

# 2002 WORK PROGRAMME TO IMPLEMENT THE ASEAN PLAN OF ACTION TO COMBAT TRANSNATIONAL CRIME

*Adopted in Kuala Lumpur, Malaysia on 17 May 2002*

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## 1. ILLICIT DRUG TRAFFICKING

### 1.1. EXCHANGE OF INFORMATION

- a. Establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to illicit drug trafficking leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** All ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries.

- b. Projects and activities on drug matters under ASEAN Plan of Action are coordinated with the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD) Plan of Action.

**Action Line:** ASEAN Secretariat should coordinate project activities on drug matters between ASOD and ACCORD.

- c. A country specific study/survey of illicit drug trafficking by coordination with the institutions concerned such as the national focal points on drug matters and the National Police.

**Action Line:** All ASEAN Member Countries to do the survey & submit to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC for compilation and distribution to all Member Countries.

- d. Conduct typology studies to determine trends and “modus operandi” of illicit drug trafficking in the ASEAN region based on the country’s specific studies.

**Action Line:** All Member Countries should do the survey & submit it to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC for compilation and distribution.

- e. Familiarisation of law and legislation on illicit drug trafficking at the grass-roots level.

**Action Line:** All ASEAN Member Countries should be encouraged to enhance public awareness of laws and legislation pertaining to illicit drug trafficking.

- f. Establish a directory of contact persons in the policy, legal, law enforcement and academic institutions of ASEAN Member Countries and facilitate networking and lateral coordination among persons and agencies with similar functions.

**Action Line:** Contact points are the drug control agencies from each Member Country and the information is to be submitted to the ASEAN Secretariat within 6 months after the endorsement by the 2nd Annual SOMTC for compilation and distribution.

- g. Maximize the use of modern information and communications technology in facilitating the exchange of data on, among others, criminal methodologies, arrests, legal documents, requests for assistance, and respecting the restriction of transmission subject to each country.

**Action Line:** To include websites of the drug control agencies of all Member Countries (public information basis) on the ASEANWEB and to be linked by all Member Countries. Agencies that already have English-version websites are to submit the address to the ASEAN Secretariat by the end of 2002.

## 1.2. LEGAL MATTERS

- a. Work towards criminalisation in all ASEAN Member Countries of transnational organised criminals involved in illicit drug trafficking

**Action Line:** All Member Countries are recommended to explore the feasibility of criminalising illicit drug trafficking, where applicable.

- b. Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.

**Action Line:** ASEAN to explore the feasibility of developing and strengthening bilateral/multilateral treaties and Memorandum of Understanding from Member Countries. Practices, documents and reports from Member Countries to be submitted to and compiled by the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

## 1.3. LAW ENFORCEMENT MATTERS

Appoint Police Attaché or drug liaison officers, whenever feasible, in the capitals of ASEAN Member Countries.

**Action Line:** All ASEAN Member Countries should be encouraged to appoint Police attaché or drug liaison officers.

## 1.4. TRAINING

Develop regional training, personnel exchange programs and conduct regular conferences on illicit drug trafficking.

**Action Line:** ASEAN Secretariat to assist in conducting regional training, personnel exchange programs and regular conferences on illicit drug trafficking.

## 1.5. INSTITUTIONAL CAPACITY-BUILDING

Strengthen institutional linkages with the various ASEAN mechanisms involved in combating illicit drug trafficking such as the ASEAN Senior Officials on Drug Matters (ASOD).

**Action Line:** All ASEAN Member Countries to strengthen linkages between their respective institutions and the various ASEAN mechanisms involved in combating illicit drug trafficking.

## 1.6. EXTRA-REGIONAL COOPERATION

Seek assistance from ASEAN Dialogue Partners, regional organisations, relevant specialised agencies of the United Nations and other international organisations, on combating illicit drug trafficking and on the identities, movements and activities of known transnational criminal organisations involved in illicit drug trafficking.

**Action Line:** ASEAN Secretariat should be encouraged to actively seek assistance from dialogue partners in combating illicit drug trafficking.

## 2. TRAFFICKING IN PERSONS

### 2.1. INFORMATION EXCHANGE

- a. Establish a compilation of national laws of ASEAN Member Countries pertaining to trafficking in persons leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries

- b. A country specific study/survey of trafficking in persons by coordination with the institutions concerned such as the Immigration and the National Police and conduct typology studies to determine trends and “modus operandi” of trafficking in persons in the ASEAN region based on the country specific studies.

