for social inclusion, education and sustainable development that target conditions that are conducive to the spread of terrorism. Employment, wealth creation, social justice, fair and balanced sustainable development and a rights based approach to development, that includes respect for the rights to political, socio-economic and cultural freedoms, need to remain high on the agendas for human development of Central Asian countries.

- While sustainable development needs to be pursued vigorously for its own sake and in a way as to reduce socio-economic conditions that contribute to the spread of terrorism, development strategies should not be linked explicitly with – and become subordinated to – States' counter-terrorism programs. At the same time, counter-terrorism strategies could make explicit linkages with the need to develop political, social and economic policies and programmes geared towards the inclusion of vulnerable populations in order to reduce marginalization that can propel violent extremism and the recruitment of terrorists.
- With the help of regional and international organizations, Central Asian countries need to specifically target the **youth** in initiatives for education, employment and social inclusion, including participation in political processes, in order to reduce their marginalization which makes them vulnerable to extremism and recruitment by terrorists. Special attention should also be placed on empowering **women** and strengthening their role, so that they can exert a stabilizing influence in communities and avoid becoming vulnerable to recruitment by extremists and terrorists for economic gain. Concrete steps should also be taken to fully reintegrate returning **migrants** into their societies of origin, as well as to protect them abroad from xenophobic tendencies, in order to reduce conditions leading to marginalization, ostracization and negative influences.
- More research is necessary to understand the specific linkages between terrorism and socio-economic conditions, such as poverty, social exclusion and marginalization in Central Asia. Methodologies need to be developed and shared among research institutions to assess these relationships at the national and regional levels, allowing for comparative analyses of data. Example of good policies and programmes that tackle the problems of marginalization, exclusion and social fragmentation should also be shared among Central Asian countries with the help of relevant international and regional organizations.
- Sustained dialogue and cooperation is necessary between governments and civil society on issues related to marginalization, political exclusion and social fragmentation, in order to jointly reduce conditions conducive to terrorism and its spread. Civil society should be strengthened through supportive legal frameworks in compliance with international human rights law and standards and adequate financial support.
- The education system and educational institutions in the region need to be reformed and improved in order to cater to the needs of the youth in Central Asia, and to encourage them to remain in their countries, since good quality education is key to countering their acceptance of extremist ideologies.
- Knowledge about human rights, conflict prevention and resolution should be incorporated into the education systems of the region. Specialized education on Islam, its philosophical legacy, and Islamic law (Shariat) should also be made available at secondary and tertiary levels in order to counter violent and extremist ideas.

### **Session 3: Promoting tolerance, inter-cultural, inter-religious and inter-ethnic dialogue to address conditions conducive to the spread of terrorism**

#### Conclusions

- Central Asian countries consist of tolerant, multi-ethnic and multi-religious societies where legislation and institutional mechanisms are provided to protect the rights of different minorities and religious groups. In all constitutions of Central Asian countries, religion is separated from the state, while specific laws on religion recognize the right of individuals of different religions to practice, associate and speak freely. At the same time, however, the adoption of laws and practices that restrict freedom of religion in some countries have raised concerns: The Special Rapporteur on Freedom of Religion or Belief has made further recommendations on ensuring that laws on religion or on religious organizations are made compatible with international human rights standards and do not contradict the constitutions of the states.
- All the Central Asian countries have Committees on Religious Affairs in charge of regulating religious activities. Some countries have also taken significant steps towards institutional mechanisms for permanent dialogue. Kazakhstan for example has established a Council of People's Assembly as a means for institutionalizing regular dialogue among all nationalities and faith-based organizations and has adopted a National Unity Doctrine.
- There has not been any inter-religious conflicts within the region. The activities of missionaries are regulated by laws, although there are concerns about their freedom of association and freedom of religion or belief on the one hand and their unregulated spread of activities on the other. Regional organizations such as CICA, OSCE and ISESCO are supporting inter-faith dialogue in the region.
- At the same time, however, the potential for intra-religious conflicts are high as groups preaching different branches of Islam have started to operate within the region, including of Salafist and Wahabi orientation, some seeking to undermine the secular nature of the states. Radical groups that appeared in Central Asia since the 1990s have been inspired or funded by Wahabi organisations, but in recent years, religious extremist ideology has grown as a result of bleeding conflicts in the wider region, indoctrination from unofficial clergy and extremist institutions abroad which incite to religious hatred, bad governance and weaknesses in state policies.
- Although Central Asian society and the political elite are largely secular, there has been a surge of interest in Islam. The level of education and knowledge of Islam in the region however remains generally low. In the absence of proper state-supported institutions and a Council of Ulemas that can regulate informal activities, religious teaching is often carried out underground by Imams who lack education in traditional Islam, and sometimes spread ideas that incite to hatred. Their activities need to be regulated in accordance with the international human rights law framework, and Imams need to be trained to spread the values of tolerance embodied in Islam instead of violent interpretations. Violent extremist and terrorist groups also take advantage of the lack of proper religious education and superstition among people. In order to

