

# **2009 ASEAN COMPREHENSIVE PLAN OF ACTION ON COUNTER TERRORISM**

*Adopted in Siem Reap, Cambodia on 17 November 2009*

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## I. GENERAL/INTRODUCTION

1. Pursuant to the ACCT and in accordance with the mandate of the 7th SOM-TC, the SOM-TC WG is mandated to develop the ASEAN CPOA on CT that will elaborate the ASEAN Action Plan on Counter terrorism. The 1st SOM-TC WG meeting was held in Jakarta on June 5, 2008. In accordance with the key principles of the ASEAN Convention on Counter Terrorism, the Plan of Action aims, among others, to:
  - 1.1. Enhance cooperation among the law enforcement and intelligence agencies, and other relevant authorities of ASEAN Member States to counter, prevent and suppress terrorism, terrorist organisations and their associations, to disrupt their support networks and impede their plan of terror acts, and to bring them to justice.
  - 1.2. Prevent the acts of terrorism by addressing its root causes and the conditions conducive to its spread.
  - 1.3. Protect the peoples of ASEAN and reduce the vulnerability of critical infrastructures of ASEAN Member States against terrorist attacks.
2. As the primary responsibility for combating terrorism rests with the ASEAN Member States, the Plan of Action shall complement their national efforts, by adding values towards the common objectives through the following:
  - 2.1. Strengthening national capabilities of ASEAN Member States to counter terrorism, by sharing best practices, exchange of knowledge, expertise, technology and information on how to prevent, protect people against, disrupt and respond to terrorism.
  - 2.2. Enhancing ASEAN cooperation on counter terrorism, by establishing effective mechanisms to facilitate cooperation among the relevant law enforcement agencies and relevant authorities of ASEAN Member States involved in counterterrorism.
  - 2.3. Developing collective capability at the regional level to prevent, protect against, disrupt and respond to terrorism, by making best use of the capability of the existing ASEAN bodies involve in combating terrorism, including AMMTC and SOMTC.
  - 2.4. Promoting international cooperation, through close cooperation with ASEAN Dialogue and Sectoral Partners as well as relevant international organisations in implementing the Joint Declaration on Combating International Terrorism. Utilize the existing training centers facilities for law enforcement in ASEAN member states such as Jakarta Centre for Law Enforcement and Cooperation (JCLEC), Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) and International Law Enforcement Academy (ILEA) in implementing the relevant activities of the ACPOA.

## II. AREAS OF COOPERATION

### 3. Adherence to Relevant United Nations (UN) Security Council Resolutions and relevant international instruments pertaining to terrorism.

- 3.1. Introduce appropriate legislation to implement the obligations and to enable ratification of international instruments pertaining to terrorism to which ASEAN Member States are parties to.
- 3.2. Ensure that all counter terrorism measures should respect and promote applicable provisions of international law, in particular, international human rights, and humanitarian law.
- 3.3. Implement appropriate Security Council Resolutions related to international terrorism and to cooperate with the counterterrorism subsidiary bodies of the Security Council in fulfilment of their tasks in accordance with the principles as enshrined in the ASEAN Charter and ASEAN Political Security Community Blueprint.

### 4. Implementation of the existing regional legal frameworks, instruments and agreements pertaining to terrorism.

- 4.1. Establish appropriate jurisdiction by among others prosecution or extradition, as stipulated in article VII of the ASEAN Convention on Counter Terrorism, in order to bring terrorists to justice and deny them safe haven.
- 4.2. Enhance the activities of the existing ASEAN bodies engaged in counter terrorism, such as AMMTC and SOMTC and other relevant stakeholders.
- 4.3. Exchange experiences in introducing the appropriate legislation to implement the obligations under international counterterrorism conventions and protocols and assist Member States that are not yet parties to those instruments.
- 4.4. Enhance the terrorism-related legislative archives of ASEAN Member States, with a view to sharing legislative information, by utilizing the ASEAN Legal Information Network System.
- 4.5. Continue to work towards an ASEAN Model Treaty on Extradition.
- 4.6. Promote the sharing of best practices and exchange of lessons learnt on witness protection, including protection of justice and criminal justice officials involved in terrorism cases, with the objective of establishing an appropriate mechanism in ASEAN.
- 4.7. Enhance the cooperation on mutual legal assistance in accordance with the Treaty on Mutual Legal Assistance in Criminal Matters.

