On 9-11 September 2014, the International Institute for Justice and the Rule of Law (IIJ), in collaboration with the Global Counterterrorism Forum (GCTF) and the United Nations (UN), held a workshop to develop practices and procedures to improve cooperation on criminal justice matters between countries. The program, which was co-sponsored by the United States and Morocco, was the inaugural event of an initiative to develop effective informal judicial cooperation in countering terrorism and related areas in the Sahel/Maghreb regions. Discussions focused on the principles laid out in Good Practice 9 of the GCTF Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector, which strongly encourages states to develop supplemental tools of cooperation that build trust, strengthen mutual understanding, and further the interests of international cooperation in countering terrorism. Participants included law enforcement and judicial officials from Algeria, Burkina Faso, Chad, Malta, Morocco, Niger, Nigeria, Spain, Tunisia, Turkey, and the United States. Experts from Eurojust, EUROPOL, INTERPOL, the Organization for Security and Co-operation in Europe (OSCE), United Nations Office on Drugs and Crime (UNODC), and United Nations Counter-Terrorism Committee Executive Directorate (UN-CTED) also participated.

The workshop began with opening remarks from Ambassador Gina Abercrombie-Winstanley, the U.S. Ambassador to Malta, Judge Hafid Bahaddou, Moroccan Ministry of Justice, Guadalupe Megre, Program Manager for UNODC, and Robert Strang, IIJ Interim Executive Secretary. They emphasized the importance of national, regional, and international cooperation to effectively confront the threats of terrorism and organized transnational crime, noting that increased collaboration within the criminal justice sector is indispensable to today’s counterterrorism efforts. Judge Bahaddou highlighted that as terrorist methods and tactics continue to evolve, strategies to effectively counter them must evolve as well. To that end, he noted that enhanced collaboration and improved communication between partners is a critical component of any response and offers the best hope to developing sustainable and effective counterterrorism strategies.

Throughout the workshop, participants reinforced the need to leverage formal and informal mechanisms as complementary methods of cooperation. They noted that formal mechanisms, such as the use of mutual legal assistance (MLA) and extradition requests, were important tools for officials to share and provide information to investigating and prosecuting authorities during formal proceedings. Participants also agreed that processing delays, jurisdictional and procedural hurdles, and miscommunication between national institutions often undermined the effectiveness of these tools. As a result, informal mechanisms, including bilateral communications between officials, collaboration among police, and networking between judicial officials, help support formal procedures and ensure that possible delays are avoided or mitigated. Participants stressed that informal communication can also help clarify requests and educate partners on each other’s policies and procedures, which in turn helps promote mutual trust and transparency in accordance with Good Practice 9 of the Rabat Memorandum.

Several representatives pointed out that requests for extradition and MLA are highly-specialized areas of practice as they involve dealing with three legal systems: that of the requesting nation; the requested nation; and international law. Participants cited the importance of an empowered central authority—a
designated institution capable of serving as a single point of contact and acting upon requests for MLA and extradition. These institutions are designed to assist governments to work together more efficiently and effectively against criminal networks and terrorist organizations. Participants generally agreed that properly-resourced central authorities, acting on clear delegations of authority from their respective ministries of justice or other controlling agency, were an invaluable tool in facilitating both formal and informal cooperation between states. Several presenters also spoke about their experiences using liaison officers—officials from a partner nations’ agencies stationed in each other’s central authorities—as an effective way to support formal and informal cooperation mechanisms. Over time, these officials develop knowledge of their partner nation’s legal system, which in turn can help facilitate and expedite future requests for a mutual legal assistance or extradition, ensuring more effective coordination.

Several presenters offered analyses on the various international legal frameworks, UN conventions, resolutions, and other tools which countries can use to facilitate international legal cooperation. UNODC, for example, maintains a registry of central authorities, which can assist officials with identifying the appropriate points of contact from governments in the region, and INTERPOL offers investigative assistance, international database access, and notification support to members. Presenters also pointed out that in the absence of bilateral or multilateral legal assistance treaty or other formal relationship, a country’s domestic legislation often can serve as the basis for cooperation. In cases where international treaties create tensions with domestic legislation, partners should try to identify other avenues for cooperation. This further highlighted the need for informal cooperation mechanisms so that countries could maintain a common understanding of each other’s limitations or requirements for sharing information and resources.

Participants broke into small groups to discuss three hypothetical exercises modeled after real-world scenarios related to informal cooperation, mutual legal assistance, and extradition. Each group discussed methods for sharing intelligence information related to ongoing investigations; ways to coordinate surveillance operations and establishing joint investigations; mechanisms for improving police coordination; developing smoother responses to mutual legal assistance requests; and policies, procedures, and strategies related to extradition.

During the final session, participants discussed next steps related to improving and augmenting cooperation mechanisms for countering terrorism. Based on discussions during the course of the workshop, it was clear that there are already a number of initiatives currently underway to facilitate regional and international cooperation. To date, however, their overall effectiveness has been limited for a variety of reasons. As a result, participants agreed that next steps should focus on an assessment of existing efforts and an analysis of how they might be better connected, coordinated, and implemented between partner countries. The next meeting on improving judicial cooperation in the Sahel and Maghreb regions, which will be hosted by Morocco in 2015, is expected to focus on these issues.

More information about the IIJ, its mandate, and upcoming events and activities can be found on the IIJ’s-website: www.theIIJ.org.