

Action against terrorism

Council of Europe activities



ACTION **AGAINST** 
TERRORISM



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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BACKGROUND

The Council of Europe has been dedicated since 1949 to upholding human rights, the rule of law and pluralist democracy, and has acquired unique authority and experience in those fields. The starting point for all its activities is the European Convention on Human Rights and the case-law of the European Court of Human Rights.

The Organisation started working on terrorism in the 1970s but stepped up its efforts in 2001 in the wake of the unprecedented terrorist attacks in the United States. As a regional organisation, the Council of Europe is committed to facilitating the implementation of United Nations (UN) Security Council Resolutions 1373(2001) and 1624 (2005) and of the UN Global Counter-Terrorism Strategy. It does this by providing a forum for discussing and adopting regional standards and best practice and by providing assistance to its member states in improving their counter-terrorism capabilities.



**ACTION AGAINST
TERRORISM**

THE COUNCIL OF EUROPE TAKES A THREE-PRONGED APPROACH TO THE FIGHT AGAINST TERRORISM:

→ **Strengthening legal action against terrorism by:**

- creating a judicial framework that allows substantial international co-operation among judicial authorities;
- increasing signatures and ratifications of relevant instruments and encouraging member states to reconsider existing reservations;
- rapidly increasing the efficiency of relevant international and European instruments;
- reinforcing various forms of mutual co-operation in the criminal field;
- stepping up the fight against money laundering and cybercrime;
- securing just compensation for victims of terrorism.

→ Safeguarding fundamental values by:

- building on the fundamental principle that it is both possible and necessary to fight terrorism while respecting human rights, fundamental freedoms and the rule of law;
- ensuring that these key values are taken into account in Council of Europe's response to terrorism and in that of its member states. The Organisation's main institutions, such as the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities, and its more specialised bodies, such as the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and the Commissioner for Human Rights, are all dedicated to this objective.

→ Addressing causes of terrorism by:

- exploring ways to reduce tensions existing in contemporary societies (see the conclusions of the Council of Europe conference "Why terrorism? Addressing the Conditions Conducive to the Spread of Terrorism" (Strasbourg, 2007));
- promoting inter-cultural and inter-religious dialogue (see Council of Europe's White Paper on Intercultural Dialogue (2008);
- carrying out activities in the fields of education, youth and the media;
- ensuring the protection of minorities;
- fighting intolerance, racism and social exclusion, thereby weakening the sources of discontent that may fuel terrorism.

THE COUNCIL OF EUROPE'S MAIN LEGAL INSTRUMENTS

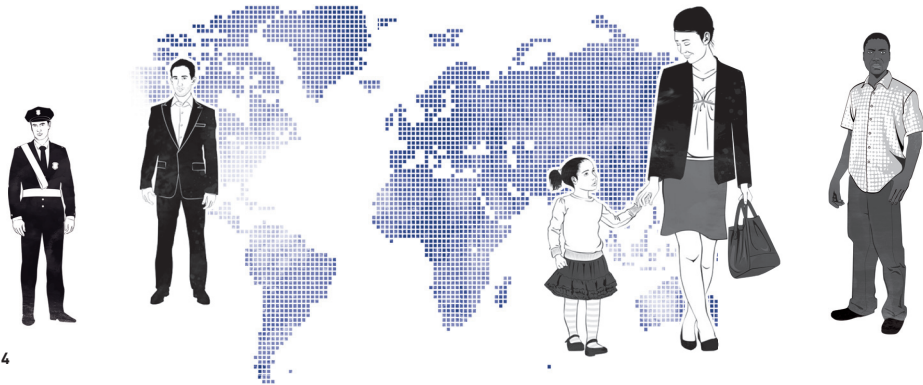
→ Revised European Convention on the Suppression of Terrorism

The 1977 European Convention on the Suppression of Terrorism is designed to facilitate the extradition of terrorists by listing offences (namely acts of particular gravity, hijacking of aircraft, kidnapping and taking of hostages, etc.) that should not be considered as political offences.

It expressly provides that nothing in the Convention shall be interpreted as imposing an obligation upon a Party to extradite a person who might then be prosecuted or punished solely on the grounds of race, religion, nationality or political opinion.