### 5. Addressing the root causes of terrorism and conditions conducive to its spread.

- 5.1. Promote the objectives of the UN Millennium Development Goals on the eradication of poverty and sustain economic development in the region.

- 5.2. Develop programmes aimed at improving the quality of life of the people, through adequate provision of basic needs, equal opportunities and proper education, so as to prevent them from being manipulated by terrorist groups to further their ends.
  - 5.3. Promote international and regional initiatives that encourage tolerance, moderation, inter-faith and intra-faith dialogues in the region through, among others, ASEAN-COCI and to take part in the UN initiative on the Alliance of Civilisations.
  - 5.4. Develop programmes aimed at promoting greater tolerance and understanding through, among others, inter-faith, intra-faith and Inter-cultural dialogues, which will involve all levels of society including the religious leaders, the private sector, the academia, media, non-governmental organisations, community groups and other relevant institutions.
  - 5.5. Study the conditions conducive to the spread of terrorism and explore ways to address such conditions, involving all levels of society, including religious leaders, the private sector, academics, the media, non-governmental organisations, community groups and other relevant institutions.
  - 5.6. Share analysis of the radicalization process, including the motivation of terrorism, and share good practices in deradicalization activities.
  - 5.7. Exchange ASEAN Member States' success stories and best practices on rehabilitation and re-education programmes to prevent the perpetration of terrorist acts and the propagation of terrorist cells.
  - 5.8. Develop programmes aimed at supporting victims of terrorism.
  - 5.9. Develop programme to promote and empower public participation on counter terrorism measures.
  - 5.10. Encourage the private sector to adopt business approaches that will facilitate counter terrorism measures, e.g. development of "security-oriented" design of industrial facilities, public transport facilities, etc.
  - 5.11. Promote public and media awareness on terrorist threats and terrorism activities including through, public education on counter terrorism measures.
- 6. Exchange of best practices on how to protect critical infrastructures, including telecommunications facilities, power stations, water supply facilities, air and sea ports, rail and road transportation facilities, key government and business buildings, etc. against terrorist attacks.**
- 6.1. Enhance cooperation to improve the security and protection of particularly vulnerable targets such as critical infrastructures and public facilities.
  - 6.2. Promote exchange of experience to classify the risk levels of security of critical infrastructures and soft targets, such as telecommunications facilities, power stations, water supply facilities, military facilities, air/seaports, public transportation, government buildings, historic buildings and public places.

**7. Improvement of the security of passports, other travel documents and other documents issued by ASEAN Member States**

- 7.1. Intensify efforts and co-operation at every level, as appropriate, to improve the security measures in the manufacture and issuance of identity and travel documents and to detect and prevent the use of fraudulent passports and other travel documents.
- 7.2. Promote harmonisation of the security features of travel documents with international standards to facilitate the detection of fraudulent travel documents and deter the movement of terrorists in the region.

**8. Improvement of information sharing on lost and stolen passports, lost and stolen vehicles, fingerprints, wanted persons, etc, in close cooperation with ASEANAPOL.**

- 8.1. Provide data and updates for the INTERPOL I-24/7 databases, including its Stolen and Lost Travel Documents (SLTD) database, the INTERPOL-United Nations Security Council Special Notices, Orange Notices, fingerprints, and DNA and other terrorism-related data, as appropriate.
- 8.2. Provide terrorism-related updates to ASEANAPOL, as appropriate, in order to enhance regional cooperation on counter terrorism.
- 8.3. Enhance capacity and mechanisms for the dissemination of terrorism-related information – especially information obtained through ASEANAPOL and INTERPOL – to front-line law enforcement officers involved in counter terrorism activities.
- 8.4. Develop at the national and regional level to the extent possible, a linked migration database system that will improve border security without impinging upon legitimate migration flows.

