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Office on Drugs and Crime

“Workshop for Caribbean Countries on Countering Terrorism Financing”
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Organized by
the Inter-American Committee against Terrorism of the Organization of American States (OAS/SMS/CICTE)
in collaboration with
the United Nations Office against Drugs and Crime (UNODC/TPB)
and the Commonwealth Secretariat

Under the auspices of the Ministry of Justice and Public Safety of Antigua and Barbuda

The participant experts to the Workshop, from: Antigua and Barbuda; Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Jamaica; Saint Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; and Trinidad and Tobago;

Conclude and Recommend:

General:

1. Terrorism and its financing should be condemned in all its forms, especially because the violence and corruption they involve are detrimental to the strengthening of democracy, to the enjoyment of basic rights and fundamental freedoms, and to human development;
2. Regional and international cooperation should be strengthened in order to enhance efforts to prevent and eradicate terrorism and its financing;
3. It should be considered that terrorism is a scourge transcending borders, making it imperative for States to continue working in a coordinated manner to prevent and combat it comprehensively by strengthening international cooperation in the areas of mutual legal assistance and extradition, in accordance with the internal legislation of each State and with international law;
4. It should be ensured that all measures taken to prevent and combat terrorism comply with international human rights, refugee and humanitarian law and with all international norms for the protection of victims and witnesses;



5. As terrorism may be linked to transnational organized crime, it is therefore necessary to improve the channels of international cooperation in order to prevent and combat the threat that such collusion may pose to States;
6. It is important to recognize that terrorist organizations have as one of the main sources of funding the illicit trafficking of drugs. Additionally, there is increasing evidence of terrorist organizations also engaging in other criminal activities in order to get financial resources for their immediate operational needs—fraud, falsification and trafficking of Identification Documents (ID) and travel documents, trafficking in stolen items, arms trafficking, extortion, money laundering, etc.
7. Commitments set out in the Global Counter-Terrorism Strategy, adopted by consensus on 8 September 2006 and reviewed on 5 September 2008 by the United Nations' General Assembly, as well as the Conclusions and Recommendations set out in “Civil Paths to Peace” Report of the Commonwealth Commission on Respect and Understanding 2007 should be taken into account;
8. There is a critical need to attack the problem of terrorism through a comprehensive strategy, which must deal with social and economic issues whereby financial and technical assistance is fundamental;
9. Special attention should be paid to the financing of terrorism in regard to the use of alternative remittance systems (ARS), non-profit organizations (NPOs), transboundary movement of cash (cash couriers), e-gold and new technologies (financial services linked to mobile services, Internet and store-valued cards);
10. Relevant preventive mechanisms should be soundly assessed, and where need be, refined to have a more efficient response to Terrorism Financing and Money Laundering cases;
11. The importance of the international counter-terrorism instruments and the Inter-American Convention against Terrorism should be taken into account, and countries that have not yet done so, should consider ratifying them;
12. Countries should continue their efforts to adopt in their internal order the legal norms necessary for the effective implementation of the international instruments aimed at combating terrorism and terrorism financing;
13. All IX FATF Special Recommendations on Terrorism Financing should be implemented, both at the normative and operational level. The Inter-American Commission on Drug Abuse



Control's (OAS/SMS/CICAD) recommendations and guidelines should be also taken into account;

14. When dealing with regulation of relevant sectors of the economy, national institutions should encourage dialogue with the private sector in order to take into due consideration the inputs of private stakeholders;
15. An effective approach in the fight against terrorist financing is for FIUs to acquire membership into the Egmont Group, the international fraternity and standard bearer for FIUs. Also, an important component and advantage to Egmont Group members is access to financial and criminal intelligence from over 103 countries worldwide via a secure website;

Criminalization:

1. Special attention should be paid to criminal activities carried out by terrorist groups and organizations in order to dismantle their structures by using multifaceted preventive strategies, including charges for any relevant offences in order to disrupt and block their activities, before a terrorist act is committed;
2. Along this same line, preventive and proactive criminal law strategies should be adopted through criminalization of offences such as: (i) conspiracy and attempt to commit a terrorist act; (ii) provision of any form of support—including financial assistance and document fraud—for the commission of a terrorist act or to backstop a terrorist organization; and (iii) “recruitment” and “incitement” to commit terrorist acts;
3. In accordance with UNSCR 1373, the United Nations Convention for the Prevention and Suppression of Terrorism Financing of 1999, and the Inter-American Convention against Terrorism (IACT), “terrorism financing” should be criminalized as an autonomous offence. Additionally, the IACT requires that terrorism financing offences be designated money laundering predicate offences;
4. Understand that one of the differences between money laundering and terrorism financing is that the former is related exclusively to illegal activities, whereas the latter may be linked both to legal and illegal activities;
5. Cyber crimes should be criminalized, taking into consideration the recommendations of the Meetings of Ministers of Justice or Ministers or Attorneys General of the Americas (REMJA), and the OAS working group on cyber-crime;