**Action Line:** ASEAN Member Countries to submit country studies, and where available case studies by NGOs, to the ASEAN Secretariat for compilation within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat will further review the studies for presentation at the next meeting.

- c. Enhancement of public awareness of laws, legislations and international agreements on trafficking in persons at the grass-roots level.

**Action Line:** ASEAN Member Countries to work at enhancing public awareness nationally including campaigns.

- d. Establish a directory of focal points in the policy, legal, law enforcement and academic institutions of ASEAN Member Countries and facilitate networking and lateral coordination among persons and agencies with similar functions.

**Action Line:** ASEAN Member Countries to submit their list of national focal points in this area to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and dissemination to Member Countries.

- e. Maximize the use of modern information and communication technology in facilitating the exchange of data on, among others, criminals, methodologies, arrests, legal documents, requests for assistance, and ensure its restricted transmission.

**Action Line:** ASEAN Secretariat to facilitate the sharing among Member Countries of the national laws, regulations, international treaties, if feasible, and any other relevant information in relation to trafficking in persons by creating a page in the ASEANWEB to allow Member Countries to access the information on-line. Member Countries may choose to post information direct on the website or download the information through the ASEAN Secretariat. ASEAN Secretariat to report progress within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC

## 2.2. LEGAL MATTERS

- a. Work towards criminalisation in all ASEAN Member Countries of trafficking in persons.

**Action Line:** ASEAN Member Countries should provide information among each other and to the ASEAN Secretariat on the progress of their efforts to enact domestic legal instruments, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC

- b. Work towards the harmonisation of relevant national policies, where applicable, among ASEAN Member Countries by exchange of information.

**Action Line:** ASEAN Member Countries to submit to the ASEAN Secretariat all their respective national policies on trafficking in persons as a basis for regional policy for trafficking in general within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

- c. Consider the feasibility in developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.

**Action Line:** Interested ASEAN Member Countries to look into developing bilateral or multilateral legal arrangements on mutual legal and administrative assistance.

- d. Coordinate with the ASEAN Senior Law Officials Meeting (ASLOM) on the implementation of the ASEAN Legal Information Network System (LINKS).

**Action Line:** The ASEAN Secretariat to coordinate with ASLOM on LINKS.

## 2.3. LAW ENFORCEMENT MATTERS

Develop programmes for joint exercises against trafficking in persons and simulations.

**Action Line:** Interested ASEAN Member Countries to submit project proposals to the SOMTC for endorsement and to the ASEAN Secretariat for the project appraisal process.

## 2.4. TRAINING

- a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, surveillance, detection and monitoring and reporting.

**Action Line:**

- (i) Develop a regional curriculum/module on trafficking in persons based on existing national training programs of member-countries and those of the international community; and
  - (ii) Train law enforcement officials based on the regional curriculum in the investigation, surveillance, detection and monitoring, and reporting of cases of trafficking in persons.
  - (iii) Another meeting of the task force to formulate a regional curriculum/module on trafficking in persons is also proposed.
- b. Develop regional training program for the post-repatriation rehabilitation and protection of the victims.

**Action Line:**

- (i) Interested ASEAN Member Countries to develop regional training programmes within 6 months and to submit it to the SOMTC for endorsement and thereafter to the ASEAN Secretariat for the appraisal process.
- (ii) Develop a regional curriculum/module on trafficking in persons geared towards the rehabilitation of victims based on existing national training programs of member-countries and those of the international community

## **2.5. INSTITUTIONAL CAPACITY-BUILDING**

- a. Promote the efficient networking of relevant national agencies/organisations in ASEAN Member Countries.

**Action Line:** Member Countries to submit to the ASEAN Secretariat the existing framework within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution

- b. Promote and strengthen institutional linkages with the various ASEAN mechanisms involved in combating trafficking in persons, for example the ASEAN Committee on Women.

**Action Line:** ASEAN Member Countries to submit names of national focal points on combating trafficking in persons to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and dissemination to ASEAN Member Countries.