**9. Development of integrated surveillance and movement control methods at vulnerable areas along common borders in ASEAN Member States and the commencement of coordinated patrols to prevent terrorist infiltration.**

- 9.1. Enhance bilateral, sub-regional, regional and international cooperation, as appropriate, to improve border and customs controls, in order to prevent and detect the cross-border movement of terrorists and to prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological, radiological, and nuclear weapons and dual-use goods as well as materials that may be used in terrorist acts.
- 9.2. Ensure that border officials have direct and timely access to national, regional and international databases containing notices and lookout information for the screening/inspection of travel documents.
- 9.3. Enhance the effectiveness of efforts to detect forged/falsified/counterfeit travel documents and to process data from INTERPOL, ASEANAPOL and other sources, by providing training to officers with immigration duties.

- 9.4. Carry out studies and research on specific issues such as movements of terrorists and terrorist networks; forged/falsified/counterfeit travel documents; trafficking of arms, explosives or other hazardous materials; use of communications technologies by terrorist groups; and the threats posed by the possession of weapons of mass destruction by terrorist groups.
- 9.5. Conduct training and seminars for immigration officers of ASEAN Member States in order to disseminate specialized knowledge about all aspects of ASEAN Member States' travel documents and enhance the detection of fraudulent travel documents.
- 9.6. Organize thematic regional committees for the exchange of information, best practices and approaches in order to address the relevant challenges.
- 9.7. Involve immigration officers, customs officers, police officers and other officers engaged in counter terrorism activities where necessary at border points in order to encourage the mutual exchange of practices.
- 9.8. Develop programmes for joint tactical exercises and simulations in the area of national border security; implement and/or enhance coordinated patrols and surveillance at vulnerable national borders in order to prevent terrorist infiltration and the smuggling of weapons.
- 9.9. Introduce early-warning mechanisms to notify countries in the region of the movement of terrorists, explosive materials, CBRN weapons and cash and other negotiable instruments suspected to be intended for terrorists financing.
- 9.10. Exchange of best practices and development of standard operating procedures on how to secure potential targets other than the critical infrastructure, i.e. "soft targets" such as public places, religious facilities, etc. against terrorist attacks.

**10. Establishment of institutionalised mechanisms for the exchange of information and intelligence on the surveillance and tracking of suspected terrorist organisations including their associated organisations and their activities with a view to preventing their acts of terror.**

- 10.1. Strengthen coordination and cooperation among Member States and establish focal points for national, regional and international information exchange and early warning on suspicious terrorist activities.
- 10.2. Introduce a system for the designation/proscription of terrorists/terrorist groups, without prejudice to domestic law and in accordance with international standards and share such information with other ASEAN Member States in order that they may take the appropriate action, including, inter alia, monitoring and deterring terrorist movement, freezing assets/property, and preventing recruitment.
- 10.3. Exchange experiences and learn best practices to suppress recruitment of members of terrorist groups, including preventive measures and take appropriate actions.

- 10.4. Establish mechanisms (including periodic meetings, secure communications and joint activities) to enable focal points to share analyses and risk assessments, exchange information, and share experiences and good practices, in order to strengthen regional and national counter terrorism efforts.
- 10.5. Intensify contacts among the counter terrorism agencies with a view to discuss, inter alia, individual measures and initiatives, strategies and approaches, and the provision of assistance.
- 10.6. Enhance information-sharing through the ASEANAPOL and INTERPOL databases, including, inter alia, the databases on Stolen and Lost Travel Documents (SLTD), stolen vehicles, fingerprints, DNA, wanted persons, terrorists' movements and weapon movements.
- 10.7. Study the principal active terrorist groups in the ASEAN region in order to understand typologies, ideologies, modus operandi, links to other groups within and outside the region, share outputs and results and establish databases on terrorist organizations and their associations in order to share information and take collective actions.
- 10.8. Taking into consideration, regional vulnerabilities, ASEAN Member States may plan seminars/training, in cooperation with the existing regional training centres with a view to taking regional collective measures.
- 10.9. Promote mutual exchange of information, on the possible existence of terrorists' training camps.
- 10.10. Coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet, and; use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard.
- 10.11. Encourage the use of video conference or teleconference facilities for court proceedings.

