



**REPORT BY H.E. MS MARÍA TERESA INFANTE
ACTING FACILITATOR OF THE OPEN-ENDED WORKING GROUP ON TERRORISM
TO THE EXECUTIVE COUNCIL AT ITS EIGHTY-FIFTH SESSION**

Mr Chairperson, Director-General, distinguished colleagues,

1. It is my pleasure and privilege to present to the Eighty-Fifth Session of the Executive Council a short oral report on the second meeting of the Open-Ended Working Group on Terrorism (OEWG-T) for the year 2017. Given Ambassador Diop's absence from The Hague, I was honoured to chair the meeting at his request.
2. Following the proposed programme of work that Ambassador Diop and I circulated last month, the theme of the meeting was legal issues. In opening the meeting, the Director-General underlined that Article VII is one of the most critical components of the Chemical Weapons Convention, as it ensures that the Convention is implemented effectively at the national level. The Director-General said that full and effective national implementation is not an end in itself, as it ensures that all States Parties can defend the international norm against chemical weapons. The Director-General noted that, given rising concerns about chemical terrorism, national implementation measures are arguably more important today than at any other time in the Convention's history.
3. The OEWG-T was then briefed by Mr Ferry van Veghel, the Dutch National Coordinating Prosecutor for Counter-Terrorism. Mr van Veghel outlined the Netherlands' experience in prosecuting Dutch citizens involved in terrorist groups abroad and the scope of the problem of returning foreign terrorist fighters. The application of Dutch criminal law to terrorist acts carried out outside the Netherlands was also discussed, as well as the difficulties involved in dealing with the present-day conflict in Iraq and the Syrian Arab Republic, including in relation to the legal treatment of returning children, the problems around gathering evidence, and the question of carrying out trials in absentia. In the discussion that followed, a number of delegations posed questions regarding the topics raised, including on the burden of proof in prosecuting terrorism suspects, the balance between freedom of speech and prohibited acts, and the rehabilitation of offenders. It was a stimulating discussion that clearly showed an appetite among the States Parties for further discussions on the subject.
4. The OEWG-T was also briefed by Mr David Mugisa, Uganda's National Coordinator for the Implementation of the Chemical Weapons Convention. Mr Mugisa outlined the steps that Uganda had taken, since its ratification of the Convention in 2001, to put in place effective national implementation measures. Mr Mugisa also explained the



various ways in which the Technical Secretariat had assisted Uganda in its national implementation of the Convention, from legislative drafting assistance, to seminars for parliamentarians, to Uganda's participation in the Influential Visitors Programme. This process culminated in the adoption in 2016 of implementing legislation, which regulates both scheduled and non-scheduled toxic chemicals. Mr Mugisa outlined the benefits from the counter-terrorism perspective of comprehensive national implementation.

5. With regard to the Sub-Working Group on Non-State Actors, I made a comprehensive oral report – based on my written report, which was issued this week as a working paper (EC-85/WP.1, dated 23 June 2017) – of the SWG's intersessional work since the previous OEWG-T meeting in March. It was recalled that at the latest meeting of the Sub-Working Group, there had been a focus on the counter-terrorism aspects of the international trade in chemicals, particularly from the perspective of maritime ports. I believe that this discussion should lead to further work, including in terms of the OPCW's activities in supporting States Parties to establish capacities to detect illicitly traded chemicals.
6. In closing, I would like to thank delegations for their active participation in both the Open-Ended Working Group and the Sub-Working Group on Non-State Actors. Ambassador Diop and I count on your continued active support and feedback as we take the work of both groups forward. I take this opportunity to note that the next meeting of the Sub-Working Group will take place on 5 September 2017. The next meeting of the OEWG-T is scheduled for 9 October 2017, one day ahead of the Eighty-Sixth Session of the Executive Council.
7. Thank you, Mr Chairperson.

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