## **2.6. EXTRA-REGIONAL COOPERATION**

Subject to each country's prevailing domestic laws and regulations, enhance information exchange with ASEAN Dialogue Partners, regional organisations, relevant specialized agencies of the United Nations and other international organisations, particularly towards the sharing of critical information on the activities, movements and activities of known transnational criminal organisations involved in the trafficking of persons.

**Action Line:** ASEAN Secretariat to seek technical assistance from dialogue partners in developing a mechanism for information exchange.

### 3. SEA-PIRACY

#### 3.1. INFORMATION EXCHANGE

- a. Establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to piracy and armed robbery at sea leading towards establishing a regional repository of such national laws and regulations within a certain time frame to be made available on the ASEANWEB.

**Action Line:** ASEAN Member Countries (with the exception of landlocked country - Lao PDR) to submit all national laws and regulations and international agreements and Conventions as applicable on piracy and armed robbery at sea to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and dissemination.

- b. Exchange of information and enhance cooperation with the specialised UN agency - the International Maritime Organization (IMO) - as well as with other bodies involved in combating piracy and armed robbery at sea such as the International Maritime Bureau (IMB), Federation of ASEAN Ship-owners Association (FASA) and ASEANAPOL.

**Action Line:** ASEAN Member Countries to submit directory of Focal Points to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

- c. Compile national studies to determine trends and “modus operandi” of piracy in Southeast Asian waters.

**Action Line:** The ASEAN Secretariat to write to INTERPOL as well as other think-tanks in the region to undertake these studies within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC and at the same time to determine the costs of these studies.

#### 3.2. LEGAL MATTERS

Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, hot pursuit, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.

**Action Line:** The ASEAN Secretariat together with the Chair of the Task Force to work within a year to develop the mechanism to consider the feasibility of the matter.

#### 3.3. LAW ENFORCEMENT MATTERS

- a. Enhance programmes for anti-piracy coordinated patrols.

**Action Line:** Member Countries to submit existing programme and activities to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for dissemination.

- b. Enhance cooperation and coordination in law enforcement and intelligence sharing of piracy and armed robbery at sea activities and that of other unlawful transnational crimes.



**Action Line:** To involve National Focal Point/National Maritime Authorities of the respective countries in the above initiative.

### 3.4. TRAINING

To enhance and seek training programmes within ASEAN and ASEAN Dialogue Partners to equip Maritime, Customs, the Police, Port Authorities and other relevant officials on the prevention and suppression of sea piracy and other maritime crime.

**Action Line:** Malaysia will explore the possibility of conducting feasible training programmes with the cooperation of ASEAN Dialogue Partners.

### 3.5. INSTITUTIONAL CAPACITY-BUILDING

Strengthen and enhance the existing cooperation among National Focal Points of ASEAN Countries involved in combating and suppressing piracy and armed robbery at sea.

**Action Line:** The ASEAN Secretariat to work closely with Member Countries in identifying the National Focal Points with regard to piracy and armed robbery at sea within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC.

### 3.6. EXTRA-REGIONAL COOPERATION

- a. Seek technical assistance from ASEAN Dialogue Partners, users of the waterways and other relevant specialised agencies of the United Nations and international organisations, particularly with regards to training and acquisition of effective communication equipment and assets. This would be in consideration of Article 43 of the UN Convention on the Law of the Sea 1982.

**Action Line:** ASEAN Member Countries to identify and prioritise workable programme, where applicable, to be submitted to the Chairman of the Task Force with a view of seeking assistance from ASEAN Dialogue Partners.

- b. Financial assistance for increased patrolling of particular vulnerable sea areas and assistance in terms of training programmes for law enforcement officials at sea and agencies concerned.

**Action Line:** The ASEAN Secretariat together with the Chairman of the Task Force to identify and match relevant programmes, where applicable, with a view of proposing them to the ASEAN Dialogue Partners.

## 4. ARMS SMUGGLING

### 4.1. INFORMATION EXCHANGE

- a. Establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to arms smuggling leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries.

- b. Conduct typology studies to determine trends and modus operandi of arms smuggling in the ASEAN region.

**Action Line:** ASEAN Member Countries to submit studies conducted by each member country to the ASEAN Secretariat for compilation within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat will further review the studies for presentation at the next meeting.

- c. Enhance the exchange of information and cooperation among the ASEAN officials e.g. ASEANAPOL, customs, immigration, and legislators on international and regional arms smuggling activities.

