

**9th Eurojustice Conference**  
**27 – 29 September 2006 – Oslo, Norway**

**CONCLUSIONS**

The Ninth Annual Eurojustice Conference, gathering General Prosecutors of the Member States of the European Union and other invited states, met in Oslo from 27 to 29 September 2006. The Conference addressed various aspects of the challenge of terrorism in Europe and the fight against this crime, which is of particular interest for prosecution services.

The following conclusions were adopted:

1. The Conference, having considered different aspects of the threat from terrorism and the fight against this particularly heinous crime, recognizes the seriousness of the challenge of terrorism for law enforcement agencies, prosecutors and the judiciary all over Europe. Efficient and powerful tools are needed, both for prevention of acts of terror and in the investigation of such crimes. Prosecutors also have a vital role in securing the population against acts of terrorism.
2. The Conference stresses the importance of a concerted and co-ordinated fight against terrorism. While the police, specialised law enforcement agencies and the prosecution services hold a prominent place in combating this crime, prevention of terrorist acts should not only be a task for such organisations. Other authorities, institutions and societies also have a vital role to play in the overall fight against terrorism – and particularly those authorities responsible for integration of immigrants, schools and universities. Long-term success in the fight against terror can only be obtained by a co-ordinated and forceful effort from society as a whole.
3. All countries are struggling to adapt their criminal justice systems to the threat posed by terrorism. However, combating terrorism is fundamental in order to guarantee the security and freedom of all citizens. However, the fight against terrorism should not be seen as a “war”. Terrorism must be regarded as a crime, albeit a particularly serious one, and should be combated as such. Preventive measures, investigation, prosecution and trial must be founded on the rule of law, be under judicial control and based on the internationally recognized human rights principles as enshrined in the United Nations Human Rights Conventions and the European Convention on Human Rights.
4. Under no circumstances is the use of torture or of cruel, inhuman or degrading treatment or punishment or violation of other non-derogable rights under the international Human Rights instruments permissible. Threats of torture or use of evidence stemming from torture must never be accepted. Prosecutors have a responsibility in combating infringements of the prohibition against torture and other human rights violations and to prosecute such violations efficiently.
5. In order to fulfil their tasks in the best way possible, prosecution services should strive to enhance their general knowledge and understanding of terrorism, its causes and how acts of terrorism can be effectively combated. Centralization might be one way forward in this respect. Prosecutors dealing with terrorist cases should receive adequate training as matter of priority. Moreover, prosecutors should be encouraged -

within the limits of the framework of their work - to make known in appropriate ways possible detrimental effects of the acts of governments in the fight against terrorism.

6. Threats and pressure against prosecutors may seriously hamper the prosecution of terrorist cases. Moreover, the Conference notes that prosecutors working with terrorist cases may be at risk as a consequence of the duties they have to fulfil as a part of their professional work. There is an obligation incumbent on their superiors to ensure a proper risk assessment and to do whatever possible to protect prosecutors and their families. Ample resources, including personnel and sufficient funds should be made available in order to secure, to the largest extent possible, that prosecution of terrorist cases may take place without any infringement of the personal security of relevant prosecutors or their families.
7. Since acts of terrorism may take place anywhere, the response must be global. Co-operation across borders is vital and indispensable if the fight against terrorism is to be successful. The Conference notes that terrorism often has international links even if the individual crime seems to be “home-grown”. The Conference welcomes the valuable work done by Eurojust in this field and encourages Eurojust to continue, and if possible intensify, its work in this area. The Conference notes the importance of the obligation upon Member States of the EU to report to Eurojust in line with the Council Decision of 20 September 2005.
8. Successful combat of terrorism depends largely on the willingness and ability of all involved authorities to cooperate and exchange information, both internally and across borders. An especially important aspect is a commitment to the principle of mutual recognition, a prerequisite for which is trust in our different judicial systems and practices. Thus, evidence legally obtained should, as far as possible, be admissible in other jurisdictions.
9. The Conference, having examined the relationship between information gathered as “intelligence” and information meant to be used as evidence in court, notes that there is probably no uniform understanding of the term “intelligence” and that there are different attitudes and approaches to introducing “intelligence” as evidence. However, regardless of these differences, prosecutors must have access to all relevant information in order to decide whether a prosecution should be mounted and to be able to fulfil their role in securing a fair trial.
10. The Conference highlighted the importance of fighting against organized crime networks, likely to become sources of supply to terrorist groups. For this reason it emphasized the advantage of the gathering and comparison of information in each member state relating to various forms of organized crime, in order to enhance the effectiveness of international cooperation, particularly through Eurojust.

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