

# **FRAMEWORK DOCUMENT FOR CTC VISITS TO STATES IN ORDER TO ENHANCE THE MONITORING OF THE IMPLEMENTATION OF RESOLUTION 1373 (2001)**

9 March 2005

## ***I. PURPOSE OF THE DOCUMENT***

The purpose of this document is to provide more information to States about Counter Terrorism Committee (CTC) visits, through its Executive Directorate (CTED). It also seeks to define precisely the scope of visits and the modalities to be followed. A clear explanation of the CTED mission is intended to help the visiting experts, who will know the exact framework in which their work is to be carried out. It is also intended to provide transparency for the host countries, to give them a clearer idea of what is being asked of them through this procedure. In addition to issues regarding the presentation and definition of the main components of the exercise, this framework includes practical information to facilitate the organization of the missions.

## ***II. GOALS OF THE ON-SITE VISITS***

The on-site visits have four main objectives:

1. **Expert analysis of States' implementation of the obligations set forth in resolution 1373 (2001).** The mandate of the CTC is to monitor States' implementation of resolution 1373 (2001). On-site visits are one means of doing so, alongside reports and States' transmission to the CTC of information on the measures they adopt, and other relevant information the CTC is able to obtain. Visits are therefore part of the ongoing relationship of cooperation between the CTC and States, and are a way of providing a more detailed picture of the particular situation of each country. One advantage of visits is to establish a more personal dialogue with States. This exercise will ensure that the information transmitted by States in their reports and other communications to the CTC has been fully understood by the experts responsible for analysing it and that the legislation and various anti-terrorism mechanisms in question have been correctly interpreted. Exchanges with the experts of each country should make it possible to dispel misunderstandings and obtain a more accurate picture of the machinery being implemented by States. By reporting back to the CTC the most accurate picture of national implementation of resolution 1373, the CTED experts' assessments will be able to avoid approaching countries' situations in a purely theoretical and distant way and will, on the contrary, be able to assess the effectiveness of the measures adopted. Following this process, which will include an exchange with the authorities of the State visited and a series of on-site observations, the experts will make a precise and up-to-date analysis of the country's situation with regard to the obligations set forth in resolution 1373

(2001).

2. **Expert analysis of a State's capacity to fulfil its international obligations under Resolution 1373 (2001).** The obligations set forth in resolution 1373 (2001) vary in nature and require States to implement them in different ways. Some obligations simply require States to integrate principles of action into their practice, but others require practical steps such as the adoption of legislation or the creation of operational structures. It is therefore important for the CTC to be able to evaluate what a State has done to give effect to these different obligations, also considering its material means and the environment in which it is acting. Hence the visiting experts should not merely analyse States' situations in a static manner, but should take into account efforts undertaken in terms of the means available and the difficulties encountered. If gaps are noted, the experts should also indicate the capacity of the State to attain the necessary standards, in what time frame.
3. **Identification areas where a State would benefit from receiving technical assistance in order to fully implement resolution 1373 (2001).** The visits might show that States are having difficulty fully meeting their obligations because of a lack of technical capacity. Hence, as part of the visit's follow-up, technical assistance needs should be suggested, in consultation with the State concerned, and referred to multilateral or bilateral cooperation mechanisms in a position to assist. One of the objectives of the visits will therefore be to assess whether deficiencies are attributable to needs that could be met through technical assistance, and to propose solutions to correct them. On-site visits are also an ideal means of holding discussions with all the authorities responsible for the sectors in which assistance appears to be a priority need.
4. **Prepare recommendations on steps that should be taken by Member States to fully implement Resolution 1373 (2001).** Based on the mission findings regarding the implementation of Resolution 1373 (2001), and taking into consideration the State's capacity and its technical assistance needs, the experts will suggest to the CTC, when appropriate, the progress that could be made. When the visit shows that the State concerned could take more steps within its existing capacity to fulfil its obligations, the experts should make suggestions to the CTC in that regard. In case any external assistance is needed, the experts should propose to the CTC potential means to increase the capacity of the State. All these suggestions should be based on the steps that have been already taken by the State concerned and, when possible, they should be discussed during the visit with the national authorities.

### ***III. AREAS COVERED BY THE VISITS***

The CTED and accompanying experts will focus as a priority on the following five areas of counter-terrorism measures. If during the experts' analysis it becomes evident that

certain areas require special attention, to which the mission cannot give sufficient consideration, other specialized organizations might be called on, in agreement with the host country, to address such specific issues.

1. **Anti-terrorism legislation.** Offences; Penalties; Competence of the courts; Criminal procedure; Special investigation measures; Legislation on weapons, explosives and dangerous substances; Legislation on asylum and immigration.
2. **Measures against assets used for criminal purposes.** Anti-money-laundering legislation; Legislation against the financing of terrorism; Supervision of the non-financial sector; Structures for oversight of the financial system; Mechanisms for the seizure and confiscation of the proceeds of crime.
3. **Effectiveness of law enforcement services.** Counter-terrorism machinery; Coordination of services; Early warning system; Methods for combating and preventing criminal activities linked to terrorism.
4. **International cooperation.** Machinery for international cooperation in criminal matters; Status of ratification of anti-terrorism conventions; Modalities and effectiveness of judicial cooperation; Modalities and effectiveness of police cooperation; Modalities of cooperation with regional and international organizations;
5. **Territorial control.** Control of trans-border movements of persons; Control of cargo; Mechanisms for issuance and control of identity and travel documents; Methods for the prevention and detection of forgery and fraud.