**11. Establishment of computerised shared databases on terrorist organisations and their associations as well as transnational organised crime groups with possible links to terrorist organisations with a view to developing a joint risk and threat assessment.**

- 11.1. Consider a study on existing regional databases to capture terrorist activities that currently are not included, with the objective of enhancing existing cooperation toward strengthening regional databases.
- 11.2. Enhance information-sharing through the ASEANAPOL and INTERPOL databases, including, inter alia, the databases on Stolen and Lost Travel Documents (SLTD), stolen vehicles, fingerprints, DNA, wanted persons related to terrorism, as well as terrorists' movements and illicit arms trafficking.

**12. Enhancement of the capabilities of and the cooperation among Financial Intelligence Units (FIUs) of ASEAN Member States, particularly on matters related to combating terrorist financing.**

- 12.1. Encourage ASEAN Member States to implement anti-money laundering/counter-financing of terrorism measures in accordance with the framework of membership of the Asia-Pacific Group on Money Laundering (APG).
- 12.2. Encourage Member States to implement the comprehensive international standards embodied in the Financial Action Task Force Forty Recommendations on Money Laundering plus Nine Special Recommendations on Terrorist Financing. Possibly seeking assistance from dialogue partners in capacity building in implementing these standards and recommendations.

**13. Enhancement of cooperation among the intelligence community, law enforcement agencies and financial supervisory authorities of ASEAN Member States on matters related to combating terrorist financing.**

- 13.1. Establish a national financial intelligence unit with effective operational links to all reporting entities, relevant domestic agencies as well as regional and international counterparts.
- 13.2. Participate, to the fullest extent possible, in regional efforts to prevent transnational organized crime and terrorism in the ASEAN region through the adoption, effective implementation and enforcement of internationally accepted norms and standards against money-laundering and the financing of terrorism.
- 13.3. Exchange information on money-laundering and the financing of terrorism among ASEAN Member States with the objective of promoting an early-warning system.

**14. Enhancement of the existing regulations/procedures in the control of illicit trade of arms and explosives, including CBRN materials, with a view to improving their effectiveness. ASEAN Member States who have yet to establish such regulations are encouraged to do so.**

- 14.1. Criminalize acts relating to illegal manufacturing of, and trafficking in, firearms, taking into account the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.
- 14.2. Enhance legislation to control arms and explosives, including in relation to their manufacture, possession, stockpile, brokerage, transfer, export and import, pursuant to the United Nations Programme of Action on Small Arms and Light Weapons (SALW).
- 14.3. Identify ASEAN Member States' legal and administrative measures and programmes on how to combat trafficking in small arms and light weapons and take cooperative measures.



**15. Enhancement of cooperation among the Bomb Data Centres of ASEAN Member States, with a view to developing standard operating procedures on the handling of explosives, detonators, fire-arms and CBRN materials. ASEAN Member States who possess more advanced knowledge on the matter are encouraged to extend assistance to other Member States who have yet to acquire such capability.**

15.1. Enhance cooperation among the Bomb Data Centres of ASEAN Member States with a view to developing standards for operating procedures on the handling of explosives, detonators, firearms and CBRN materials, and extend assistance to ASEAN Member States, as may be necessary.

15.2. Promote cooperation to strengthen the anti-CBRN Units in the ASEAN Member States.

**16. Development and adoption of procedures, which would enable the commencement of joint exercises on counter terrorism among law enforcement agencies of ASEAN Member States and, where possible, coordinated law enforcement operations, particularly in border areas.**

16.1. Exchange best practices in counter terrorism efforts in order to enhance mutual understanding.

16.2. Where relevant and permitted by domestic laws, Conduct joint cross-border investigation of terrorist cases.

**17. Development and adoption of procedures, in accordance with the existing agreements and/or legal instruments including the Treaty on Mutual Legal Assistance in Criminal Matters, which would enable cross-border investigation and prosecution of terrorist activities.**

17.1. Promote the early ratification of the Treaty on Mutual Legal Assistance in Criminal Matters, by the remaining signatory states.