counter the influence of ideologies which incite to hatred, it is necessary to educate people to distinguish between genuine Islamic teachings and political manipulations.

- The Islamic Renaissance Party of Tajikistan (IRP) is the only legal Islamist Party in Central Asia that has participated in the parliament and in the government. Other Islamic groups such as Hizb ul-Tahrir and the Islamic Movement of Uzbekistan (IMU) are engaged in struggles towards the establishment of a single Islamic Caliphate. Distinction should be made between non-violent Islamic political groups interested in joining the political process and those bent on using violent means and carrying out terrorist acts to challenge the secular constitutions of the states and destabilizing the countries.
- The activities of organizations considered terrorist or violent extremist, either operating globally or regionally, are banned in all the territories by law. It is important to note that there are some conditions placed in human rights law for the proscription of organisations, including that the law comply with the principle of legality, that the proscription be proportionate, necessary and non-discriminatory, and that the decision to proscribe be subject to judicial review. Furthermore, given the evidence of merging and alliances of different groups both within the region and with outside, more coordination and cooperation among states, among law enforcement agencies, public prosecutors, Committees on Religion as well as civil society groups may be necessary.
- The extremization of Islamic groups and sympathy for them is also a negative outcome of perceptions of discrimination against Muslims in Western countries in the wake of 9/11, including defamation of religion in the name of freedom of speech propagated through the media. Global responsibility should be taken for preventing the instigation of anti-Western attitudes in the Muslim world. International mass media is instrumental in reducing biased Islamophobia in order to prevent violent backlashes.
- Inter-ethnic conflicts have also risen in the region as a result of political manipulation or competition among communities for natural resources such as water and land.

#### Recommendations for the Action Plan

- Governments should respect the right to freedom of religion or belief of all individuals and religious communities, particularly when adopting specific legislation and policies to counter terrorism.
- To address conditions conducive to the spread of terrorism emanating from religious and ethnic intolerance, the relevant legislative base needs to be strengthened to ensure compliance with international human rights law.
- Any measure taken to counter-terrorism, including legislation that may limit the right to freedom of expression, religion or belief and association, must comply with the international human rights obligations framework, including the principles of legality, proportionality, non-discrimination and necessity.
- The institutionalization of inter-religious and intra-religious dialogues as well as inter-ethnic dialogue need to be supported in the region. This includes strengthening the capacities of existing institutions such as Committees on Religious Affairs and

Ombudsman's offices, as well as new ad hoc and permanent institutions. The model of the People's Assembly of Kazakhstan can serve as an example of best practice in the region.

- Institutional exchanges between Committees on Religious Affairs and Ombudsman's office in the different Central Asian countries need to be supported by regional and international organizations for sharing of best practices, problem solving and alliances at the regional level.
- Mechanisms for cooperation and regular dialogue on the role of religion in society are needed between state bodies, religious groups as well as local Imams. Involvement of religious leaders is also key in the general discourse on human rights protection in the inter-cultural and inter-religious dialogue.
- The capacity of Imams needs to be strengthened in order for them to serve their proper functions in catering to the religious needs of Central Asian societies. Measures can include specialized training courses to enhance their knowledge and education so that they could better educate believers distinguish between traditional Islamic teachings and values and radical and extremist versions, bringing Ulemas/theologians from abroad to train Imams and establishing regional or national religious institutions/theological centers in Central Asia. Initiatives should also be launched to bring together Imams from Central Asia with those of other Muslim countries in order to discuss specific issues, such as, *inter alia*, women's rights and linkages with terrorism. International organizations should support efforts for cross fertilization of Islamic scholars in Central Asia with the Muslim world.
- The prevention of terrorism requires investments in strengthening the education systems of the region so that they serve as transmitters of positive values and tolerance between people and religions. Discussions about the separation of politics and religion and about defining the role of religion in society should also feature in the formal education systems.
- Increased cooperation and financing is necessary on behalf of international and regional organizations to support states' efforts towards institutionalizing dialogues and reforming education systems.
- The roles and responsibilities of the civil society need to be enhanced for creating institutionalized dialogues in society. While civil society organizations need to be supported by the states and by international and regional organizations, they should also be guarded against illicit and violent propaganda that can incite to hatred in the region.
- Media must have a recognized responsibility to prevent incitement to ethnic and religious discrimination, including Islamophobia, within as well as outside the region. Its role in fostering values for human rights, tolerance and anti-discrimination needs to be enhanced through training, capacity building, monitoring and support. In this regard, the establishment of voluntary codes of conduct as well as agreeing on ethical reporting values should be explored through engaging media representatives nationally and regionally.