#### ***IV. FLEXIBILITY OF THE ANALYSIS***

The visiting team should, to the extent possible, take into account the specific features of each country in order to provide the most accurate analysis of the highest priority issues for each State, the difficulties States are encountering and the relevance of the solutions introduced at the national level to address them. The following aspects of each State's situation will be relevant to a thorough understanding of their situation and to setting priorities for national steps to tackle terrorism:

1. Geographical characteristics.
2. Specific historic and cultural features.
3. Level of development.
4. Political situation.
5. Administrative organization.
6. Institutional and legal system.
7. The specific threats of terrorism and other underlying criminal phenomena.

## **V. VISIT MODALITIES**

1. **Face-to-face meetings.** Meetings with those responsible for the areas covered by the visit in the country concerned will be one of the principal methods for information gathering. It is essential that extensive preparatory work should take place with the administrations concerned prior to the visit to ensure that the experts have the most up-to-date information about the situation in the country concerned. Similarly, the programme should be designed so that the experts meet the host country's experts with genuine technical competence and who have day-to-day responsibility for the sector being evaluated.
2. **On-site travel.** Visits to certain places or facilities of particular interest to anti-terrorism efforts could provide the mission with a clearer idea of the actions undertaken by a country to organize efforts to protect itself against terrorism. Visits may therefore be requested by the team or some of its members, for instance to see specialized administrative services, command and control rooms, border checkpoints and operational units. Such visits should be agreed on prior to the organization of the mission so that they will be a fully integrated component of the CTED assessment team rather than a secondary activity.
3. **Documents to be studied.** The visiting experts will be given States' reports to the CTC for use in preparing their missions. The State should also send any additional and current documents, which will help the work of the CTED (such as legislation, statistical data, reports, studies). The team of experts, in preparing for their visit, will collect information from a wide range of sources, including the UN membership, international and regional organizations and other sources.
4. **Feedback to States.** In order to present their main findings to ensure transparency and clarity, the visiting teams will hold wrap-up sessions with the State at the conclusion of the visit. Each visiting team will prepare a draft report to the CTC within 30 days of the conclusion of the visit. The report should contain the factual findings of the mission agreed to by the visited state. The report should also cover: i. Areas of concern in the implementation of the provisions of the UNSCR 1373 (2001) identified by the visiting team; ii. The capacity of the State to implement its obligations under the UNSCR 1373 (2001) ; iii. The priority assistance needs of the visited State, as appropriate; Based on the above elements, the report also should contain the CTED's recommendations as to the steps the visited State should take in order to fulfil its obligations under UNSCR 1373 (2001). A full draft report, containing conclusions and recommendations, should then be shared with the visited State. That State has 30 days in which to review the report and make observations to the CTED. Upon the expiry of the above 30 day period, the CTED will have 15 days in which to submit a final report and submit it to the CTC Plenary for its consideration and action.
5. **Follow-up of the mission.** The final document of the CTC Plenary will be officially forwarded to the visited State. That State is requested to provide a report

to the CTC within 90 days of the steps it is taking to meet recommendations contained in the visit report in order to fulfil its obligations under the UNSCR 1373 (2001). This report would form all or part of the State's next report to the CTC as required under Resolution 1373.

6. **Confidentiality.** The visiting experts are bound to respect confidentiality in fulfilling their mission. Thus, neither the documents given to the team prior to the mission nor the information gathered during the mission shall be divulged beyond the CTC, CTED and other experts involved in the exercise. Prior to the mission, the CTED, together with the national authorities, shall decide the extent of the publicity to be given to the conduct of the mission, taking place in their territory. Upon the endorsement of the visit report by the CTC Plenary, the CTC will issue an information document for the public domain, which will refer to the visit in question in general terms. The text of this document will be prepared by the CTED for the consideration and endorsement of the CTC Plenary. Other than the official communication with the State in question, the visit report remains confidential unless that State decides otherwise.

## **VI. PRACTICAL ORGANIZATION**

1. **Membership of the team of experts.** The Executive Director of the CTED will consider the composition of the visit team, and in consultation with the host country invite International, Regional and sub-regional organisations (I/ROs) and relevant UN bodies to provide an expert, as appropriate. The I/RO experts will provide technical advice on the international standards and best practices in the areas of the UNSCR 1373 (2001) that are covered by this I/RO or UN body. Their role will include assisting in the preparation for the visit, providing technical advice during the visit, and preparing appropriate inputs to the visit report.
2. **Preparation of the agenda.** The CTED will consult appropriate officials of the State to be visited on the key details of the visit. These should include, inter alia:
  - i. The dates for the visit;
  - ii. The scope of the visit;
  - iii. The preparation of the programme for the visit;
  - iv. The list of the State agencies and the appropriate level of officials with whom the visiting team should meet;
  - v. The logistical arrangements such as interpretation and translation.

In case UN facilities are not available, the State may be requested to provide office facilities, local transportation, etc.

3. **Security.** Given the nature of the meeting, the host country shall take steps to ensure the team's security according to UN rules and practices. Security issues will be discussed at the preparatory meetings.

4. **Financing.** The United Nations will cover all costs related to the travel of the team during its stay in the country evaluated. The host country may, however, offer its assistance with the team's accommodation and travel for the duration of the mission.
5. **Interpretation services.** The working languages of the mission will be determined prior to the visit.