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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**Information about the Special meeting of the United Nations
Security Council Counter-Terrorism Committee (CTC) with
International, Regional and Sub-Regional Organisations
(Strasbourg, 19-21 April 2011)**

42nd meeting
Strasbourg, 22-23 September 2011

Secretariat of the Public International Law and Anti-Terrorism Division,
Directorate of Legal Advice and Public International Law, DLAPIL

TABLE OF CONTENTS

I.	AGENDA OF THE SPECIAL MEETING	3
II.	OPENING OF THE SPECIAL MEETING.....	8
A.	Welcoming address by Mr. Hardeep Singh Puri, Chair of the Counter-Terrorism Committee (CTC)	8
B.	Welcoming address by Mr. Thorbjørn Jagland, Secretary General of the Council of Europe.....	11
C.	Welcoming address by Mr. Mike Smith, Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED).....	13
III.	CLOSING REMARKS OF THE SPECIAL MEETING.....	16
A.	Summary and closing remarks by Mr. Hardeep Singh Puri, Chair of the Counter-Terrorism Committee (CTC)	16
B.	Closing remarks by Mr. Manuel Lezertua, Jurisconsult, Director of Legal Advice and Public International Law, Council of Europe.....	19

I. AGENDA OF THE SPECIAL MEETING

Tuesday, 19 April 2011

08:30-09:30 Registration of participants

09:45-11:30 **Opening of special meeting**

Welcoming addresses by:

- **H. E. Mr. Hardeep Singh Puri**, Chair, Counter-Terrorism Committee
- **H. E. Mr. Thorbjørn Jagland**, Secretary General, Council of Europe
- **Mr. Mike Smith**, Executive Director, Counter-Terrorism Committee Executive Directorate (CTED)

Keynote speakers:

- **H. E. Prof. Dr. Ekmeleddin Ihsanoglu**, Secretary General, Organization of the Islamic Conference
- **H. E. Mr. Muhammad Ben Ali Koman**¹, Secretary General, Arab Interior Ministers Council
- **H. E. Mr. Ertuğrul Apakan**, Former Chair, Counter-Terrorism Committee

11:30-11:45 *Break*

11:45-13:00 **Plenary Session:** Preventing terrorism - regional approaches

Speakers will address regional approaches, measures employed and challenges faced in the prevention of terrorism. Participants may consider the specific context in which such measures are delivered and their applicability to different regions and areas, as well as results achieved and lessons learned.

- **H. E. Mr. Francisco Caetano Jose Madeira**, African Union Chairperson Special Representative for Counter-Terrorism Cooperation / Director of the African Centre for the Study and Research on Terrorism
- **Mr. Gordon Duguid**, Executive Secretary, Inter-American Committee against Terrorism, Organization of American States
- **H. E. Ms. Györgyi Martin Zanathy**, Chair, Working Party on Terrorism (International Aspects) (COTER), European Union
- **Ms. Marta Requena**, Counter-Terrorism Coordinator, Council of Europe

Chair: **H. E. Mr. Ertuğrul Apakan**, Former Chair, Counter-Terrorism Committee

13:00-15:00 *Lunch*

15:00-18:00 **Working Groups:** Session I (*see annotations, below*)

18:30 *Reception hosted by the Secretary General of the Council of Europe at the Restaurant of the Palais de l'Europe*

Wednesday, 20 April 2011

10:00-13:00 **Working Groups:** Session II (*see annotations, below*)

¹ *Note of the Secretariat:* Please note that the present agenda is the official version published on the website of the United Nations Security Council Counter-Terrorism Committee (CTC), and does not comprise the latest changes. Mr Muhammad Ben Ali Koman was apologized and replaced by Mr Taoufik Bouachba.

13:00-15:00 *Lunch*

15:00-18:00 **Working Groups:** Session III (see *annotations, below*)

18:00-18:30 *Break*

18:30 *Reception hosted by Turkey at the Restaurant of the Palais de l'Europe*

Thursday, 21 April 2011

10:00–11:30 Discussion of Working Groups' observations

Working Groups will discuss observations internally and review their rapporteurs' preliminary summaries. Accordingly, rapporteurs will finalize reports to be presented at the Plenary.

