

FIGHT AGAINST TERRORISM IN THE EUROPEAN UNION AND IN THE STATES OF THE REGION*

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Abstract: Terrorism with organized crime and corruption is a "plague of the modern age" with unimaginable consequences on the state, social relations and the international community. War conflicts in the Middle East (Syria, Iraq, Yemen) accompanied by migration make this problem even more complex. The countries of the European Union and the Region faced with this global problem have strengthened measures to combat terrorism and they undertook extensive activities to put the migrant crisis under control. The countries of the European Union and the Region facing this global problem have intensified their efforts to counteract terrorism and undertook extensive activities to put the migration crisis under control. The latest terrorist attacks in England, Sweden, France and Germany testify about the change of modus operandi of perpetration of criminal offenses, potential victims, as well as other circumstances related to terrorist crimes. The European Union and the entire international community are highlighted as its primary security objective of combating terrorism, which includes developing and strengthening the necessary international criminal justice and police cooperation. The authors investigate the current situation in this area in the countries of the region and make certain proposals for the /de lege ferenda/ to promote international criminal and police cooperation in the fight against terrorist offenses.

Key words: terrorism, suppression, international criminal justice and police cooperation, Region, EU.

INTRODUCTION

Today, in addition to organized crime, terrorism is undoubtedly one of the most dangerous and most serious crimes. Because of its transnational character and the very serious consequences it causes, terrorism not only threatens to endanger the security system, it threatens to ruin all the traces of

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human civilization. In this context, terrorism moves to obscure the rule of law, threaten parliamentarism and democracy in the societies of the developed world, and violate other universal values.

After the terrorist attacks on New York and Washington on September 11, 2001, terrorism got a whole new dimension and gathered the entire international community in a joint fight against this evil. In addition to the United States and Russia as the world's largest powers, terrorism has been particularly affected by developed European countries such as Great Britain, France, Germany and other EU countries. The domino effect of terrorism has reached the countries of the Western Balkans and is closely related to the current war conflicts in Iraq, Syria, Libya and Afghanistan, which is a direct consequence of the unprecedented migration wave in modern history.

It has become clear that the fight against terrorism at the national level is not enough, but that a joint and coordinated action is needed internationally. At the international level, significant documents have been adopted in combating terrorist acts, among which the previously adopted Conventions for the Suppression of Terrorist Acts in Aircraft (Tokyo, The Hague, Montreal)¹ are particularly highlighted. The EU has also adopted several important anti-terrorism documents, among which the EU Council Framework Decision on Combating Terrorism of 13 June 2002² and the Council of Europe Convention on the Prevention of Terrorism³.

In addition to the legislative framework, the jointly coordinated operational response of the anti-terrorist coalition countries was necessary. In the first place, this emphasized the necessary cooperation between the services of the intelligence community and, in this regard, the collection and exchange of intelligence, joint police and intelligence operations, joint investigation teams and, more recently, the deployment of military effects. This is particularly important in multi-ethnic communities and post-conflict environments, where they have not yet been fully established by democratic institutions, the rule of law, and an effective and accountable government. First of all, this also applies to the area of our region which in the past was the site of war conflicts and today it is a perfect ground for the development of terrorism, which is indicated in the continuation of this paper.

¹ *Convention on offenses and other acts carried out on aircraft* of 14 September 1963, Tokyo, *Convention on the Suppression of Unlawful Abduction of Aircraft* of 16 December 1970, The Hague and *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* of 23 September 1971, Montreal.

² Council Framework Decision on Combating Terrorism, 2002/475/JHA, Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism.

³ Council of Europe Convention on the Prevention of Terrorism CETS No. 196.

