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BEFORE THE
SENATE FOREIGN RELATIONS SUBCOMMITTEE ON EUROPE
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Thank you Mr. Chairman and members of the Committee for this timely opportunity to appear before you today to discuss European cooperation with the United States in the Global War on Terrorism. Cooperation with Europe is very much on my mind, as I have just left our semi-annual bilateral counterterrorism meeting with Russia to attend this hearing. The fact that we meet regularly with the Russians to exchange views on terrorism issues shows how far we have come in expanding our counterterrorism cooperation.

Before beginning my testimony, I would like to express my own deep sympathy for the people of Spain who suffered the massive terrorist attack in Madrid two weeks ago. Our hearts go out to them and the brutal attack only strengthens our resolve to try to deter future attacks and see the culprits for this one be caught and punished.

For various cultural and historical reasons, not all Europeans use the term "war" to refer to our common confrontation with global terrorism. However, I believe

the people of Europe are united in their abhorrence of terrorism. This revulsion that has only been strengthened by the horror of the train bombs in Madrid and of the suicide bombers in a crowded market in Tashkent. Well before the Madrid outrages, which killed more people than any single terrorist attack since Lockerbie, many European countries had been targets of international or domestic terrorism. Sadly, Europeans well know the price terrorism exacts.

Mr. Chairman, as shown by the widening Spanish-led investigation that is taking place with the cooperation of Morocco and several European countries, neither the US nor Europe can fight the war against terrorism alone. Europeans have been reliable partners, both bilaterally and in multilateral organizations. Cooperation has been forthcoming, and rapid response to immediate threats the norm. France and Britain -- and our neighbor Mexico -- for example, acted immediately and vigorously to address our concerns about heightened and specific threats to aviation over the Christmas holiday period. We greatly appreciate this cooperation.

Successes in the campaign against terrorism have, to a large degree, been a result of the unprecedented level of cooperation and mutual support among the US and our partners around the world. The contributions of European countries in sharing vital information, arresting members of terrorist cells, interdicting terrorist financing and logistics, and assisting in rebuilding Afghanistan have been and continue to be, vital elements in the war on terrorism.

European nations are active participants in a variety of multilateral organizations that have made contributions in counterterrorist efforts, including the G-8, the Financial Action Task Force (FATF), the Organization for Security and Cooperation in Europe (OSCE), and the International Civil Aviation Organization (ICAO). The US has worked through all of these organizations to establish and implement counterterrorism (CT) best practices, build weak-but-willing states' CT capabilities, and institutionalize the war against terrorism globally. OSCE members have committed themselves to become parties to the 12 UN terrorism conventions and protocols; to prevent terrorist groups from operating on their territory; and to prevent and suppress the financing of terrorist organizations.

EU COOPERATION

The EU has been a solid partner in sustaining the global coalition against terrorism. Following 9/11, the European Council adopted an Action Plan to identify areas, such as police and judicial cooperation, humanitarian assistance, transportation security and economic and finance policy, to help fight terrorism. The EU and U.S. signed Extradition and Mutual Legal Assistance Treaties at the June 2003 Summit that will expand law enforcement and judicial cooperation.

The Madrid bombings have provided additional impetus for action. In an 18-page declaration on counter terrorism on

March 25, EU heads of state agreed, among other things, to reinforce operational cooperation, improve the effectiveness of border information systems, and bolster technical assistance to Third countries. We applaud the designation of a new EU Counterterrorism Coordinator and a new sense of urgency stemming from the Madrid attacks will help speed EU implementation of actions outlined in the EU Summit declaration.

The capabilities of our Western European partners are excellent. European intelligence and security forces are well aware of the threat posed by Islamist extremism and generally do an effective job of monitoring extremists. They have successfully forestalled numerous incipient mass casualty attacks since 9-11.

However, significant deficiencies remain. Some European states have demonstrated a troubling inability to prosecute successfully or hold many of the terrorists brought before their courts. The nature of the problem varies from country to country, as do legal systems, traditions and relevant legislation.

Some countries have legal impediments to taking firm judicial action stemming from asylum laws; some have inadequate CT legislation; some have extremely high standards of evidence that afford loopholes and limit the ability of authorities to hold suspects; many do not have in camera proceedings, making use of intelligence-based information nearly impossible. Ease of travel among Schengen countries, varying immigration laws, and strict protections of privacy can also complicate CT efforts.

Differing perspectives on the dividing line between legitimate political or charitable activity and support for terrorist groups similarly clouds the picture. For example, the EU as a whole has been reluctant to take steps to block the assets of charities linked to Hamas and Hizballah, even though these groups repeatedly engage in deadly terrorist attacks and the "charitable" activities help draw recruits. Even laying aside the contentious issue of the death penalty, European sentences in general are often significantly less stringent than those in the US, and provisions for mandatory remission of sentences frequently more generous.

We want to work with our European partners to identify areas where there is work to be done and ways in which we can collaborate more effectively. Let me briefly address some of them:

All of us, including the United States, need to improve coordination between our law enforcement and intelligence agencies. There have been significant advances since September 11, 2001, but we can still do better.

We all need to improve our ability to track terrorism financing. Most countries in Europe have good laws against terrorism financing, but some of the financial transfers slip past regulators in the formal economy. Some transactions move through informal, largely illegal, channels.

All of us need to continue to improve the control of our borders, both with respect to movement of persons in and out, and movement of potentially dangerous items, especially those possibly related to weapons of mass destruction.

We also must remedy deficiencies in legal, financial and enforcement tools:

- European countries need to fulfill their commitments to ratify and implement all the UN CT conventions and protocols;
- States must insure the criminalization of material and logistical support for terrorism (and in some cases, terrorism itself); impose strict punishments on convicted terrorists; and lower barriers to use of intelligence in law enforcement. Laws against document fraud need to be strengthened across the board;
- All countries need to have a national ability to freeze administratively terrorist assets.
- Legal or technical impediments to closer cooperation among countries on intelligence and information exchanges must be removed. The EU and its member states need to re-examine fundamentally the ways in which strict privacy laws can impede the sharing of information for law enforcement purposes.

- EU member states need to accelerate efforts to complete bilateral agreements with the U.S. to implement the U.S.-EU Extradition and Mutual Legal Assistance Agreements.

WIDER COOPERATION

At the same time, we need to continue to look for ways to develop cooperative US-European CT programs to assist less-capable countries. Many countries need assistance in developing their capabilities to counter terrorism and strengthen their legal framework. There is more than enough work for all of us.

Addressing the factors that reduce CT effectiveness in Europe will be a long-term process. Differing legal, cultural and historical traditions and practices will complicate and slow progress. However, there is no doubt that the Europeans are increasingly aware of both the threat and the deficiencies that limit their abilities to address it.

To win the global war on terrorism, we must continue to work closely with our European partners to address these concerns and to build on our many successes. We will need to shore up support from public opinion by more clearly articulating our policies and underscoring that terrorism is a global threat to citizens of all countries. Reducing

your profile in confronting terrorism does not reduce your risk from terrorism.

The US and Europe share a long history of cooperation against common enemies. Together, we won the wars against fascism and communism and together we will win this war.

At this point I would be pleased to take any questions.
Thank you.