11:30–11:45 *Break*

11:45-13:00 **Plenary Session:** reports by Working Group Rapporteurs

Rapporteurs will present reports, prepared and discussed by each of the Working Groups, at the Plenary.

13:00-15:00 *Lunch*

15:00-17:00 **Plenary Session:** discussion of observations

Participants will discuss the reports presented by the Working Group rapporteurs and identify possible ways forward, including follow-up.

Chair: **Mr. Mike Smith**, Executive Director, Counter-Terrorism Committee Executive Directorate (CTED)

17:00-17:30 Summary and closing remarks

Summary and closing remarks by **H. E. Mr. Hardeep Singh Puri**, Chair, Counter-Terrorism Committee.

Closing remarks by **Mr. Manuel Lezertua**, Jurisconsult, Director, Directorate of Legal Advice and Public International Law, Council of Europe

17:30 *Close of the meeting*

Annotations for Working Group I: Prevention Policies

Session information	Designated roles	Topics for consideration	Questions for consideration
Session I Prevention of radicalization and incitement <i>Date: 19 April 2011</i> <i>Time: 15:00</i> <i>Location: Room 1</i>	<i>Moderator:</i> - Mr. Andrea Candrian , Committee of Experts on Terrorism, Council of Europe <i>Lead Speakers:</i> - Mr. Mounir Elfassi , League of Arab States - Mr. Ang Sun , United Nations Security Council, 1267 Committee Monitoring Team - Mr. Abdul Haqq Baker , Expert - Mr. Alex Conte , Expert <i>Rapporteur:</i> - Mr. Edward Flynn , CTED	- Policies aimed at prevention of radicalization and incitement; - Countering terrorist narratives; - Preventing terrorist use and abuse of the Internet.	- What policies, initiatives and programs have been and could be employed to prevent radicalization and incitement of terrorism? - What counter-narrative thematic arguments could be utilized to prevent the incitement of terrorism; how should such arguments be communicated and who should communicate such arguments? - How could the terrorist use of the Internet to propagate terrorist narratives be countered, and what are the current challenges, initiatives and opportunities in this regard?
Session II Prevention of terrorist recruitment <i>Date: 20 April 2011</i> <i>Time: 10:00</i> <i>Location: Room 1</i>	<i>Moderator:</i> - Mr. Raphael Perl , Organization For Security and Co-operation In Europe <i>Lead Speakers:</i> - Mr. Alberto D'Alessandro , United Nations Interregional Crime and Justice Research Institute - Ms. Agnès Callamard² , Expert <i>Rapporteur:</i> - Mr. Edward Flynn , CTED	- Prevention of recruitment for terrorism; - Rehabilitation programmes; - Prison reform as a preventive tool; - Educational programmes.	- How could rehabilitation and educational programmes be best utilized to prevent recruitment for terrorism? - What role could international, regional and subregional organisations ("IROs") play in supporting the work of these programmes? - What role do prisons play in recruitment for terrorism and how could rehabilitation programmes be employed to prevent this? - What challenges are faced by prison, rehabilitation and educational programmes?
Session III Prevention through dialogue and institutional support <i>Date: 20 April 2011</i> <i>Time: 15:00</i> <i>Location: Room 1</i>	<i>Moderator:</i> - Ms. Gabriella Battaini-Dragoni , Directorate General of Education, Culture and Heritage, Youth and Sport, Council of Europe <i>Lead Speakers:</i> - Mr. Daanish Masood , United Nations Alliance of Civilizations - Mr. Mohamed Chtatou , Islamic Educational Scientific and Cultural Organization <i>Rapporteur:</i> - Mr. Ahmed Seif El-Dawla , CTED	Role of: - educational, cultural and religious institutions; - private sector; - business community in preventing terrorism. - Intercultural and inter-religious dialogue.	- What roles could best be performed by the private sector and educational, cultural and religious institutions in preventing terrorism and what challenges could they face in this regard? How could IROs support efforts to : - assist private and educational, cultural and religious institutions in their endeavours to prevent terrorism? - facilitate intercultural and inter-religious dialogue? - enable greater coordination between public and private institutions?