THE TERM AND CHARACTERISTICS OF TERRORISM

Historically, terrorism occurs with the postwar of human civilization, even before Christ's birth, when the assassination of political figures of that time was glorified. Attacks in Persia and Assyria, which occurred during the XI century, caused fear and panic throughout the Islamic Empire. During the French Revolution in the 18th century, Robespier applied terrorist tactics to destroy a good part of the French aristocracy, about 40,000 people, most of which ended on guillotine.⁴ During the American Revolution, terrorism was applied against the British and their sympathizers in the ranks of the colonists. In the late decades of the XIX century and the beginning of the 20th century, we have terrorist activities in Russia. Most of the terrorist groups that existed during the first half of the 20th century were guided by the idea of liberation from colonial slavery or "struggle for national liberation." Since the end of World War II, terrorism has become an important factor of subversive activity in many newly-formed states.⁵

Terrorism gains significance as a means of fighting the tyranny and the absolutist authority of the monarch. Tyranny acquires the right of citizenship in the Middle Ages, and the dilemma that appears to justify the deprivation of man's life exists only in relation to the permissibility of the violent change so called „Power given from God“⁶

Today, terrorism, with organized crime and corruption, is a „monster“ of the modern age with unmistakable consequences for the state and the international community as a whole. A special dimension to this problem is the fact that there is not yet a single definition of this term and its characteristics, given that the state governs its internal national political interests. Although several important documents in the fight against terrorism have been adopted at international level, we are confident that the states for their interests give different interpretations of individual solutions. This is somewhat understandable given that terrorism is a complex, multidisciplinary, changeable, conspiratorial, geographically widespread and dynamic socio-political category.⁷

The term *terrorism* is semantically derived from the Latin word *terror*, which in translation means fear, provocation and imposition of fear and trepidation, fear, horror, including violence and physical destruction of the opposing side.⁸

There are numerous definitions of terrorism in the literature, depending

⁴ Jovanović S.: *Vodi francuske revolucije*, Sabrana dela, BIGZ, Beograd, 1990, str.139.

⁵ Živaljević D., Jugović A.: *Terorizam kao bezbednosni problem i društvena devijacija*, NBP-Žurnal za kriminalistiku i pravo br.1, Beograd, 2014, str.86-87.

⁶ Dimitrijević V.: *Pojam terorizma*, Anali Pravnog fakulteta br.05, Beograd, 1988, str.525-530.

⁷ More in: Grupa autora: *Savremeni terorizam*, Službeni glasnik i Institut za međunarodnu politiku i privredu, Beograd, 2015, str.17-30.

⁸ Klačić B, *Rječnik stranih riječi*, Zagreb, 1978.

on the various authors, legal schools and the countries they are encouraging. Definitions can be divided into general (doctrinal, political science), specific (criminal) and combined.⁹ We believe that we should accept the broader understanding of this concept that was given by the UN General Assembly in 1985 when it adopted a special Resolution on Condemning Terrorism.¹⁰ In this context, the definition according to which terrorism is „an act of terror done on behalf of and for the account of an organization or group (political) or of which it is promoted or accepted“ is acceptable.¹¹ The Council of Europe argues that terrorism is one of the most serious violations of the principles of democracy, the rule of law and the threat to human rights, economic and social development.¹²

The elements of terrorism are fear, violence, goals and motives. The most important element is fear as a psychological phenomenon aimed at disturbing citizenship and challenging public reaction. Violence implies the use of physical force or serious threats with the aim of causing injury and is a basic method of terrorist behavior. Terrorist targets are primarily political and are about to lead to political changes through violence. Reasons for the execution of terrorist acts are different, today there are ideological motives closely related to political goals.¹³

The *main characteristic* of terrorism is terrorist acts with primary political goals, while the means used by terrorists are basically criminal.¹⁴ Therefore, today prevails that terrorism is undoubtedly one of the most difficult forms of crime and that, in addition to terrorism, is one of the greatest dangers in contemporary society. The political component of terrorism, which often serves as a weapon for resolving political disagreements and contradictions in one society, tells us that contemporary relations between states are far from solving conflict situations in a manner defined in the international community under the auspices of declarations, charter and convention.¹⁵ The largest number of authors who have studied the phenomenon of terrorism believe that the political component is one of the essential elements of terrorism. This can be noticed in bilateral agreements, then in the legislations of a large number of

⁹ Milošević M, *Terorizam kao krivičnopravna kategorija*, Bezbednost br.4, Beograd, 1988, str. 337-347.

¹⁰ Best S, A. J. Nocella II: *Defining Terrorism, Terrorists or Freedom Fighters?* (2004): Reflections on the Liberation of Animals, New York, Lantern Books, A Division of Booklight Inc.

¹¹ Aleksić Ž, *Kriminalistički osvrt na strategiju terorista*, Arhiv za pravne i društvene nauke, br.1-2, Beograd, 1980, str.135.