- The international community should also be made responsible for fostering dialogue and understanding between peoples and religions at the global level. To this end, cooperation is needed in countering advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
- Since prisons often serve as grounds for the spread of violent extremist ideology and incitement to religious hatred that could lead to terrorism, they need to be targeted for trainings, dialogues and discussions on tolerance. At the same time, de-radicalization programmes in prisons need to comply with international human rights law.

<p><b>Session 4: Ensuring respect for human rights and the rule of law, including good governance, to address conditions conducive to the spread of terrorism</b></p>
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Conclusions

- There is a multifaceted and mutually reinforcing relationship between human rights and counter-terrorism activities, as the UN Global Counter-Terrorism Strategy recognizes. The Strategy offers an opportunity to recalibrate counter-terrorism efforts beyond law enforcement and security measures, and develop more balanced responses in full respect of human rights, be they civil, political, economic, social or cultural.
- In order to fulfill their obligations under human rights law to protect the life and security of individuals under their jurisdiction, States have a right and a duty to take effective counter-terrorism measures, to prevent and deter future terrorist attacks and to prosecute those who are responsible for carrying out such acts. At the same time, the countering of terrorism poses grave challenges to the protection and promotion of human rights. As part of States' duty to protect individuals within their jurisdiction, all measures taken to combat terrorism must themselves comply with States' obligations under international law, in particular international human rights, refugee and humanitarian law.
- Sustainable counter terrorism strategies need to include the rule of law and good governance, including at the local level, to address conditions conducive to the spread of terrorism and to prevent terrorism. Good governance implies addressing the lack of rule of law and violations of human rights; including ethnic, national and religious discrimination; prohibiting them in national law, promptly investigating and prosecuting them, as well as giving due attention to the rights of victims of human rights violations.
- Specific due process rights, to which all persons charged with criminal offences, including terrorism-related crimes, are entitled, include: equality before the courts and tribunals, the presumption of innocence, the right to a hearing with due process guarantees, to be tried within a reasonable time, to be tried by a competent, independent and impartial court or tribunal, and a right to have a conviction and sentence reviewed by a higher court or tribunal in conformity with international human rights law (Article 10 of the UDHR, article 14 ICCPR).
- Laws, regulations and procedures enacted in the Central Asian republics ensure, in fulfilment of their international obligations, that human rights and the rule of law are maintained in the fight against terrorism. The Prosecutor's Offices carry out monitoring and are aided in this by human rights institutions in the region, ranging

from human rights institutes to newly established Ombudsman's offices. Their capacities must be enhanced so that they can better achieve their tasks, fulfil their obligations and provide mutual support.

