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WORKSHOP REPORT

Summative Workshop on the ‘Legal Issues Involved in Handling and Prosecuting Terrorism-related Cases for East and the Horn of Africa Region’.

**Dar es Salaam, the United Republic of Tanzania
29-30 April 2019**

I. INTRODUCTION

1. The African Centre for the Study and Research on Terrorism (ACSRT), with the financial assistance of the Government of Canada, organized a two-days’ Summative Workshop on ‘Legal Issues involved in handling and Prosecution of Terrorism-related Cases’ for Member States (MS) of the East and Horn of Africa Region on 29-30 April 2019 in Dar Es Salam, the United Republic of Tanzania. The workshop constituted the final part of a three year program (2016-2018) that sought to build the capacities of Member States (MS) to effectively investigate, prosecute and deliver justice in terrorism related cases.
2. The workshop was attended by twenty three participants drawn from regional Member States of the Inter-Governmental Authority on Development (IGAD) and the East African Community (EAC) that include Burundi, Djibouti, Kenya, Somalia, South Sudan, Tanzania, and Uganda. It was also attended by experts drawn from The International Institute for Justice and the Rule of Law (IIJ), the Sahel Judicial Cooperation Platform (SJCP) and the United Nations Office on Drugs and Crime (UNODC).

II. WORKSHOP OBJECTIVES

3. The main objective of the Workshop was to discuss the findings of the assessment missions to the three assessed MS identified during the Formative Workshop organized in Djibouti in July 2018, within the framework of the present Canadian Funded Project, collect the capacity building needs of the unassessed ones, and identify priority capacity building programs for the benefit of regional MS. Details of sub-objectives are found in the Concept Note and Agenda annexed to this report.

III. OPENING CEREMONY

4. The opening of the workshop was formally addressed by Mr. *Faraja NCHIMBI*, the Senior State Attorney, Directorate of Public Prosecutions (DPP) of the United Republic of

Tanzania and Mr. *Idriss Mounir LALLALI*, the Deputy Director of the ACSRT – representing *Larry GBEVLO-LARTEY Esq.*, the AU Special Representative for Counter-Terrorism Cooperation/Director of the ACSRT.

5. Mr. LALLALI, in his opening remarks thanked the Government of the United Republic of Tanzania for the timely acceptance to host, cooperation, and logistical support that culminated in the seamless organization of the summative workshop. He thanked the Government of Canada for providing impetus to the program through providing the funds, Member States for participating in all the program's phases, and partners- in particular UNODC- for providing the technical support throughout the program.

Mr. LALLALI expressed hope that the workshop's proceedings will result in the development and implementation of appropriate responses commensurate with the ever evolving threats of terrorism and violent extremism. While reiterating the objective of the workshop, he recalled the ACSRT capacity building mandate, which includes the extension of support to MS in order for them to meet their national, region, continental and global obligations in the prevention and combating of terrorism and violent extremism as the rationale for the holding of the workshop. He further encouraged participants to share and learn from their counterparts' experiences and approaches to handling terrorist-related cases and explore feasible and rule of law-based modalities of mutual legal and operational cooperation.

6. Mr. LALLALI concluded by expressing gratitude to all participating MS and partner organizations for their relentless spirit of cooperation during the entire program cycle..
7. Mr. Faraja NCHIMBI welcomed the participants to the United Republic of Tanzania and expressed gratitude at the choice of Tanzania as the host. He bemoaned the investigative and prosecutorial shortcomings in the handling of terrorism related issues that impede effective justice delivery to all stakeholders alike. In this regard, he called for sharing of human, material, and material resources to overcome such shortcomings.
8. He noted, with concern, the fact that there are many disparate interventions by different MS and regional organizations that only serve to entrench failure to decisively prevent and combat terrorism and violent extremism. He also expressed concern on delayed ratification of respective regional and international legal instruments that only augments the ineffectiveness of national, bilateral, regional, and international justice delivery efforts in terrorism-related cases.
9. In concluding, Mr. NCHIMBI, implored participants to engage in frank discussions; capitalize on this workshop to explore measures to enhance cooperation amongst experts, organizations, and Member States; as well as harness expertise from colleagues.