¹² Council Framework Decision on Combating Terrorism, 2002/475/JHA.

¹³ More in: Gačinović R, *Terorizam*, Grafomark, Beograd, 2005.

¹⁴ Nikač Ž, *Međunarodna policijska saradnja*, KPA, Beograd, 2015, str. 55-63.

¹⁵ Krstić M, *Međunarodna policijska saradnja u funkciji borbe protiv terorizma*, Megatrend revija br. 3, Beograd, 2015, str. 312.

countries, as well as in the documents of repressive state organs.¹⁶

The causes of terrorism are ideologically, politically and economically based on contradictions in the contemporary world. The doctrine prevails in the division of internal and external causes, which imply poverty, unemployment and other economic social reasons, as well as wider social conditions (apartheid, neo-fascism, discrimination). Foreign causes lie in international economic and wider relations where, instead of peace and cooperation, there are conflicts and wars.¹⁷

The present forms differ in doctrine and practice depending on the division criteria. In practice, the most prominent division is: internal and international, individual and massive, selective and random.¹⁸

In the contemporary doctrine there are other manifestations and forms of terrorism such as: international (transnational) terrorism,¹⁹ cyber terrorism,²⁰ islamists (islamic) terrorism,²¹ narcoterrorism, megaterrorism, superterrorism i hyperterrorism.²²

The greatest number of definitions of terrorism and appearance forms include elements of violence (method), citizens and government (goals) and provoking fear and deregulation of political or social changes (goals).

TERRORISM AND EU

After the WWII, the area of the old continent and today's EU had a period of relative social peace and reconstruction of the devastated countries. Significant shift refers to the formation of the European Community in 1949 when the process of reconciliation between former Germans and France and other countries was initiated.²³ This put the idea of economic development and state cooperation, the development of parliamentarianism and democratic institutions of government in the first place. Common security of states and the security of their citizens are highlighted as the previous issues that must be addressed in a satisfactory manner.

¹⁶ Gaćinović R, *Uloga vojske u suprotavljanju terorističkim aktivnostima*, Vojno delo br.2, Beograd, 2015, str.171.

¹⁷ Kovačević S, *Pojavni oblici i uzroci terorizma-kriminalistički aspekti*, Bezbednost br.4, Beograd, 1990, str. 371-382.

¹⁸ Ibid.

¹⁹ Grupa autora, *Savremeni terorizam*, Sl. glasnik i Institut za međunarodnu politiku i privredu, Beograd, 2015, str.82-85.

²⁰ Jonev K, *Sajber terorizam i upotreba sajber prostora u terorističke svrhe*, Bezbednost br.2, Beograd, 2016, str.208-211.

²¹ Mijalković S, *Izazovi identiteta u kontekstu terorističkih napada „Pariz 2015“*, Bezbednost br.1, Beograd, 2016, str.28-31.

²² Šikman M, *Kriminološki kontekst terorizma*, Bezbednost-Policija-Građani br.1-2, Banja Luka, 2016, str.52, 61-65.

²³ Stojanović S, Maravić D, *Vodič kroz EU politike-Sloboda, bezbednost, pravda*, Evropski pokret u Srbiji, Beograd, 2011, str.20-28.

In the first postwar years, terrorist acts in Europe were very rare except for certain cases of separatist movements in Spain and Northern Ireland. In the fight against terrorism, member states of the then EC formed a well-known group of TREVI, which, among other things, had a subgroup of TREVI I for the fight against terrorism. The Group adopted several important documents in the exercise of the right to free movement of people, facilitated international criminal and police cooperation and adopted several action plans. The purpose of these documents was to build a common progressive policy in the fight against terrorism and other most serious forms of crime.²⁴

Integration processes in the EU led to the conclusion of significant contracts from Maastricht (1992), Amsterdam (1997), Nice (2001) and finally Lisbon (2009).²⁵ The mentioned documents have been legally regulated in numerous areas, in addition to other issues of security and the fight against the most severe forms of crime. One of the most important achievements relates to the establishment of the three pillars of the EU: I Economic Community, II Defense and External Affairs, III Judiciary and Internal Affairs. Within the last pillar, the issues of common security and security of the EU Member States were elaborated, including the issue of combating terrorism.²⁶