**Action Line:** Member Countries to provide names of focal points to be submitted to the ASEAN Secretariat, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC, for its compilation into a directory.

- d. Coordinate with ASEANAPOL on information on regional arms smuggling activities.

**Action Line:** Cambodia to refer this to the next ASEANAPOL meeting to be held in Phnom Penh in May 2002 with a view to include it as an item to be discussed during the meeting. Other Member Countries are also to bring this up to their respective Police Chiefs for early consideration.

- e. Establish a comprehensive database of international treaties and agreements pertaining to arms smuggling /transnational crime.

**Action Line:** ASEAN Secretariat to approach dialogue partners and other donor countries and funding agencies on assistance to set up the database.

#### 4.2 LEGAL MATTERS

ASEAN works toward the harmonization of marking systems for ammunition, arms, their parts and their components in line with the international system developed by Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime.

**Action Line:** ASEAN member states to endeavour to discuss this matter so that ASEAN undertaking is in harmony with the international system.

#### 4.3. LAW ENFORCEMENT MATTERS

- a. Intelligence exchange and cooperation not only in border and customs control between countries in ASEAN but also with Europol, Interpol and any other organisations.

**Action Line:** ASEAN Secretariat to initiate and make contact with these organisations.

- b. Strengthen law enforcement capabilities, especially the need for comprehensive domestic legislation against illicit arms trafficking.

**Action Line:** ASEAN Member Countries to submit their domestic legislations to the ASEAN Secretariat for compilation within the time frame of 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

#### 4.4. TRAINING

- a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence surveillance, detection, monitoring and reporting.

**Action Line:** Compilation of national training programmes of each Member Country by the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC

- b. Sharing of experience on best practices in investigation, monitoring and reporting of smuggling of arms and explosives materials to contain and suppress such activities in our effort to fight arms smuggling.

**Action Line:** Indonesia is to propose a programme on this subject matter within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

#### 4.5. INSTITUTIONAL CAPACITY-BUILDING

- a. Establish a database on illicit trafficking of arms and explosives with a view to address the current lack of information/database and research indicating the volume of trade, types of cases pursued, the trends, routes and manner of smuggling.
- b. Establish procedures for countries to declare surplus arms destroyed, missing and lost from government stockpiles to be reported and compiled to facilitate tracking measures in line with the development of international procedures and the exchange of information.

**Action Line:** ASEAN Secretariat to be responsible for compiling and keeping the data which will be updated regularly by member states. The ASEAN Secretariat will approach potential donor countries such as Japan for assistance in setting up the database sector.

#### 4.6 EXTRA-REGIONAL COOPERATION

- a. Enhance information exchange with ASEAN Dialogue Partners, regional organisations, relevant specialised agencies of the United Nations and other international organisations, particularly towards the sharing of critical information on the identities, movements and activities of known transnational criminal organisations involved in arms smuggling.

**Action Line:**

- (i) ASEAN Secretariat to seek technical assistance from dialogue partners in developing a mechanism for information exchange;
  - (ii) Establish a database system to share with other regional bodies.
- b. Seek technical assistance and funding considerations for weapons collection and destruction, the strengthening of law enforcement and institutional capacity building.

**Action Line:** ASEAN Secretariat will pursue this matter with interested parties.

- c. Implement the programme of action, where practicable, in accordance with the outcome of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001.

**Action Line:** Encourage individual countries to implement, where practicable, the programme of action of the 2001 UN Conference.

## 5. MONEY LAUNDERING

### 5.1. EXCHANGE OF INFORMATION

- a. Establish a compilation of national laws and regulations of ASEAN Member Countries in pertaining to anti-money laundering legislation leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries.

**Action Line:** To compile a matrix of all the laws and regulations relating to money laundering by Member Countries, building upon the information already available with the Asia/Pacific Group on Money Laundering in 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

- b. Conduct typology studies to determine trends and “modus operandi” of money laundering activities in ASEAN Member Countries.

**Action Line:** ASEAN Member Countries to refer to typologies and trends available on the Asia/Pacific Group on Money Laundering and the Financial Action Task Force on Money Laundering websites.

- c. Identify relevant contact persons in the policy, legal, law enforcement and academic institutions of ASEAN Member Countries and facilitate networking and lateral coordination among persons and agencies with similar functions.