IV. PROSPECTIVE CAPACITY BUILDING PROGRAMS

10. The workshop culminated into the compilation of the following set of priority regional MS' capacity building needs as far as the judicial handling of terrorism related cases is concerned:

- a) Provision of technical assistance to expedite the ratification and harmonization of relevant regional, continental, and international CT instruments to respective MS;
- b) Establishment of inter-agency Counter-Terrorism Coordination Centres and Witness Protection Units;
- c) Organization of specialization training programs for Law Enforcement Agencies, Intelligence, Military, Prosecutors, Magistrates, and Judges in the handling of terrorism cases, collection, analysis, and evidence preservation;
- d) Provision of Technical and financial assistance for the establishment and operationalization of forensic laboratories;
- e) Establishment of Judicial Cooperation Platform in the mould of the Sahel Platform for Judicial Cooperation;
- f) Provision of technical assistance to MS for the enactment of laws related to terrorism, violent extremism, Witness Protection, and emergent phenomena such as Foreign Terrorist Fighters (FTFs) and criminalization of payment of Ransoms to Terrorists using the AU Anti-terrorism Model Law as a guide;
- g) Organization of public sensitization programs on Terrorism, Violent Extremism, Anti-corruption, Human Rights whilst combating terrorism;
- h) Development of Technical assistance programs to improve Mutual Legal Assistance (MLA) to, *inter alia*, facilitate the use of digital data and evidence in criminal cases;
- i) Resource mobilization towards efficient pro bono services;
- j) Provision of technical and financial assistance for the development and operationalization of National CT Strategies and Plans of Action to prevent Violent Extremism;
- k) Implementation of Assessment Missions to the remaining MS of the region that were not assessed during this initial program
- l) Implementation of Capacity Building programs on requisition, extraction and processing of digital evidence against terrorism; and
- m) Development and implementation of Technical Assistance programs for Juvenile justice delivery.

V. RECOMMENDATIONS

11. In line with the workshop's objectives and issues discussed, the following recommendations were made by the participants:

a. **Governments of participating MS to:**

- i. Ratify and incorporate relevant UN, AU and regional instruments into national laws;
- ii. Develop or update national counter-terrorism legislations to criminalize financing of terrorism and Foreign Terrorist Fighters (FTFs) in compliance with their national, regional, continental, and global obligations;
- iii. Proactively and holistically commit resources for the development and implementation of mass sensitization programs against terrorism, violent extremism, and related crimes;
- iv. Mobilize and commit resources for the strengthening of national and regional legal frameworks against terrorism and violent extremism to ensure rule of law based responses to the phenomena;
- v. Promote inter-agency and inter-stakeholder collaboration and cooperation amongst the state and non-state stakeholders to effectively deal with the phenomena of terrorism and violent extremism;
- vi. Promote cooperative cross-border response to terrorism, violent extremism, financing of terrorism, and FTFs across national borders;
- vii. Promote and invest in research on emerging technologies, their legal implications, and the effective way forward;

b. **The ACSRT, IJJ, SJCP, and UNODC:**

- i. Continue to provide technical assistance and other relevant capacity-building programs to MS and regional bodies in order to effectively counter the threats of terrorism and related crimes;
- ii. Engage international partners to mobilise resources (equipment, funds, and expertise) to ensure holistic and balanced capacity-building of MS and regional organizations;
- iii. Mobilize resources towards promoting research on terrorism, and emerging technologies.

- iv. Endeavour to continuously promote Rule of Law and Human Rights based responses to terrorism and violent extremism.
12. The ACSRT in collaboration with UNODC reiterated their full engagement to continue to assist Member States in building their legal capacity to handle terrorist and violent extremist cases.
 13. The participants also expressed their gratitude to the Government of the United Republic of Tanzania for their generous hospitality during their stay and the Government of Canada for its continued commitment to Africa Peace and Security.

**Done at Dar es Salaam, United Republic of Tanzania,
30th Day of April 2019**

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