The 2003 Protocol amending the Convention introduces the following significant changes:

- a substantial extension of the list of offences which may never be regarded as political or politically motivated, to include all offences covered by the UN anti-terrorist conventions;
- the introduction of a simplified amendment procedure allowing new offences to be added to the list;
- the opening of the Convention to observer states and, subject to a Committee of Ministers' decision, to other non-member states;
- the possibility of refusing to extradite offenders to countries where they risk the death penalty, torture or life imprisonment without parole;
- a significant reduction in the possibility of refusing extradition on the basis of reservations to the Convention with the implementation of a specific follow-up procedure applicable to such refusals and to the follow-up of any obligation under the Convention as amended.



→ Council of Europe Convention on the Prevention of Terrorism

The aims of this Convention which entered into force on 1 June 2007 are to:

- prevent terrorism by measures taken at national level and through international co-operation;
- establish as criminal offences acts, such as public provocation, recruitment and training, that may lead to the commission of acts of terrorism;
- reinforce co-operation on prevention, both at domestic level, in the context of national prevention policies, and internationally by supplementing and, where necessary, modifying existing

extradition and mutual assistance arrangements;

- ensure the protection and compensation of victims of terrorism.

The Convention contains several provisions concerning the protection of human rights and fundamental freedoms, in terms of both reinforcing co-operation at national and international level (including ground for refusal of extradition and mutual assistance) and implementing the criminalisation of new offences in the form of conditions and safeguards.

→ Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism

This Convention which entered into force on 1 May 2008, updates and expands on the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime to take into account the need to deprive terrorists and other criminal groups of their assets and funds as the key to successful preventive and repressive measures and, ultimately, to disrupting their activities.

In order to prevent and combat money laundering and the financing of terrorism more effectively, the Convention facilitates, *inter alia*:

- rapid tracing of property or bank accounts and the rapid freezing of funds;
- quick access to financial information or information on assets held by criminal organisations;
- setting-up of financial intelligence units in each Party to exchange information on suspected cases of money laundering and terrorist financing in order ultimately to confiscate assets.

→ Current priorities

The Committee of Experts on Terrorism (CODEXTER) coordinates the implementation of the Organisation's action against terrorism. The Committee has launched, and in some cases finalised (see the list of instruments and publications below), activities in a number of fields:

- research on the concepts of "apologie du terrorisme" and "incitement to terrorism";
- special investigation techniques;
- protection of witnesses and collaborators of justice;
- international co-operation on law enforcement;
- action to prevent terrorists from accessing funding sources;
- questions of identity documents which arise in connection with terrorism.

- protection, support and compensation of victims of terrorist acts;
- assessment of the effectiveness of national judicial systems in their response to terrorism;
- support for the upgrading of member states' legislative and institutional counter-terrorism capacities.

The CODEXTER's current priorities are:

- preparation and updating of country profiles on counter-terrorism capacity;
- exchanges of information and best practice on public and private compensation and insurance schemes for the victims of terrorism;
- monitoring of signatures and ratifications of the above-mentioned conventions and promoting their effective implementation.

→ Country profiles



Country profiles are reports on the legal and institutional capacity of Council of Europe member and observer states to fight terrorism which contain references to relevant websites and other sources of information.

Information is divided into three main sections: legal framework, institutional framework and international co-operation.

Since the project was launched in 2004, country profiles of the majority of member states have been published on the Council of Europe's website accessible at:

www.coe.int/terrorism

→ Exchanging information and best practice on national compensation and insurance schemes

The CODEXTER pursues exchanges of information and best practice on public and private schemes introduced in some member states for compensation and insurance of victims, particularly victims of terrorist acts, aimed at providing models

to be used in other countries. This includes examining states' general legal framework for the protection of victims of terrorism and the key elements of their compensation systems.

→ Identifying gaps in international law and action

A further important role of the CODEXTER is to identify gaps in international law and action against terrorism and to propose ways and means to fill them. The Committee identified the following focus areas for further action by the Council of Europe and activities have been launched accordingly:

- young people as terrorist offenders and targets of terrorist propaganda;
- cyberterrorism;

- insurance schemes to cover terrorism-related damage;
- denial of residence to foreign terrorists;
- enhancing international co-operation between law enforcement authorities in the field of terrorism;
- victims of terrorism;
- combating and preventing terrorism through culture.

→ Co-operation programmes to strengthen the rule of law

The Council of Europe has set up a number of specific legal co-operation programmes open to its member states. These programmes are designed to help the beneficiary countries to proceed with their institutional, legislative and administrative reforms. They primarily involve working with governmental authorities: to prepare and introduce legal and operational frameworks - which are adapted to the country's specific needs and features, and are consistent with

fundamental European standards and principles - and to ensure concrete implementation of the reforms with respect for these principles.