² Note of the Secretariat : Please note that Ms. Agnès Callamard was apologized.

Annotations for Working Group II: Comprehensive and Integrated Strategy

Session information	Designated roles	Topics for consideration	Questions for consideration
Session I National framework for comprehensive and integrated strategies and interagency coordination <i>Date: 19 April 2011</i> <i>Time: 15:00</i> <i>Location: Room 2</i>	<i>Moderator:</i> - Mr. Vladimir Salov , Committee of Experts on Terrorism, Council of Europe <i>Lead Speakers:</i> - Mr. Pedrag Vujicic , Regional Cooperation Council - Ms. Milana Lickova , European Union External Action Service <i>Rapporteur:</i> - Mr. Zeeshan Amin , Counter-Terrorism Implementation Task Force	<ul style="list-style-type: none"> - National action plans/policies; - National coordination; - Implementation of national strategies. 	What do IROs believe to be the: <ul style="list-style-type: none"> - main challenges faced by States when implementing national plans, policies and strategies? - required elements for effective implementation of a national action plan? - relationships existing between global and national strategies? - role which regional and sub-regional strategies could play in preventing terrorism - How could IROs further contribute to the formulation, coordination and implementation of national plans, policies and strategies?
Session II Communication in the prevention of terrorism <i>Date: 20 April 2011</i> <i>Time: 10:00</i> <i>Location: Room 2</i>	<i>Moderator:</i> - Mr. Iain Cameron , Representative of the Secretariat of the Enlarged Agreement on Democracy through Law ("Venice Commission") <i>Lead Speakers:</i> - Mr. Peter Knoope , Expert - Ms. Edit Schlaffer , Expert <i>Rapporteur:</i> - Mr. Syed Haider Shah , CTED	<ul style="list-style-type: none"> - Role of media (including social networking) in countering terrorist narratives; - Promoting public awareness; - Role of victims of terrorism and survivor networks. 	<ul style="list-style-type: none"> - What roles could best be performed by the media in preventing terrorism? - How could IROs and States best take advantage of social networking and user generated content to prevent terrorism? - How could IROs best support victims of terrorism and survivor networks in their endeavours? - What roles could best be performed by victims of terrorism and survivor networks in preventing terrorism?
Session III International organizations and prevention of terrorism <i>Date: 20 April 2011</i> <i>Time: 15:00</i> <i>Location: Room 2</i>	<i>Moderator:</i> - Mr. Joël Sollier , International Criminal Police Organization <i>Lead Speakers:</i> - Mr. Martin Scheinin , Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism - Mr. Nikolaus Schultz , The Office of the High Commissioner for Human Rights - Ms. Marina Narvaez , Office for Democratic Institutions and Human Rights, OSCE <i>Rapporteur:</i> - Mr. Syed Haider Shah , CTED	<ul style="list-style-type: none"> - Common and specific challenges in prevention; - Evaluation and impact assessment; - Enhancing human rights while countering terrorism. 	<ul style="list-style-type: none"> - What common and specific challenges are faced in the prevention of terrorism by IROs and by States? - What frameworks and models could be employed in order to aid evaluation and assessment? - In which areas are IROs most suited to add value to the prevention of terrorism? - How could human rights be enhanced whilst considering prevention and how could IROs further contribute in this regard?