Following the attack of Palestinian terrorists on Israeli athletes at the Munich Olympics in 1972, security changes in Europe have taken place. Several terrorist acts broke out across the European and worldwide prestiges, which were directly related to the conflicts in the Middle East. At the end of the last and early part of this century there are culmination of terrorist acts in the world, including significant events in Spain (2004), the United Kingdom (2005), Russia (2013) and recent attacks in Belgium, France and Germany (2016-2017). All this once again pointed to the need for a jointly coordinated fight against terrorism in our continent, but also in the world. The problem is more complicated by the fact that a number of EU citizens have taken an active part in the war conflicts in Syria, Iraq, Afghanistan and Libya and that radicalization, indoctrination and recruitment of terrorists in terrorist actions.²⁷

The development of terrorism, organized crime and its most serious forms of violence is particularly contributing to the abuse of the right to free movement of people, goods, services and capital. The current wave of migrants seriously insists on delivering the EU security system and the surrounding countries, including the countries of the Western Balkans region. The self-proclamation of ISIL, mass terrorism and anti-terrorist operations of the Syrian army and the armed forces of Russia and NATO have triggered unprecedented migrations so far. They are generally targeted from Iraq, Syria and Afghanistan

²⁴ Lopandić D, Janjević M, *Sporazum iz Šengena*, Međunarodna politika, Beograd, 1996, str.205-225.

²⁵ More available on: http://www.europarl.europa.eu/atyourservice/hr/displayFtu.html?ftuId=FTU_1.1.3.html, 01.06.2017).

²⁶ Op.cit. in note 14., str.152-159.

²⁷ Šikman M, *Aktuelna prijetnja terorizmom i okvir reagovanja*, Bezbjednost-Policija-Građani br.3-4, Banja Luka, 2015, str.16.

to the economically developed countries of Western Europe, while our countries are only transitory.

EU Member States in the fight against terrorism have engaged in national effective and triggered EU mechanisms and bodies, among which are particularly important EUROPOL, EUROJUST and especially FRONTEX as an EU External Borders Operations Agency.²⁸

We underline that the Council of Europe has adopted three conventions of importance for combating terrorism: the European Convention for the Suppression of Terrorism (1977), the Council of Europe's Convention on the Prevention of Terrorism (2005) and the Convention on Laundering, Search, Seizure and Confiscation of Crime Revenue and the Financing of Terrorism (2005).²⁹

TERRORISM AND WESTERN BALKANS REGION

Terrorism and terrorist actions are, by the rule, a transnational one, and their consequences are reflected globally, as is the case with the EU and the Western Balkans region, which has recently been the scene of war conflicts. After the end of the conflict, many other problems that are potential causes of tensions, conflicts and terrorist acts remain untouched. The situation is further aggravated by the mentioned migration crisis, which has seriously affected the countries of the region on a migrant route, as well as a number of citizens, citizens of the State of the Region, returnees from around the world who work in the same way as returnees of EU citizens. A special political and security dimension in this matter is the fact that unfortunately the Balkans are still „powder keg“, and that every issue gets a special political dimension.

In order to harmonize relations, reduce security challenges, risk and minimize threats, it is necessary to build mutual trust and joint activities of the law enforcements of the Region in the fight against terrorism, organized crime and other severe forms of crime. Good mutual political relations are a prerequisite for building all other forms and forms of cooperation between the states of the Region. Security and other spheres of cooperation are often above politics and mutual political relations, given that expertly and professional challenges are above the daily political stance. This implies unique and shared attitudes regarding terrorism, its carriers, consequences and other issues. Particularly important issues in the field of international criminal justice cooperation include extradition, prosecution and execution of procedural lawsuits.

²⁸ Sintić T.G, *Uloga Frontexa u nadzoru vanjskih granica EU*, Policija i sigurnost, br.01, vol.21, Zagreb, 2012, str.143-154.

²⁹ Gudelj N, Krstić R.J, *Deset osnovnih problema u borbi protiv terorizma i finansiranja terorizma*, Vojno delo br.2, Beograd, 2016, str.266.