**Action Line:** Member Countries to submit list of contact persons and focal points to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

### 5.2. LEGAL MATTERS

- a. Work towards the criminalisation in ASEAN Member Countries of money laundering activities.

**Action Line:** Each Member Country to explore the feasibility of criminalizing money laundering, where applicable.

**Action Line:** Each Member Country to explore the feasibility of having bilateral treaties and MOU subject to domestic laws and policies. A progress report should be submitted to the ASEAN Secretariat.

### 5.3. LAW ENFORCEMENT MATTERS

- a. Enhance cooperation and coordination in law enforcement and intelligence sharing.

**Action Line:** Member Countries to submit relevant Focal Points and details of contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for collation and dissemination.

### 5.4. TRAINING

- a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, detection and monitoring and reporting for ASEAN Member Countries officials concerned on anti-money laundering.

**Action Line:** Malaysia will propose training modules for money laundering investigations and suspicious transactions activity relating to money laundering in banking and non-banking institutions within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat will submit the proposal to the SOMTC for endorsement and thereafter for the appraisal process. The money laundering investigations training will include modules on asset tracing, forensic accounting and the efficient collection, analysis and distribution of financial intelligence and effective use of the same by law enforcement units and the training of financial evaluators of anti-money laundering measures.

### 5.5. INSTITUTIONAL CAPACITY-BUILDING

- a. Coordinate with ASEANAPOL for the analysis of information on regional money laundering activities.

**Action Line:** ASEAN Secretariat will be liaising directly with ASEANAPOL to study the feasibility of this and to report at the next SOMTC Meeting.

- b. Promote the efficient networking of relevant national agencies/organizations in ASEAN Member Countries by creating inter-agency committees/task forces to enhance information exchange and dissemination.

**Action Line:** Member Countries to submit to the ASEAN Secretariat the existing framework within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

- c. Member Countries to establish financial intelligence/ investigative units consistent with domestic laws and policies.

**Action Line:** Member Countries to report on the status of establishment of the FIU (Financial Investigation Units) at the next Meeting.

### 5.6. EXTRA-REGIONAL COOPERATION

- a. Seek assistance from ASEAN Dialogue Partners and relevant specialized agencies of the UN and other international organizations, particularly with regards to training.

**Action Line:** ASEAN Secretariat to give priority to the technical assistance sought to be used for funding of the training needs set out in paragraph 5.3 within the year.

## 6. TERRORISM

### 6.1. INFORMATION EXCHANGE

- a. Establish a compilation of national laws and regulations of ASEAN Member Countries, including international treaties and agreements, pertaining to terrorism leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries.

- b. Explore ways for ASEAN to cooperate with ASEANAPOL and relevant international organizations concerned with terrorism matters to further facilitate sharing of information and analysis of critical intelligence information such as “modus operandi” and offences involving terrorist activities.

**Action Line:** ASEAN Secretariat to explore linkages with ASEANAPOL and relevant international organizations within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

- c. Enhance cooperation in the exchange of information among Member Countries as well as with international agencies to combat terrorism.

**Action Line:** ASEAN Member Countries to submit to the ASEAN Secretariat, within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC, their respective focal points on terrorism. The ASEAN Secretariat will then publish a directory for dissemination to all ASEAN Member Countries.

- d. Exchange of information on technologies to detect and deter the use of materials of mass destruction, including biological agents or toxins, in terrorist attacks and develop means to deter terrorist attacks on electronic and computer infrastructure.

**Action Line:** ASEAN Member Countries shall enhance the exchange of the above mentioned information on technologies.

- e. Exchange of information on security practices for international special events, strengthen and expand international cooperation and consultation in anti-terrorist activities.

**Action Line:** ASEAN Member Countries shall enhance the exchange of the above-mentioned information on security practices.

- f. A comprehensive database of international treaties and agreements pertaining to terrorism/transnational crime be established.

**Action Line:** ASEAN Secretariat to approach dialogue partners and other donor countries and funding agencies on assistance to set up the database.

- g. Enhance information/intelligence exchange to facilitate the flow of information, in particular, on terrorists and terrorist organizations, their movement and funding, and any other information needed to protect lives, property and the security of all modes of travel.