The activities are defined in close co-operation with the countries concerned and with other international organisations. Co-operation activities are essentially based on multilateral, regional or bilateral information and training seminars, expert appraisals and study visits.

→ Anti-terrorism Coordinator of the Council of Europe

The Council of Europe's coordinator is responsible, within the Secretariat General, for coordinating the Organisation's activities against terrorism and, to this end, for liaising

with the Committee of Ministers and the Council of Europe's various other bodies, and with other international organisations in this field.

RELEVANT COUNCIL OF EUROPE INSTRUMENTS AND DOCUMENTS

→ Conventions

- **Convention for the Protection of Human Rights and Fundamental Freedoms** (CETS n° 005)
- **European Convention on the Suppression of Terrorism** (CETS No. 90) and **Amending Protocol** (CETS No. 190)
- **European Convention on Extradition** (CETS No. 24) and **first and second Additional Protocols** (CETS Nos. 86 and 98)
- **European Convention on Mutual Assistance in Criminal Matters** (CETS No. 30) and **first and second Additional Protocols** (CETS Nos. 99 and 182)
- **European Convention on the Transfer of Proceedings in Criminal Matters** (CETS No. 73)
- **European Convention on the Compensation of Victims of Violent Crimes** (CETS No. 116)
- **Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime** (CETS No. 141)
- **Convention on Cybercrime** (CETS No. 185) and **Additional Protocol concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems** (CETS No. 189)
- **Council of Europe Convention on the Prevention of Terrorism** (CETS No. 196)
- **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism** (CETS No. 198)

→ Committee of Ministers

- **Declaration on Terrorism** (1978)
- **Tripartite Declaration on Terrorist Acts** (1986)
- **Resolution (74) 3 on International terrorism**
- **Recommendation No. R [82] 1 concerning International Co-operation in the Prosecution and Punishment of Acts of Terrorism**

- **Recommendation Rec (2001) 11 concerning Guiding Principles on the Fight against Organised Crime**
- **Declaration on the Fight against International Terrorism** (2001)
- **Guidelines on Human Rights and the Fight against Terrorism** (2002)
- **Guidelines on the Protection of victims of terrorist acts** (2005)
- **Declaration on freedom of expression and information in the media in the context of the fight against terrorism** (2005)
- **Recommendation Rec(2005)7 of the Committee of Ministers to member states concerning identity and travel documents and the fight against terrorism**
- **Recommendation Rec(2005)9 of the Committee of Ministers to member states on the protection of witnesses and collaborators of justice**
- **Recommendation Rec(2005)10 of the Committee of Ministers to member states on "special investigation techniques" in relation to serious crimes including acts of terrorism**
- **Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims**
- **Recommendation Rec(2007)1 of the Committee of Ministers to member states regarding co-operation against terrorism between the Council of Europe and its member states, and the International Criminal Police Organization (ICPO – Interpol)**
- **Freedom of expression in times of crisis: the Council of Europe guidelines** (2008).

→ Parliamentary Assembly Recommendations and Resolutions

- Recommendations No. 684 (1972) and 703 (1973) on International Terrorism
- Recommendation No. 852 (1979) on Terrorism in Europe
- Recommendation No. 916 (1981) on the Conference on the Defence of Democracy against Terrorism in Europe – Tasks and Problems
- Recommendations No. 941 (1982) and 982 (1984) on the Defence of Democracy against Terrorism in Europe
- Recommendation No. 1024 (1986) and Res. No. 863 (1986) on the European Response to International Terrorism
- Recommendation No. 1170 (1991) on strengthening the European Convention on the Suppression of Terrorism
- Recommendation No. 1199 (1992) on the Fight against International Terrorism in Europe
- Recommendation No. 1132 (1997) on the Organisation of a Parliamentary Conference to reinforce Democratic Systems in Europe and Co-operation in the Fight against Terrorism
- Recommendation No. 1426 (1999) and Order 555 (1999) on European Democracies facing up to Terrorism
- Recommendation No. 1534 (2001) and Res. No. 1258 (2001) on Democracies facing Terrorism
- Recommendation No. 1550 (2002) and Res. No. 1271 (2002) on Combating Terrorism and Respect for Human Rights
- Recommendation No. 1549 (2002) on Air Transport and Terrorism: how to enhance security
- Recommendation No. 1584 (2002) on the Need for Intensified International Co-operation to Neutralise Funds for Terrorist Purposes
- Recommendation No. 1644 (2004) on Terrorism: a threat to democracies
- Resolution 1367 (2004) on Bioterrorism: a serious threat for citizens' health
- Resolution 1400 (2004) on the Challenge of terrorism in Council of Europe member states
- Recommendation 1677 (2004) on the Challenge of terrorism in Council of Europe member states

