

Strasbourg, 07/02/02

CAHDI (2002) 6

**COMMITTEE OF LEGAL ADVISERS**  
**ON PUBLIC INTERNATIONAL LAW**  
**(CAHDI)**

**23rd meeting**  
**Strasbourg, 4 - 5 March 2002**

**DECISIONS OF THE COMMITTEE OF MINISTERS CONCERNING THE CAHDI**

**ROLE OF THE CAHDI IN THE COUNCIL OF EUROPE ACTIVITIES RELATING TO THE  
FIGHT AGAINST INTERNATIONAL TERRORISM**

Secretariat memorandum  
Prepared by the Directorate General of Legal Affairs

**Foreword**

At its 765bis meeting (Strasbourg, 21 September 2001), the Committee of Ministers at Deputies' level considered the follow-up to the Committee of Ministers' Declaration of 12 September 2001 regarding the Fight against international terrorism. The Committee of Ministers instructed the Committee of legal advisers on public international law (CAHDI), possibly through its Observatory on reservations to international treaties, to examine the question of reservations to regional and universal conventions relating to terrorism and proceed to exchanges of views - to which observers should be associated - on conventions on terrorism under preparation within the United Nations, with a view to co-ordinating positions of member States.

The full text of the decisions adopted on this occasion appears hereafter.

In this manner the CAHDI is called upon to contribute to the Council of Europe activities relating to the fight against international terrorism (see Agenda - item 12 - doc. CAHDI (2002) OJ 1)

**Fight against international terrorism (Committee of Ministers' Declaration of 12 September 2001)**

(CM/Del/Dec(2001)761/10.7 (reply to Parliamentary Assembly Recommendation 1426 (1999)

on European Democracies facing up to terrorism), CM/Del/Dec(2001)763/1.3, CDDH(99)16, DSP(2001)20)

*Decisions*

## The Deputies

1. reaffirmed their sympathy and solidarity with the American people as well as with the families of all the victims of the terrorist attacks on New York, Washington DC, and in Pennsylvania, as expressed in the [Declaration](#) adopted by the Committee of Ministers on 12 September 2001 on the fight against international terrorism;

2. bearing in mind all the victims of terrorism, reaffirmed their determination to fight all forms of terrorism by all appropriate means within the competence of the Council of Europe;

3. urged the member states which have not yet done so to sign and ratify the European Convention on the Suppression of Terrorism (ETS no. 90), for the time being a treaty limited to member states;

4. further urged both member and observer states which have not yet done so to sign and ratify the following open conventions in the criminal field:

- European Convention on Extradition (ETS no. 24) and its two Additional Protocols (ETS no. 86 and 98)
- European Convention on Mutual Assistance in Criminal Matters (ETS no. 30) and its Additional Protocol (ETS no. 99)
- European Convention on the Transfer of Proceedings in Criminal Matters (ETS no. 73)
- European Convention on the Compensation of Victims of Violent Crimes (ETS no. 116)
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS no. 141),

as well as the following conventions which will soon be opened for signature:

- Convention on Cyber-crime;
- 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters;

5. called on signatory states to the conventions mentioned under decisions 3 and 4 above, which have entered reservations to consider withdrawing them or limiting their number, with a view to rendering those conventions as effective as possible;

6. noted with interest a proposal for the establishment of a Multidisciplinary Group on Terrorism (GMT) dealing with criminal, civil and administrative matters, under the auspices of the European Committee on Crime Problems (CDPC) and European Committee on Legal Co-operation (CDCJ);

7. invited the Secretary General, after evaluation of the various options, to propose inter alia draft terms of reference for such a group, these to include the need to review the European Convention on the Suppression of Terrorism bearing in mind Recommendation 1426 (1999) of the Parliamentary Assembly on "European Democracies facing up to terrorism";

8. decided to give high priority to the activity currently being carried out by the "Reflection Group on developments in international cooperation in criminal matters" (PC-S-NS) and instructed the latter to intensify its efforts in searching new and more effective means of cooperation in the criminal field, including with respect to terrorism, as well as fostering coordination between international organisations and institutions working in that field;

9. instructed the European Committee on Crime Problems (CDPC) to exchange views regularly on conventions on terrorism under preparation within the United Nations with a view to coordinating positions of member states, with a view to co-ordinating positions of member states;

**10. instructed the Committee of legal advisers on public international law (CAHDI), possibly through its Observatory on reservations to international treaties, to examine the question of reservations to regional and universal conventions relating to terrorism and proceed to exchanges of views – to which observers should be associated - on conventions on terrorism under preparation within the United Nations, with a view to co-ordinating positions of member states;**

11. instructed the Secretary General to make urgent proposals, in the framework of preparation of the 2002 budget, for increasing relevant activities such as expertise offered to member states for the elaboration of legislation in criminal matters and criminal procedures, relevant to the fight against terrorism or concerning the signature and ratification of conventions in criminal matters, and including the possibility of intensifying the programmes related to training of legal professions and police forces;

12. instructed the Steering Committee for Human Rights (CDDH) to draw up guidelines based on democratic principles for dealing with movements threatening the fundamental values and principles of the Council of Europe, in the light of the report prepared by its Group of Specialists (CDDH(99)16);

13. decided to pay particular attention to the prevention of terrorism when they examine the Draft Programme of Activities for 2002, in particular as regards the two Integrated Projects "Responses to violence in everyday life in a democratic society" and "Making democratic institutions work: elections" and to examine the possibility of a third Integrated Project specifically devoted to the fight against terrorism;

14. decided to include the fight against terrorism and the contribution of the Council of Europe to it, as well as the possibility of opening the European Convention on the Suppression of Terrorism (ETS No. 90) to non-member states, starting with the observer states, on the draft agenda for the 109<sup>th</sup> ministerial Session, to which high-level delegations from observer states could be invited;

15. invited the Secretary General to proceed with the appropriate consultations with observer states in the above context;

16. invited the Secretary General to present a report to the ministerial Session on progress, in the various fields of the Council of Europe's competence, in the fight against terrorism.