**Action Line:** ASEAN Member Countries to begin exchange of information on the above initiative.

## 6.2. LEGAL MATTERS

- a. Work towards the criminalisation of terrorism in ASEAN Member Countries.

**Action Line:** ASEAN Member Countries should provide information among each other and to the ASEAN Secretariat on the progress of their efforts to enact domestic legal instruments, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

- b. Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, extradition, exchange of witnesses, sharing of evidence, inquiry and seizure in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.

**Action Line:** Interested ASEAN Member Countries to explore the modalities through exchange visits, seminars and other means.

- c. Work towards the early signing/ratification of or accession to all relevant anti-terrorist conventions including the International Convention for the Suppression of the Financing of Terrorism.

**Action Line:** ASEAN Member Countries to work towards the early signing/ratification by first reviewing the current anti-terrorist conventions.

- d. Study relevant international conventions on terrorism with the view to integrating them with ASEAN mechanisms on combating international terrorism.

**Action Line:** ASEAN Secretariat shall finalise, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC, the compilation of the relevant international conventions and further conduct, within six months after this finalisation, a study on the feasibility of integrating them with ASEAN mechanisms on combating international terrorism.

- e. Working on a regional operational convention or agreement to combat terrorism.

**Action Line:** ASEAN Secretariat shall conduct a study within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to consider the formulation of a regional operational convention or agreement to combat terrorism.

- f. Work towards a bilateral or multilateral mutual legal assistance agreement or arrangement to enhance cooperation in combating terrorist acts and deliberating on various aspects of the issue in a comprehensive manner including its definition and root causes.

**Action Line:** ASEAN Secretariat to consult with Member Countries on the feasibility of holding an ASEAN Meeting to formulate an ASEAN agreement or arrangement in Mutual Legal Assistance among ASEAN Member Countries on combating terrorism as soon as possible.

### 6.3. LAW ENFORCEMENT MATTERS

- a. Enhance cooperation and coordination in law enforcement and intelligence sharing on terrorism issues affecting ASEAN Member Countries.

**Action Line:** ASEAN Secretariat to publish a directory of focal points and contact persons in charge of terrorism for dissemination to all ASEAN Member Countries within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC.

- b. Deepen cooperation among front-line law enforcement agencies in combating terrorism and sharing best practices.

**Action Line:** ASEAN Secretariat to explore the possibility of conducting a seminar on terrorism.

### 6.4. TRAINING

- a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, counter-terrorism, detection and monitoring and reporting of terrorist activities.

**Action Line:** Interested ASEAN Member countries are urged to submit their project proposals on training programmes/conferences to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC. The ASEAN Secretariat to seek funding from dialogue partners/international organizations for the projects. ASEAN Member Countries conducting national training programmes may extend invitations to other ASEAN Member Countries to join their existing programs.

- b. Hold a multilateral seminar on emergency response to terrorist threats.

**Action Line:** Interested ASEAN Member countries are urged to submit their project proposals on convening such a seminar to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC. The ASEAN Secretariat to seek funding from dialogue partners/international organizations to convene the seminar.

### 6.5. INSTITUTIONAL CAPACITY BUILDING

- a. Review and strengthen national mechanisms of ASEAN Member Countries to combat terrorism.

**Action Line:** ASEAN Secretariat shall assist Member Countries in strengthening their national mechanisms of Member Countries to combat terrorism. Assistance from ASEAN Member Countries in providing necessary documentation and information would be welcome.

- b. Strengthen existing cooperation and coordination between the AMMTC and other relevant ASEAN bodies in countering, preventing and suppressing all forms of terrorist acts. Particular attention would be paid to finding ways to combat terrorist organizations, support infrastructure and funding and bringing the perpetrators to justice.

**Action Line:** ASEAN Secretariat to explore the possibility of inviting the chair of task forces or heads of other ASEAN bodies that are directly involved in the fight against terrorism, for example DGICM, ASEANAPOL, to attend SOMTC meetings.



- c. Develop regional capacity building programs to enhance existing capabilities of ASEAN Member Countries to investigate, detect, monitor and report on terrorist acts.

**Action Line:** Interested ASEAN Member countries are urged to submit their project proposals on capacity building programmes to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC. The ASEAN Secretariat to seek funding from dialogue partners/international organizations for the programmes.

