



Meeting of G8 Justice and Home Affairs Ministers *Washington – May 11, 2004*

RECOMMENDATIONS FOR SHARING AND PROTECTING NATIONAL SECURITY INTELLIGENCE INFORMATION IN THE INVESTIGATION AND PROSECUTION OF TERRORISTS AND THOSE WHO COMMIT ASSOCIATED OFFENSES

Terrorism constitutes a grave threat to international peace and security, and to the safety of our citizens. In addressing this ongoing threat, States must continue to improve the timely and accurate sharing of national security intelligence information about the activities, capabilities, plans and intentions of terrorists, and those who commit associated offenses, in order to prevent, disrupt and preempt terrorist activities and prosecute the perpetrators. States must continue to improve their abilities to use national security intelligence information in the investigation and prosecution of terrorists and their associates, as this information can be of critical importance to the success of these efforts. In order to ensure effective and efficient information sharing, as well as the appropriate protection of national security intelligence information in criminal prosecutions, States should, to the extent they have not already done so:

1. adopt legislation and/or establish operational mechanisms and procedural safeguards which permit information sharing among and between their intelligence community, their law enforcement community and their prosecutors, to the fullest degree possible, in order to prevent, disrupt and preempt terrorist activities, and to assist in the investigation and/or prosecution of terrorists and those who commit associated offenses;
2. adopt legislation and/or establish operational mechanisms and procedural safeguards which will permit national security intelligence information to be used in the prosecution of terrorists and those who commit associated offenses, while protecting such information, including the sources and methods by which such information has been acquired; to the extent consistent with a fair trial, such mechanisms may, for example, include the use of summaries, substitutions or stipulations;
3. adopt legislation and/or establish operational mechanisms and procedural safeguards, in accord with domestic law, which ensure that national security intelligence information received from the competent authorities in another State is used in a criminal proceeding in accord with the conditions, if any, agreed upon between the competent authorities in the originating State and those in the receiving State;
4. maximize the use of existing channels for information sharing and/or exchange, improve them where necessary; and explore the use of additional channels;

5. review, as necessary, the results when national security intelligence information has been shared with another State for use in the investigation and/or prosecution of a criminal case, in order to identify problems that arose and potential ways of resolving such problems, as well as reasons for success, in order to identify any legal provisions, operational mechanisms and/or procedural safeguards that have proven successful; and
6. ensure that in adopting the legislation and/or establishing operational mechanisms and procedural safeguards recommended above, States give due regard to civil liberties and fundamental principles of law.

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