The most important international legal document is the Agreement on International Police Cooperation of the SEE (2006)³⁰, which includes common activities and measures in combating the most serious forms of crime. The agreement is *de facto* based on internationally recognized documents relevant to the fight against organized crime (Palermo Convention and Additional Protocols), the mentioned anti-terrorist convention and other significant sources of international law. Under the Agreement, it is envisaged that the states of the region will develop all forms and forms of cooperation, among which there is a particularly significant exchange of information, joint investigative teams and joint operations. It also includes the cooperation of the countries of the region with EU member states, bodies and bodies of the Union, which is greatly facilitated by the fact that some of the countries of the region are also members of the EU, while other states are candidates for membership.

In addition to international cooperation, it is also important to engage national effective and multi-agency approaches on the internal plan, coordination and cooperation of security services. States of the Region mainly have established bodies for the coordination of security services in the form of the National Security Council and the Co-ordination Committee for Security Services.

We believe that a more successful and efficient fight against terrorism in the Region can significantly contribute to: a) strengthening and developing police operational cooperation; B) strengthening the private security sector; C) the work of the community policing; and d) the development model of the intelligence led policing. Of course, be cautious of the suggestions made by security experts suggesting that terrorism can have a negative impact on the implementation of the community policing concept and the create "paramilitary" police.³¹

International Criminal Justice and Police Collaboration between states of the region in fight against terrorism are part of the overall co-operation that has been established in these areas. These are, first and foremost, acts of bilateral and regional cooperation based on international agreements of the countries concerned. This cooperation is often in the context of multilateral agreements, conventions, directives and resolutions. Almost all countries in the region have signed bilateral mutual agreements on international police cooperation and international criminal justice. Thus, the Republic of Serbia has concluded bilateral agreements with Austria,³² Italy,³³ Turkey,³⁴ Cyprus³⁵ i

³⁰ More available on: <http://www.pccseesecretariat.si/>, (05.06.2017).

³¹ Kešetović Ž.: *Policijsko suprostavljanje terorizmu-pretnja konceptu policije u zajednici ili samo promena prioriteta*, Bezbednost br.5, Beograd, 2006, str.847-867.

³² Agreement between the Serbian MoI and the Federal Ministry of Interior on cooperation in the fight against international organized crime, international drug trafficking and international terrorism concluded in Vienna 11 november 2004, available on: <http://www.mup.gov.rs/wps/portal/sr/dokumenti/Regulativa/sporazumi>, (01.06.2017).

Albania³⁶ on co-operation in the fight against terrorism, including cooperation in the field of organized crime, the suppression of illegal trafficking in drugs, weapons, people and other forms of crime. The same treaties with other countries have the Republic of Croatia that has concluded a large number of international agreements on co-operation in the fight against terrorism, organized crime and other areas with almost 40 different states.³⁷

In combating terrorism, organized crime and other severe forms of crime, a significant part of the cooperation is also conducted through specialized international organizations such as INTERPOL, EUROPOL and SELEC.³⁸

In addition to regional cooperation regarding border security in the context of the current migration crisis and the activities of the border police service, a significant part of the cooperation is carried out with the participation of other specialized security services lines. This primarily relates to the exchange of information going through criminal police, joint activities of special anti-terrorist units, through training and education processes, and technical and material assistance to less developed countries. Under the patronage of GS INTERPOL, a recent international operation called "Balkan Trigger 2" took place, involving all the countries of the region. As a result of the action, over 320 pieces of firearms, hand throwers, automatic weapons, over 19,000 ammunition and about 50 pieces of various explosive devices were found and seized. The action was carried out at the beginning of April 2017, involving 23 countries of the EU and the Western Balkans with 7,850 police officers. Action activities are geared to improving the capacity and coordination of the work of the region's security services and related to: handling of requests, collection and exchange of information in real time, on-the-spot checks, control of passengers, means of transport and luggage at border crossings for the

³³ Agreement between the Government of Serbia and Italy on Cooperation in Combating Organized Crime, Drug Trafficking and International Terrorism concluded in Rome on 18 December 2008.

³⁴ Agreement on Cooperation between the Government of Serbia and Turkey in Fighting Serious Crime, in particular Terrorism and Organized Crime, available on: <http://www.mup.gov.rs/wps/portal/sr/dokumenti/Regulativa/sporazumi>, (01.06.2017).