- d. Convene specialized workshops, seminars and training courses for ASEAN law enforcement officials on new forms of terrorism such as bio-terrorism and cyber terrorism. The areas for discussion could include the review of laws and legislation in these new areas with a view towards harmonization where feasible.

**Action Line:** ASEAN Member Countries will provide the ASEAN Secretariat a list of research institutions in each country with the capabilities of carrying out chemical analysis of biological agents and toxins, which would be useful in combating bio-terrorism. The list would be circulated to all Member Countries.

## 6.6. EXTRA-REGIONAL COOPERATION

- a. Discuss and explore practical ideas and initiatives to increase ASEAN's role in and involvement with the international community including extra-regional partners within existing frameworks such as the ASEAN + 3, the ASEAN Dialogue Partners and the ASEAN Regional Forum (ARF), to make the fight against terrorism a truly regional and global endeavor.

**Action Line:** AMMTC Chair and the ASEAN Secretariat may look into the possibility of inviting the Plus Three Countries – China, Japan and the Republic of Korea - and other dialogue partners to the SOMTC and AMMTC meetings.

- b. Strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirm that at the international level the United Nations should play a major role in this regard.

**Action Line:** ASEAN Secretariat to conduct a study on how ASEAN programmes/projects could complement/support UN resolutions.

## 7. INTERNATIONAL ECONOMIC CRIME

### 7.1. EXCHANGE OF INFORMATION

- a. Establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to international economic crime legislation leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** All ASEAN Member Countries to submit laws, regulations and international treaties, where applicable, relating to credit card fraud, counterfeit currency, forgery of bank instruments, illicit trading of shares, smuggling of money and Intellectual Property Rights (IPRs) to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> Annual SOMTC for compilation and distribution to ASEAN Member Countries.

- b. Conduct typology studies to determine trends and “modus operandi” of international economic crime activities in ASEAN Member Countries.

**Action Line:** All ASEAN Member Countries to submit their respective trends and "modus operandi", where applicable, to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.

- c. Identify relevant contact persons in the policy, legal, law enforcement and academic institutions of ASEAN Member Countries and facilitate networking and lateral coordination among persons and agencies with similar functions.

**Action Line:** All ASEAN Member Countries to submit list of contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.

- d. Maximize the use of modern information and communications technology in facilitating the exchange of data on, among others, criminal methodologies, arrests, legal documents, requests for assistance, and ensure its restricted transmission.

**Action Line:** All ASEAN Member Countries to submit list of contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.

## 7.2. LEGAL MATTERS

Work towards the criminalization in ASEAN Member Countries of international economic crime activities.

**Action Line:** All ASEAN Member Countries to study the legislation compiled by the ASEAN Secretariat and review their respective legislation, where applicable, subject to domestic laws and national policies.

## 7.3. LAW ENFORCEMENT MATTERS

Enhance cooperation and coordination in law enforcement and intelligence sharing.

**Action Line:** All ASEAN Member Countries to submit relevant focal points and contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.

## 7.4. TRAINING

- a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, detection and monitoring and reporting for ASEAN Member Countries officials concerned on international economic crime.

**Action Line:** Where applicable, all members can consider inviting other members to participate in their existing training courses and conferences pertaining to credit card fraud, counterfeit currency, forgery of bank instruments, illicit trading of shares, smuggling of money and Intellectual Property Rights (IPRs).

- b. Exchange "best-practices" of relevant institutions in ASEAN Member Countries involved in combating international economic crime.

**Action Line:** Where applicable, all Member Countries to submit relevant information and trend on credit card fraud, counterfeit currency, forgery of bank instrument, illicit trading of shares, smuggling of money and Intellectual Property Rights (IPRs) to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.

## 7.5. INSTITUTIONAL CAPACITY-BUILDING

- a. Coordinate with ASEANAPOL for the analysis of information on international economic crime activities.

**Action Line:** ASEAN Secretariat to liaise with ASEANAPOL on the feasibility of this and report within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

- b. Promote the efficient networking of relevant national agencies/organizations in ASEAN Member Countries by creating inter-agency committees/task forces to enhance information exchange and dissemination.

**Action Line:** All Member Countries to forward relevant framework to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and dissemination to all Member Countries.

## 7.6. EXTRA-REGIONAL COOPERATION

Seek assistance from ASEAN Dialogue Partners and relevant specialized agencies of the UN and other international organizations, particularly with regards to training and other important activities.