**Annotations for Working Group III:
Role of law enforcement and the criminal justice system in preventing terrorism**

Session information	Designated roles	Topics for consideration	Questions for consideration
Session I Identification, analysis and information-sharing <i>Date: 19 April 2011</i> <i>Time: 15:00</i> <i>Location: Room 3</i>	<i>Moderator:</i> - Mr. Peter Kusters , EUROPOL, European Union <i>Lead Speakers:</i> - Mr. Gerhard Kreutzer , International Criminal Police Organization - Mr. Corneliu Dragne , Southeast European Cooperative Initiative - Mr. Anton Travner , Police Cooperation Convention for Southeast Europe <i>Rapporteur:</i> - Ms. Elizabeth Joyce , CTED	- Role of law enforcement agencies; - Community policing as a preventive tool; - Interagency information exchange and early-warning arrangements; - Emerging innovations relating to prevention.	- How could IROs further support the work of national law enforcement agencies? - How could community policing be used as a preventative tool and what are the associated challenges faced? - What emerging innovations are making a contribution to the prevention of terrorism and what support is needed to accelerate progress in this regard?
Session II Criminalization and of prosecution offences <i>Date: 20 April 2011</i> <i>Time: 10:00</i> <i>Location: Room 3</i>	<i>Moderator:</i> - Ms. Cecilia Ruthström-Ruin , United Nations Office on Drugs and Crime <i>Lead Speakers:</i> - Ms. Michele Coninx , EUROJUST, European Union - Mr. Aaron Bugeja , Committee of Experts on Terrorism, Council of Europe - Mr. Richard Barno , Intergovernmental Authority on Development Capacity Building Program Against Terrorism <i>Rapporteur:</i> - Mr. David Scharia , CTED	- Criminalization and prosecution of incitement and recruitment to terrorism; - Ancillary offences; - Respect for human rights and fundamental freedoms in criminalization and prosecution; - Training programmes for law enforcement and judiciary.	- What challenges are faced in the criminalisation and prosecution of incitement and recruitment to terrorism and how could IROs assist States in overcoming these challenges? - What safeguards are most important and what challenges are faced when considering the need for respect for human rights and fundamental freedoms in criminalisation and prosecution? - How could training programmes for law enforcement and judiciary be made more effective and how could IROs assist in this regard?
Session III Prevention through bilateral, regional and international cooperation <i>Date: 20 April 2011</i> <i>Time: 15:00</i> <i>Location: Room 3</i>	<i>Moderator:</i> - Mr. Mike Smith , CTED <i>Lead speakers:</i> - Mr. Alistair Millar , Expert - Mr. Nikolay Sokolov , Anti-Terrorism Centre, Commonwealth of Independent States - Ms. Niagalé Bagayoko , International Organisation of La Francophonie <i>Rapporteur:</i> - Ms. Albina Ovcearenco , Counter-Terrorism Task Force, Council of Europe	- Prevention instruments and tools; - Strengthening international cooperation; - Information exchange and early-warning systems.	- How could international cooperation and the exchange of information be enhanced to support the prevention of terrorism; and how could IROs support States' efforts in this regard? - What, if any, prevention instruments and tools should or could be developed to support the prevention of terrorism? What gaps, if any, exist in this regard? - How could the effectiveness and use of early-warning systems assist in the prevention of terrorism and how could they be further utilized in this regard?

II. OPENING OF THE SPECIAL MEETING

A. Welcoming address by Mr. Hardeep Singh Puri, Chair of the Counter-Terrorism Committee (CTC)

Excellencies,
Dear colleagues,
Ladies and gentlemen,

In my capacity as Chairman of the Security Council Counter-Terrorism Committee established pursuant to resolution 1373 (2001), I am very pleased to welcome you all to this special meeting with international, regional and subregional organizations.

To begin with, I would like to extend my gratitude and appreciation to Secretary General of the Council of Europe, Mr. Thorbjørn Jagland, for having offered to host this event and for his, and his staffs', invaluable help in organizing the meeting.

Excellencies, Ladies and gentlemen,

The United Nations was created "to save succeeding generations from the scourge of war." The Council of Europe was created in the aftermath of the most violent war in human history. Both these institutions aim to build a world in which there is freedom from fear; a world in which we are free to channel our energies into furthering the common good.

When the United Nations and the Council of Europe were formed, the main threats to international peace and security arose from conventional war between states. It is a measure of the success of both organizations that we are not here today to discuss conventional war. Instead we are here to discuss the most pressing current threat to international peace and security, viz., asymmetric conflict unleashed by terrorists.

War has been replaced by the IED, the suicide bomber, attacks on innocent civilians, and assassinations. Battles have been replaced by 9/11, 26/11 and waves of suicide or remotely triggered explosions.

Conventional war was often about expanding borders. Today's terrorists have made borders irrelevant. They recruit in one country, raise funds in another and operate in others.

The human and economic costs of terrorism are staggering. While there is no accurate estimate of the cost of the war in Afghanistan, the amounts mentioned run not into hundreds of millions of dollars but billions per month.