³⁵ Agreement between the Government of Serbia and Cyprus on co-operation in the fight against terrorism, organized crime, illicit drug trafficking, psychotropic substances and their precursors, illegal migrations and other criminal offenses concluded in Belgrade 23 february 2009, available on: <http://www.mup.gov.rs/wps/portal/sr/dokumenti/Regulativa/sporazumi>, (01.06.2017).

³⁶ Agreement on Co-operation in Combating Intermediate Organized Crime, International Illicit Drug Trafficking and International Terrorism between the Government of Serbia and the Council of Ministers of Albania, available on: <http://www.mup.gov.rs/wps/portal/sr/dokumenti/Regulativa/sporazumi>, (01.06.2017).

³⁷ International Agreements and Acts in the Field of Police Co-operation, available on: <https://www.mup.hr/userdocsimages/minstarstvo/me%C4%91unarodni%20bilateralni%20ugovori.pdf> (15.06.2017).

³⁸ Nikač Ž, Božić V.,: *Međunarodna policijska i krivičnopravna saradnja država EU u borbi protiv terorizma s osvrtom na Republiku Srbiju kao kandidata za članstvo*, Tematska monografija *Integralna bezbednost Republike Srbije*, Praktičan aspekt, Beograd, 2017, str. 235-250.

purpose of finding weapons and narcotics which are smuggled.³⁹ The aim of the action was to prevent and detect criminal offenses of illicit trafficking in firearms and explosive devices and the criminal offenses of organized crime and terrorism.

CONCLUSION

In the present constellation of relations in the international community there are many challenges, risks and threats to peace in the world, regional security and state security. Terrorism undoubtedly represents one of the greatest dangers and the global problem of *par excellence* that seriously endangers the effects of human civilization, state organization and legal order. The problem is much higher if we take into account the current migration crisis triggered by war conflicts in the islamic states of North Africa and the Middle East.

Terrorist organizations have focused their activities on the territory of most developed countries such as the EU, USA, Russia and other states. Terrorists who are most ideologically motivated no longer opt for targets, but want to send political messages *urbi et orbi* to ordinary people and to the public throughout the world. The tragic attacks on New York and Washington on 11 September 2001 have shown that the USA is the most vulnerable and that the fight against terrorism is not only possible at the national level. Other countries followed with tragic consequences and identical problems after a series of terrorist acts in Germany, Spain, France, Belgium and Russia. And in these countries, the great powerlessness of the intercommunication apparatus and intelligence services has been shown, which is somewhat understandable due to the size of the territory, the large number of people, goods, services and capital transfers, but also because of the fact that terrorists choose the time and place of attack, and accordingly, plan their activities.

The Western Balkan countries, which unfortunately have tragic war experiences from the near past as well as a series of unresolved issues, have been hit in the same way. States of the region have similar security problems and are perceived by the same heaviest forms of organized crime and terrorism. A major obstacle is the absence of strong national mechanisms and strong national institutions to combat organized crime and terrorism and prosecution of perpetrators. True, recent significant moves have been made in the fight against organized crime and terrorism, specialized state organs have been formed and special investigative techniques and methods have been incorporated in criminal legislation.

The fight against terrorism can only be successful if there is international cooperation established by all states and specialized international organizations. International Criminal Justice Assistance and police co-operation

³⁹ More available on: <https://www.interpol.int/Crime-areas/Firearms-trafficking/Operations-and-events>, (02.06.2017)

take place at all levels: bilateral, regional and multilateral. The content of cooperation consists of exchanges of information, joint police operations, joint investigation teams activities and other forms of cooperation. In the fight against terrorism, the gathering and exchange of information on terrorist activities of individuals and groups is of paramount importance, the joint work of special anti-terrorist units and the cooperation of intelligence services. In our Region, adequate communication channels have been established for intelligence services as well as international police cooperation on the basis of the Vienna Agreement of 2006 and other documents.

We believe that *de lege ferenda* should relax the procedure of international criminal justice and police cooperation, without bureaucratic and other barriers and with respect to the principles of anti-criminal solidarity and mobility. We believe that the good legal solutions of developed states should be accepted with regard to special investigative methods and techniques as well as other institutes of criminal law that have been proven in practice. In this context, it is necessary to develop further close partnership relations between the states of the region, their specialized services and affirm the multi-agency approach to the fight against terrorism.

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