**Action Line:** Where applicable, all Member Countries to submit their training requirement in the area to the ASEAN Secretariat. ASEAN Secretariat to liaise with the dialogue partners to seek training opportunities and report in 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

# 8. CYBER CRIME

## 8.1. EXCHANGE OF INFORMATION

- a. Establish a compilation of national laws, regulations and international treaties, where applicable, of ASEAN Member Countries pertaining to cyber crime legislation leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries.

- b. Conduct typology studies to determine trends and “modus operandi” of cybercrime activities in ASEAN Member Countries.

**Action Line:** All Member Countries to submit their respective trends and "modus operandi", where available, in the area of cybercrime to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2<sup>nd</sup> SOMTC for compilation and distribution.

- c. Coordinate with ASEANAPOL so as to further facilitate sharing and analysis of critical intelligence information such as "modus operandi" and syndicates.

**Action Line:** ASEAN Secretariat to enhance coordination with ASEANAPOL.

- d. Maximize the use of modern information and communication technology in facilitating the exchange of data on, among others, criminals, methodologies, legal documents, request for assistance and ensure its restricted transmission.

**Action Line:** ASEAN Secretariat to facilitate the sharing among Member Countries of the national laws, regulations, international treaties, where feasible, and any other relevant information in relation to cybercrime by creating a page in the ASEANWEB to allow Member Countries to access the information on-line. Member Countries may choose to post information direct on the website or download the information through the ASEAN Secretariat. ASEAN Secretariat to report progress within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

## 8.2. LEGAL MATTERS

- a. Work towards the criminalization in ASEAN Member Countries of cybercrime activities.

**Action Line:** All Member Countries to study the cybercrime legislation compiled by the ASEAN Secretariat and review their respective legislation, where applicable subject to domestic laws and national policies.

- b. Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, extradition, exchange of witnesses, sharing of evidence, inquiry and seizure in order to enhance mutual legal and administrative assistance among ASEAN Member Countries in combating cybercrimes.

**Action Line:** All Member Countries to explore the feasibility of developing and strengthening multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, extradition, exchange of witnesses, sharing of evidence, inquiry and seizure in order to enhance mutual legal and administrative assistance among ASEAN Member Countries in combating cybercrimes.

## 8.3. LAW ENFORCEMENT MATTERS

- a. Enhance cooperation and coordination in law enforcement and intelligence sharing.
- b. Develop programmes and activities for joint exercises and simulations.

**Action Line:** All Member Countries to submit relevant focal points and contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for collation and dissemination.

#### 8.4. TRAINING

- a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, detection and monitoring and reporting for ASEAN Member Countries officials concerned on cybercrimes.

**Action Line:** Where applicable, Member Countries can invite other Member Countries to participate in their existing training courses in combating cybercrimes. (After note: Singapore would be conducting a course on computer forensic in the last quarter of 2002 and would offer places to Member Countries subject to availability of vacancies. Except for course fees, all other costs would be borne by the respective participating countries.)

- b. Exchange "best-practices" of relevant institutions in ASEAN Member Countries involved in combating cybercrime.

**Action Line:** All Member Countries to submit relevant "best practices", which should include ways of dealing with credit card fraud, email tracing (including cyber terrorism), DDOS attack, defacing, worm/virus attack, and also international cooperation including joint investigation and joint training, to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

#### 8.5. INSTITUTIONAL CAPACITY-BUILDING

- a. Coordinate with ASEANAPOL for the analysis of information on cybercrime activities.

**Action Line:** ASEAN Secretariat to liaise with ASEANAPOL on the feasibility of this and report progress in 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

- b. Promote the efficient networking of relevant national agencies/organizations in ASEAN Member Countries by creating inter-agency committees/task forces to enhance information exchange and dissemination.

**Action Line:** All Member Countries to submit their respective framework to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for dissemination to all Member Countries.

#### 8.6. EXTRA-REGIONAL COOPERATION

- a. Seek assistance from ASEAN Dialogue Partners and relevant specialized agencies of the UN and other international organizations, particularly with regards to training.

**Action Line:** ASEAN Secretariat to liaise with ASEAN Dialogue Partners to seek training opportunities in the area of combating cybercrime. ASEAN Secretariat to report progress in 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.