I need not remind an audience such as this that every Euro of expenditure inflicted by terrorists is a Euro less for achieving the Millennium Development Goals, for investing in clean sources of energy and towards scientific research.

Both the Council of Europe and the United Nations have vital interest in battling this horrendous scourge. The Council of Europe remains an important partner for the CTC in our common efforts to deal with the terrorist threat. It has been playing a leading role in dealing with different aspects of terrorism including terrorism prevention, suppression of terrorism financing, prevention of incitement to commit terrorist acts, protection of victims of terrorism and cyber terrorism. My distinguished colleague Mike Smith would dwell in more detail on the specifics of our cooperative relationship.

We believe that terrorism needs to be countered by a combined international effort. We also believe that the United Nations is the best mechanism for developing this coherent transnational response.

Despite concerted efforts of the international community, much more needs to be done. Our normative framework of international conventions and protocols is still incomplete and riddled with loopholes. The Global Counter Terrorism Strategy adopted in 2006 and the institutionalization of Counter-Terrorism Implementation Task Force in 2009 are useful mechanisms but need to be strengthened substantially. The Security Council has also created a network of subsidiary bodies including the 1267 Committee, the 1373 Committee (CTC) and the 1540 Committee. The 1267 Committee, assisted by an Analytical Support and Sanctions Monitoring Team, is directed against the Taliban and Al-Qaida. The Counter-Terrorism Committee (which I head), assisted by the Counter Terrorism Committee Executive Directorate, implements resolution 1373 and other subsequent resolutions which obliges Member States to take a number of measures to prevent terrorist activities, criminalize various terrorist actions, assist and promote international cooperation, and adhere to international counter-terrorism instruments. The 1540 Committee - monitors compliance with resolution 1540, which calls on States to prevent non-State actors (including terrorist groups) from accessing weapons of mass destruction.

In countering terrorism, the United Nations adopted a sectoral approach. The inability of United Nations to agree on a Comprehensive Convention on International Terrorism, even when terrorism endangers us at every moment, remains one of the most important lacuna in the international legislative framework in the fight against terrorism. However, I am quite encouraged by the recently concluded Adhoc Committee negotiations where a vast majority of States have shown the flexibility and the desire to move forward.

There are many reasons for this incomplete and incomprehensible response. I will touch on a few of them.

The first and the foremost reason is the very regrettable tendency of some to justify acts of terrorism. No religion provides sanction for the use of violence. Any ideology that uses terror, as present-day events have repeatedly demonstrated, is bound to fail. The practitioners of terrorism today choose to take up arms because they like to impose their beliefs. They have no patience or desire to go through peaceful or legal means. They are a violent and radical minority that is determined to hold a peaceful majority to ransom.

People living under foreign occupation have a legitimate and a just complaint. However, that cannot be a justification for violence. I come from the land of Mahatma Gandhi. He led what is now a nation of over a billion people to freedom through non-violence. The recent developments in the Middle East demonstrate that peaceful and non-violent mobilization of a population can be a more effective instrument of social change than violence.

In this context one cannot but describe the short-sighted and irresponsible tendencies of some to use terrorism as an instrument of policy as one of the greatest tragedies of our times. History suggests that these terrorists will be the first to turn on their erstwhile benefactors -particularly when these patrons have outlived their utility.

In our shared resolve in combating terrorism, it is absolutely essential that any measures taken by States to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law. However, some of us do a great disservice when we attempt to use the pretext of human rights and humanitarian agendas to justify terrorism. Targeted killing of civilians has nothing to do with root causation. It has everything to do with unpopular causes.

Another disturbing developments arising out of this ambivalence has been the tendency to overlook the victims of terrorism. The lack of recognition of their suffering and loss and the denial of justice can only weaken the efforts to universalize human rights.

Let us now turn to counter-terrorism efforts. Some of these strategies are based on meeting violence with greater violence. The limitations of this strategy are apparent and are reflected in the ongoing debate between Counter-Terrorism and Counter-Insurgency (COIN). Mahatma Gandhi, I would like to remind you at this stage, said that an eye for an eye makes the whole world go blind.