17.2. Provide adequate safeguards to ensure that no person is returned or extradited to another State where there are substantial grounds for believing that there is a danger of torture.

17.3. Study differences and gaps in criminal procedures, including admissibility of evidence, among ASEAN Member States, and find solutions aimed at rendering the widest possible mutual legal assistance in criminal matters (MLA).

17.4. Study difficulties in rendering expeditious extradition among ASEAN Member States and find solutions.

17.5. Introduce comprehensive provisions on laws relating to extradition and mutual legal assistance in criminal matters, ensuring that terrorism is not recognized as a political offence for the purpose of refusing requests.

**18. Development and adoption of standard operating procedures for protection of civilian population in the event of a terrorist attack, such as Civil Protection Modules/Civil Protection Mechanism.**

- 18.1. Make full use of the existing regional agreements and mechanisms on disaster management.
- 18.2. Exchange of best practices on how to engage the public in the aftermath of a terrorist attack, including provision of first aid to the victims.

**III. COOPERATION WITH DIALOGUE AND SECTORAL PARTNERS AS WELL AS RELEVANT INTERNATIONAL ORGANISATIONS AND OTHER EXTERNAL PARTIES**

**20. Enhance cooperation on counter terrorism with ASEAN Dialogue and Sectoral Partners and external parties.<sup>1</sup>**

- 20.1 Elaborate cooperation with ASEAN Dialogue Partners in implementing the Joint Declaration on Combating International Terrorism and with other relevant regional and international organizations engaged in counter terrorism.
- 20.2 Promote sharing of best practices and lessons learnt in countering terrorism.
- 20.3. Enhance cooperation on capacity building and technical cooperation in areas covered by the ACPOA.

**IV. MEANS OF IMPLEMENTATION, MONITORING AND REVIEW**

**21. IMPLEMENTATION**

- 21.1 Relevant units or agencies of ASEAN Member States may as appropriate integrate the Plan of Action into their national strategy / policy in order to ensure that the ACPOA on CT is reflected in their programs and activities.
- 21.2 Line agencies shall, in accordance with domestic policies, be provided with adequate resources and funding including where necessary through appropriate mechanism.
- 21.3 To improve the flows of communication and coordination among agencies or units related to counter terrorism, each ASEAN Member State shall assign contact person in each respective agency or units. Other existing lines of communication within ASEAN law enforcement agencies including in ASEANAPOL or other relevant units may

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<sup>1</sup> CIL Note: The original document obtained from the ASEAN Secretariat website omits point no. 19.

be used to further complement communication and coordination mechanisms of the ASEAN Member States.

- 21.4 SOMTC may cooperate with other relevant ASEAN sectoral bodies to ensure the implementation of the ACPoA on CT as well as to collect information needed in completing the report of ACPoA on CT.
- 21.5 Lead Shepherd after consultation with ASEAN Member States may propose appropriate project activities in line with recommendations set out in the ACPoA on CT, to be implemented under the counter terrorism component of SOMTC Work Programme.

## **22. MONITORING**

ASEAN Member States should prepare an annual report as well as other reports, where necessary, on the implementation of measures under the Plan of Action and shall submit the report to SOMTC and the AMMTC. The Lead Shepherd on counter terrorism with the assistance of ASEAN Secretariat should formulate an annual report on the implementation of ACPoA on CT.

## **23. REVIEW**

- 23.1 SOMTC WG on CT shall meet at least twice a year or whenever it deems necessary to examine progress made in the implementation of the ACPoA on CT, and to consider updating it to respond to dynamic or unpredictable situation pertaining to terrorism.
- 23.2 The ACPoA on CT shall be reviewed and evaluated every three years after the adoption of the ACPoA on CT by SOMTC and AMMTC, to ensure that all activities are responsive to the needs and priorities of ASEAN, taking into account the changing dynamics of the region and the global environment.