- The practice of detaining terrorist suspects in secret detentions is prohibited by international law as it is in itself a grave human rights violation and can result in numerous further ones.
- The implementation of a rule of law based extradition policy has become fundamental in the region. Extraditions must not be arbitrary. States have an obligation to conduct any transfer of detainees in a manner which is transparent and consistent with human rights and the rule of law, including the right to respect for a person's inherent dignity, the right of everyone to recognition before the law and the right to due process. Under international law, transfers of detainees, including for the purposes of extradition, must not be carried out if there is a real risk of irreparable harm either in the country to which removal is to be effected or in any country to which the person may subsequently be removed. In international law, the prohibition of refoulement is absolute if there is a risk of torture or other cruel, inhuman or degrading treatment. However, this obligation also applies in cases involving a risk of irreparable harm and in cases of arbitrary deprivation of life (including undue imposition of the death penalty), or enforced disappearance.
- Because of the existence of different juridical and judicial systems, better coordination and mutual cooperation are needed in order to reach a common understanding of extradition policies and practices and establish procedures for mutual legal extradition and cooperation in criminal matters in line with international requirements. States many wish to use multilateral instruments as a basis for cooperation in criminal matters and employ tools and guidelines developed by the international community, such as model laws and treaties developed by UNODC to streamline legislation and practices.
- There are strong incentives for governments and media to work together towards the common goal of countering terrorism in Central Asia. There is an overall need for promoting better understanding between the needs and demands of state authorities to protect sensitive information and those of the media for access to information in order to create a more harmonious and ultimately more cooperative working relationship between the two. Law enforcement agencies should pay particular attention to providing timely and factual information to the media to ensure accurate reporting. The media, in turn, should not to sensationalise terrorism related incidents and thus play into the hands of terrorists. The specific needs and sensitivities of victims should be understood and protected.
- The recent case of Uzbek asylum seekers in Kazakhstan connected to terrorist activities has raised considerable tensions that could jeopardize relations with international humanitarian organizations and lead to the misuse of asylum policy by terrorists. On the one hand, there is an urgent need to protect the asylum regime and the institution of asylum and refugee protection in the context of counter terrorism. The human rights of refugees need to be recognized and counter terrorism measures should be consistent with international refugees laws. At the same time, there should



be better coordination between governments and international agencies on data collection and analysis.

#### Recommendations for the Action Plan

- Respect for all human rights and the rule of law as the fundamental basis of the fight against terrorism must be explicitly stated in national and regional counter-terrorism legislation and strategies and adequate measures implemented in practice. Any measures taken to combat terrorism must comply with states' obligations under international law, in particular international human rights, refugee and humanitarian law.
- All relevant international human rights legislation, refugee law and international humanitarian law instruments need to be ratified and properly implemented in the national legislative frameworks. Legislation reviews should be conducted to make sure that national counter-terrorism legislations comply with international human rights law obligations and standards. International support needs to be given in terms of facilitating human right based reviews of substantive procedures and contents of counter-terrorism laws.
- Systematic exchange of information and experiences needs to be enhanced between Central Asian countries, supported by regional and international organizations, in compiling, analysing and sharing of database for counter terrorism legislation, activities and experiences in good governance, rule of law and respect for human rights.
- Access to justice and criminal justice procedures, especially those applied to terrorist offences and related crimes, need to be further strengthened to comply with international human rights standards, while information and experiences need to be better shared among Central Asian States. The specialised bodies of the UN system, such as UNODC, as well as regional organizations such as ODHIR should enhance their assistance to Central Asian countries by facilitating the sharing of information and best practices, guidelines, reviews and capacity building, and providing the states with information on existing international practices, their analysis and summary.
- Safeguards must be put in place to ensure that the guarantees set out in the International Covenant on Civil and Political Rights (ICCPR) are respected on the matter of detention so that the law and the judicial process are not by-passed. Anyone arrested or detained is entitled to be informed, at the time of arrest, of the reasons for his arrest and charges against him; be brought promptly before a judge and to a trial within a reasonable time; be entitled to take proceedings before a court, so that the court may decide without delay on the lawfulness of the detention and order the release if the detention is not lawful.
- International legal standards need to be applied when it comes to the issue of the right to privacy. In the use of exceptional surveillance powers and profiling, States need to ensure compliance with principles of necessity, proportionality and non-discrimination.
- There have to be clear and detailed criminal procedures adopted as laws and sub-laws, to ensure respect for the non-derogable principle of legality. The ambiguity and lack of established procedures creates the possibility for the abuse of powers by the law enforcement, prosecution and the judiciary. In case special procedures are applied to terrorist offences, there has to be also an independent special oversight mechanism regulating these procedures so that due process is followed while the investigation and

prosecution is not compromised. Independent oversight and accountability mechanisms need to be established and applied as regards the use of special investigation techniques, arrest, detention and prosecution.

