Seventy-third session of the United Nations General Assembly

Side event

Collection, Use and Sharing of Evidence for the Purposes of Criminal Prosecution in Terrorism Cases

Convene, Hudson Hub, 730 Third Avenue, New York, NY 10017
26 September 2018, 3.00-6.00 p.m.

This event is co-sponsored by France, the Federal Republic of Nigeria, Switzerland and the European Union and jointly organized by the Counter-Terrorism Committee Executive Directorate (CTED), the International Association of Prosecutors (IAP) and the United Nations Office on Drugs and Crime (UNODC).

I. Introduction

1. The promotion of effective rule of law-based criminal-justice responses to terrorism is a vital component of the global counter-terrorism effort. However, Member States face significant challenges in their efforts to obtain admissible evidence that can be used to help prosecute and secure the convictions of terrorist suspects in judicial proceedings, in full compliance with international human rights law, international refugee law and international humanitarian law. Because terrorism is a global threat that transcends individual States, it is also essential to promote effective domestic and international cooperation in this area.

2. The situation of foreign terrorist fighters (FTFs) who travel to, or return from, conflict zones represents a particularly acute challenge. Because information relating to the activities of FTFs is often located on the battlefield, it may be inaccessible to civilian prosecutors and investigators. Consequently, the prosecution of FTFs may depend on the use of Internet-based evidence and may require forms of judicial cooperation that are not provided for in established legal frameworks. In such cases, the military is often the only actor with the capacity to collect the necessary information. It is therefore essential to develop practical standards aimed at ensuring that information retrieved by the military meets the legal threshold for admissibility as evidence in judicial proceedings.
II. Topics for discussion

3. The side event will consist of three sessions and will include discussion of four global initiatives developed to support the efforts of Member States to promote the collection, use and sharing of evidence for the purposes of criminal prosecution in terrorism cases.

4. The first session will focus on the overall context, including with reference to the Abuja Recommendations on the Collection, Use and Sharing of Various Types of Evidence of the Global Counterterrorism Forum (GCTF) and the Good Practices on the Role of Central Authorities to Promote Sharing of Evidence of the International Institute for Justice and the Rule of Law (IIJ).

5. The second session will focus on lawful access to digital data, with reference to the related challenges and good practices and the related practical guide developed jointly by the Counter-Terrorism Committee Executive Directorate (CTED), the International Association of Prosecutors (IAP), the United Nations Office on Drugs and Crime (UNODC) and the joint EuroMed Justice & EuroMed Police Manual.

6. The third session will focus on ways to facilitate the use and admissibility of information and evidence preserved, collected and shared by the military, including with reference to the related United Nations guidelines developed within the framework of the relevant Working Group of the Counter-Terrorism Implementation Task Force (CTITF).

III. Logistical arrangements

7. Participants are requested to register online by Wednesday, 24 September 2018 at https://goo.gl/forms/MkfTU37TQ3ojuI23. Seating will be limited and participants will receive a confirmation email. All questions relating to the side event should be addressed to Ms. Arelle Binning, CTED Legal Assistant, +1 (212) 963-3813, arelle.binning@un.org.