Intelligence, Investigation and Prosecution:

1. Special techniques of investigation used in money laundering cases—as well as organized crime, drug trafficking, and other serious offences—may also be used in terrorism financing cases;
2. Agencies responsible for fighting terrorism financing should have access to information (raw and processed) on trans-border currency declarations;
3. Ways to use intelligence (if possible) and to convert them into admissible evidence for use in a criminal case—while protecting intelligence sources —should be determined;
4. Effective measures should be adopted to make greater use of INTERPOL Red Notices and INTERPOL's tools, such as I-24/7 and MIND/FIND, communications system and integrated solutions and the developing Global Prosecutions E-crime Network (GPEN) as alternative channels for the transmittal of requests for the exchange of information;
5. All agencies should perform proactive intelligence analysis on the information related to individuals and organizations involved in terrorist activities. Where these are identified, a report should be addressed to relevant authorities;
6. A temporary restraint of (alleged) terrorist assets should be put into place, with full respect to due process rights and the internal legal system of the State;
7. Coordination should be strengthened between the different agencies/ministries/private sector involved in collecting and analyzing information related to the financing of terrorist activities;
8. Permanent Task Forces—both at the national and regional levels—should be created to improve national coordination, including spontaneous and informal information sharing, among relevant stakeholders on terrorism cases, such as FIU, Customs, DPP's office and the Ministry of National Security;
9. Notwithstanding the absence of direct evidence, circumstantial evidence should not be overlooked to successfully prosecute terrorism related cases;
10. In order to conduct efficient and successful investigations and prosecutions of terrorism-related cases, specialized units and entities, with adequately trained personnel and sufficient resources, should be put into place;



11. A forward thinking and advantageous approach is to have FIUs connected online to relevant government agencies databases (e.g. customs, immigration, registration of companies etc). Other effective internet tools (websites) including world-check, LexisNexis and corrections connections could be used to enhance the intelligence analysis process;
12. A policy on a multi-jurisdictional approach with respect to witness protection should be put into place and involve not just the Caricom region, bearing in mind the size and population of our respective territories;

International cooperation:

1. More efficient and cross-cutting exchange of information should be facilitated. Data-bases should be put in place at the international level and international cooperation should be strengthened;
2. Countries should use international counter-terrorism instruments—in particular the United Nations Convention for the Prevention and Suppression of Terrorism Financing of 1999—, in accordance with their internal legal systems, as the legal basis for requests for extradition and mutual legal assistance;
3. It is recommended that countries collaborate with the Counter-Terrorism Committee (CTC) of the United Nations Security Council, established pursuant to resolution 1373 (2001) and its Executive Directorate (CTED), and with the committees established pursuant to resolutions 1267 (1999) and 1540 (2004). It is further recommended that assistance be provided in relation to the methodology for the preparation of the respective reports;
4. Legal tools such as videoconferences, the instant and informal transmission of information, or joint teams of investigation, should be considered as useful tools when dealing with mutual legal assistance and extradition;

Technical assistance:

1. Universal and regional tools such as model legislation from the UNODC, IMF and Commonwealth Secretariat, the CICTE Secretariat's Guide for the Prevention, Detection and Suppression of Terrorist Financing, as well as the CTED Directorate of International Best Practices, should be used when countering terrorism and its financing;



2. It is recommended that UNODC and the General Secretariat of OAS continue to provide technical assistance to requesting countries for the effective implementation of the universal counter-terrorism instruments and the Inter-American Convention against Terrorism. It is also recommended that CTED continues to facilitate the provision of technical assistance to Caribbean countries;
3. It is recommended that the UNODC, the Secretariat for Multidimensional Security of OAS and the Commonwealth Secretariat provide technical assistance and training to financial intelligence units, prosecutors and law enforcement that request it;
4. It is recommended that UNODC, the OAS and the Commonwealth Secretariat continue providing technical assistance to promote and strengthen international cooperation, particularly mutual legal assistance to ensure the successful conclusion of criminal investigations, and in extradition matters when required, to ensure criminal suspects have no safe haven. It is also recommended on these organizations to continue capacity building through holding subregional and regional training seminars and workshops on strengthening international cooperation in criminal matters;
5. It is recommended that regional and subregional cooperation mechanisms of which countries are members are strengthened, and in particular to promote coordination initiatives, especially those proposed by the Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas (REMJA). In that connection and as appropriate, to use said mechanisms, taking as an example the use of the Secure Electronic Communication System (Groove Network) provided by the OAS, and the Commonwealth Network of Contact Persons developed by the Commonwealth Secretariat.

In St. John's, on the 17 of October, 2008