- Counter- terrorism measures must fully comply with international refugee law and must not compromise refugee protection principles or erode the institution of asylum. States should refer to the 1951 Convention, relating to the Status of Refugees, that contains checks and balances that take full account of national security concerns and allows, under certain conditions, exclusion from international refugee protection of individuals for whom there are serious reasons for considering they committed terrorist acts.
- The media must be cultivated to serve as a platform for free expression while avoiding abuse for purposes of incitement. Codes of conduct and the necessary legal frameworks should be developed to balance freedom of speech and national security imperatives in compliance with international human rights law and standards. Support to the professionalization of a responsible media and to the coordination on access to information and proper reporting in the struggle against terrorism, should be provided by regional and international organizations - in partnership with civil society groups and established media organizations - through regular seminars and training workshops for government officials and media representatives and national and regional levels.
- Systems of assistance to address the needs of victims of terrorism, including the respect of their right to truth, justice and reparation need to be developed at the national and regional levels, and solidarity should be built at the international level in their support. For the media to give a voice to victims, media representatives need to be sensitized to the specific needs and sensitivities of victims while victims in turn may need to be trained to be willing and able to address media requests. Contribution from Central Asian countries to the compendium by CTITF best practices on supporting victims of terrorism and related offences as defined by national and internal laws is most welcome.
- Human rights trainings at the national and regional levels should be provided for officials from National Security Committees, from Ministries of justice and from Prosecutor's Offices. Technical support should be provided in terms of capacity building, improving expertise (analytical) capabilities, including technical knowledge, and conferences and training on monitoring the implementation of human rights principles in counter terrorism activities.
- In order to ensure transparency and accountability, national strategies on counter terrorism should be subject to opportunity for public discussion and input.
- In the absence of a universally agreed upon, comprehensive and concise definition of terrorism, the adoption of different definitions and elements of its characteristic by states can create a number of challenges: Namely, in monitoring compliance with international conventions and resolutions, difficulties for both extradition and mutual legal assistance among states and unintended consequences such as human rights abuses. It may be necessary to consider the adoption of a single definition of terrorism among Central Asian states which will enable the formulation of compatible and agreed upon measures to counter terrorism and to eliminate conditions conducive to its spread.

## **Session 5: Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism**

### Conclusions

- Effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing. Promoting and protecting human rights is the only way in which the fight against terrorism can be both legitimate and effective. Measures that violate human rights can undermine the very goals that States seek to achieve in countering terrorism, and can even increase violent radicalization. Upholding human rights has the opposite effect of creating a climate of trust between states and societies.
- The human rights framework, within which States operate, is flexible enough to allow them to adopt and implement effective counter-terrorism measures while at the same time remaining within the boundaries of what is permissible under international human rights law. National counter-terrorism strategies must therefore seek to prevent acts of terrorism, prosecute and punish those responsible for such criminal acts, while promoting and protecting human rights and the rule of law.
- Central Asian states have legal and constitutional frameworks on human rights protection and, in order to comply with their obligations under international human rights law, they uphold the principle of legality and the right to fair trial, including the presumption of innocence and the right to access to lawyers, which include foreign defence lawyers.
- The Special Rapporteur on counter-terrorism and human rights has dealt with key issues in relation to countering terrorism and promotion and protecting human rights in his thematic reports to the UN General Assembly (GA) and Human Rights Council (HRC), such as the definition of the crime of terrorism, the right to fair trial, the right to privacy, the right to freedom of opinion, expression, assembly and association, and the impact of counter-terrorism measures on the enjoyment of economic, social and cultural rights. He has also identified a set of best practices in countering terrorism in his upcoming report to the UN Human Rights Council's 16th session.
- Regional organizations have also been active in developing tools for human rights and counter terrorism. The OIC Secretariat has, for example, prepared materials on human rights for Imam leaders and other general human rights tools, and has, together with OHCHR, created a database that includes a compilation of human rights related recommendations of UN mechanisms directed at Islamic countries which are shared with the countries.
- UNODC is implementing a programme to assist Central Asian countries in drafting counter terrorism laws. It has model provisions based on 16 different sectoral Conventions and Security Council resolutions and provides assistance to states in the tailor-made implementation of the model provisions in compliance with the rule of law and international human rights laws. UNODC has also compiled a legal database available that *inter alia* contains national CT laws from 145 countries. It also provides assistance to states in the field of training and capacity building.