- Recommendation 1687 (2004) on Combating terrorism through culture
- Recommendation 1706 (2005) on Media and Terrorism
- Recommendation 1713 (2005) on the Democratic oversight of the security sector in member states
- Resolution 1507 (2006) and Recommendation 1754 (2006) on Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member States
- Recommendation 1824 (2008) on the United Nations Security Council and European Union blacklists

→ Congress of Local and Regional Authorities

- Recommendation 134 (2003) and Resolution 159 (2003) on Tackling Terrorism - the role and responsibilities of Local Authorities.

→ European Commission against Racism and Intolerance

- European Commission against Racism and Intolerance (ECRI) General Policy Recommendation No. 8 on combating racism while fighting terrorism (2004)
- European Commission against Racism and Intolerance (ECRI) General Policy Recommendation No. 11 on combating racism and racial discrimination in policing (2007)

→ Human Rights Commissioner

- Viewpoint, Serious human rights violations during anti-terror campaign must be corrected - and never repeated (February 2008)
- Viewpoint, Racial and religious profiling must not be used in the combat against terrorism (May 2007)
- Viewpoint, Strong data protection rules are needed to prevent the emergence of a surveillance society (May 2008)

COUNCIL OF EUROPE PUBLICATIONS



The fight against terrorism - Council of Europe standards (4th edition) (2007)
Determined to combat terrorism without renouncing the fundamental values for which the Organisation stands, the Council of Europe has drafted a number of international legal instruments and standards and their texts are collected in this publication of reference.
ISBN 978-92-871-6277-9, € 53 / US\$ 80



«Apologie du terrorisme» and «Incitement to terrorism» (2004) (English only)
This report analyses the legal approaches taken by Council of Europe member and observer States to the phenomenon of justification of terrorism and other forms of support, such as «apologie du terrorisme» and «incitement to terrorism».
ISBN 978-92-871-5468-2, € 19 / US\$ 29



Terrorism: Special investigation techniques (2005) (English only)
This publication contains a survey of national practices and analysis of different aspects of application of special investigation techniques in relation to law enforcement and prosecution.
ISBN 978-92-871-5655-6, € 39 / US\$ 59



Human rights and the fight against terrorism - The Council of Europe Guidelines (2005)
This publication contains the Guidelines on human rights and the fight against terrorism and the Guidelines on the protection of victims of terrorist acts as well as the reference texts and relevant case law of the European Court of Human Rights.
ISBN 978-92-871-5694-5, € 8 / US\$ 12



Terrorism: Protection of witnesses and collaborators of justice (2006) (English only)
This publication contains the norms adopted in this field by the Council of Europe, a survey of national law and practice, as well as a summary of relevant case law of the European Court of Human Rights.
ISBN 978-92-871-5884-6, € 39 / US\$ 59



Victims - Support and Assistance (2nd edition) (2008)
True justice depends not only on states' ability to prosecute criminals, but also their capacity to restore the situation of victims. This work brings together all the standards elaborated by the Council of Europe to assist States in this field.
ISBN 978-92-871-6377-6, € 23 / US\$ 35



Cyberterrorism - the use of the Internet for terrorist purposes (2008) (English only)
Cyberterrorism and the use of Internet for terrorist purposes are a serious threat in a society, which is considerably dependent on computer systems and the Internet. This publication contains a series of relevant Council of Europe texts.
ISBN 978-92-871-6226-7, € 49 / US\$ 75



Dirty money - The evolution of international measures to counter money laundering and the financing of terrorism (3rd edition) (2004)
This book presents the initiatives taken by the United Nations, the Financial Action Task Force on Money Laundering (FATF), the Council of Europe, the Organization of American States (OAS) and other institutions and groupings in the field of money laundering and the financing of terrorism.
ISBN 978-92-871-5467-5, € 28 / US\$ 42

Order from: <http://book.coe.int> or from specialised bookshops



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