- OSCE/ODIHR has a number of programmes aimed at assisting its member states counter terrorism while complying with human rights provisions and the rule of law. It provides assistance in the drafting of legislation and policies concerning radicalization, extremism and terrorism, and helps with cross-border (law enforcement) cooperation in the region. ODIHR has also prepared human rights and counter terrorism materials, including a Manual on Human Rights Protection which has been shared with police forces. It is also engaged in providing training to law enforcement officials through the Border Management Staff College in Tajikistan.
- The European Union's strategic commitment is to combat terrorism globally while respecting human rights. In 2005, it adopted its Counter-Terrorism Strategy which promotes democracy, dialogue and good governance to tackle the root causes of radicalization based on four pillars: "prevent", "protect", "pursue" and "respond". Furthermore, the EU highly regards the key role of the United Nations and works to ensure universal adherence and full implementation of all UN Resolutions and Conventions relating to terrorism.
- The CTITF Working group on Protecting Human Rights While Countering Terrorism, led by OHCHR, has focused on the development of a set of Basic Human Rights Reference Guides to assist Member States in strengthening the protection of human rights in the context of counter-terrorism. The first two Guides are on stopping and searching of persons and on security infrastructure.
- Prevention of terrorist mobility and implementation of border control mechanisms are key tools in the fight against terrorism. Refugee rights are also related to border protection and migration policies, and therefore border control mechanisms should be refugee protection sensitive. UNHCR has developed a 10 points plan of action on mixed migration that provides for a framework of activities that can be used to develop comprehensive border control strategy that takes full account of international refugee law. UNHCR in coordination with IOM, OSCE and UNRCCA, is organizing a regional conference in March 2011 hosted by the government of Kazakhstan with the objective to discuss the implementation of the 10 points plan in Central Asia.

#### Recommendations for the Action Plan

- Human rights and rule of law guarantees should form a part of comprehensive, holistic national and regional counter-terrorism strategies. This is essential in order to facilitate the prevention of terrorist acts and for more effective law enforcement measures aimed at bringing terrorists to justice.
- The accountability of states towards existing international obligations under the UN system should be strengthened and measures need to be devised to ensure that any measures taken to combat terrorism comply with international principles or that states do not use double standards in their terrorism related activities.
- Efforts must be made towards more cooperation with UN human rights mechanisms including the Human Rights Council and its special procedure mandates, as well as UN treaty bodies on issues related to human rights in the context of countering terrorism. Resources of the UN Human Rights system (i.e. OHCHR, Special Rapporteur on counter terrorism and human rights, Special Procedures of the Human

Rights Council, the Treaty bodies, the Human Rights Council itself, including through the Universal Periodic Review) could be consulted to provide expertise and advice. Central Asian governments may wish to consult the thematic reports of the Special Rapporteur to the HRC and the GA which highlight the right to fair trial, the right to privacy, and best practices in countering terrorism for intelligence services, including their oversight in relation to HR compliance when countering terrorism include. CA government may also consider inviting the Special Rapporteur to an *in situ* fact-finding mission in order for him to assist in identifying gaps in the implementation of the human rights aspects of the Global CT Strategy. Other valuable resources are also available through the EU, OSCE/ODIHR and ISESCO among others.

- National Human Rights Institutions and Ombudsman's offices in the region have an important role to play in the general discourse on human rights protection in the context of countering terrorism. Their assistance can be sought in identifying security measures which address legitimate threats and ensure respect for human rights, reviewing draft legislation, engaging in dialogue with governments and legislatures and informing the public. They need to be supported by states, regional and international organizations.
- Training is needed on countering terrorism and protecting human rights, and made mandatory for different actors in the administration of justice, such as law enforcement officers, judges, lawyers and prosecutors. Information materials, guidelines and training manuals need to be adopted specifically for the region on the inclusion of human rights instruments in counter terrorism activities and distributed widely. Relevant regional and international organizations are encouraged to intensify trainings and educational programmes, as well as the translation of their materials in local languages and in Russian.

### **Conclusions and next steps**

- These recommendations will be taken into consideration in the preparation of the Joint Action Plan on the Implementation of the Global UN Counter-Terrorism Strategy for Central Asia.
- As the protection of human rights and fundamental freedom is a universal issue that has to be implemented in its totality, the recommendation and conclusions concerning the Pillar IV will be taken into account while discussing the remaining Pillars of the UN Counter-Terrorism Strategy.
- The Second Expert Meeting of the project on "Implementing the United Nations Global Counter-Terrorism Strategy in Central Asia" will be held on March 29-30<sup>th</sup> 2011 in Dushanbe, Tajikistan on Pillar II: *Preventing and combating terrorism*. The sessions will cover the following:
  - Session 1: Enhancing Legal and International Instruments
  - Session 2: Improving Law Enforcement Cooperation for Prevention and Combating of Terrorism
  - Session 3: Countering the Financing of Terrorism
  - Session 4: Countering the Use of the Internet for Terrorist Purposes
  - Session 5: Responding to Attacks Using Weapons of Mass Destruction and Denying Illicit Trafficking