The Security Council resolution 1963 (2010) recognizes that terrorism will not be defeated by military means, law enforcement measures and intelligence operations alone, and that there is need to promote the rule of law, the protection of human rights and fundamental freedoms, good governance, tolerance and inclusiveness to offer a viable alternative to those who could be susceptible to terrorist recruitment and to radicalization leading to violence.

Poverty, in itself, can neither justify nor provides a full explanation for the actions of terrorists. It is important to remember that most of the terrorists and terrorist organizations do not have economic grievances. They include, in their ranks, highly educated people who understand economics and technology. They use the internet to propagate their beliefs, communicate through encrypted emails, use satellite phones and are on social networking sites. They use technology and money, and most importantly, the tolerance of free societies, to attack freedom, tolerance and progress. If I am not mistaken, all or most of the 9/11 terrorists could afford to study at western universities. Al Qaeda has no shortage of funds. Omar Saeed Sheikh, the British-Pakistani man who kidnapped and beheaded innocent Western tourists and then went on to kidnap and behead Daniel Pearl, studied at the London School of Economics.

The ability of terrorists to utilize modern technology is most evident in their ability to raise and transfer money. While the creation of this Committee itself is partly in recognition of this, the fact that remains that terrorists are still able to find money and resources. The LTTE in Sri Lanka retained its financial resources and its arms procurement activities till the end. The Taliban are able to procure weapons and explosives at will. Al Shabab in Somalia is able to channel resources through and obtain revenue from the port of Kismayo. The revenues of Kismayo port, which receives mostly cargo transshipped at Dubai, have given Al Shabab a source of sustained income that is sufficient to meet its requirements.

The international response to terrorism seems to have fallen short and it is obvious that we need a new global compact to tackle terrorism. We need to recognize terrorism for what it is, the gravest threat to international peace and security today.

The mechanism that has been developed to pool the resources and the knowledge of the international community needs to be augmented and made more effective. We would argue that the central requirement of an effective counter-terrorism strategy is the necessary political will to squarely face the challenge of terrorism. We need to remove the moral and legal ambiguities that allow terrorists to gain succor and even legitimacy. We need an international mechanism to ensure accountability and justice. We must continue international efforts to enhance dialogue and broaden understanding among civilizations. We need concerted international efforts to expose and destroy the linkages that exist between terrorists and their supporters. We need to expand the scope of the legal instruments and expand enforcement efforts to destroy safe havens for terrorists, their financial flows and their support networks.

This year will mark the 10th anniversary of 9/11 and also of adoption of Security Council resolution 1373 (2001). This Special Meeting being held today offers an ideal setting for us all to not only brainstorm some of the most pressing challenges in the prevention of terrorism, but also through an informal interactive process to tap avenues for future cooperation.

In concluding, I would like to quote the great European philosopher Edmund Burke. He said that "All that it takes for the triumph of evil is for good men to do nothing." This is the philosophy behind

the creation of the United Nations and of the Council of Europe. It is in that spirit that I am here as Chairman of the United Nations Counter Terrorism Committee to urge greater cooperation between our organizations to face this contemporary evil.

B. Welcoming address by Mr. Thorbjørn Jagland, Secretary General of the Council of Europe

Mr Chairman,
Distinguished Members of the Counter-Terrorism Committee,

It is a great pleasure for me to welcome the United Nations Security Council Counter-Terrorism Committee Special Meeting on the Prevention of Terrorism to the Council of Europe.

Six months ago, Secretary-General Ban Ki-moon of the United Nations, on addressing the Council of Europe on the occasion of the 60 anniversary of the European Convention on Human Rights, said that:

“The Council of Europe is a key partner of the United Nations in our shared global quest – and united behind the principle of all human rights for all people”.

Today’s meeting is part of this partnership, and I find no better expression of our excellent relations with the CTC/CTED than coming here together in Strasbourg.

I would like to start by saying that although the Council of Europe is the oldest organisation in Europe, our purpose will always keep us young at heart: uniting Europe and bringing human rights to every European.

There were many factors behind World War II, but the total break down of human rights values was a key factor in the enormous suffering brought about by the war.

European political leaders learned that to rebuild Europe, and to prevent catastrophic developments from occurring again, institutional and legally-binding arrangements had to be put in place.

For this purpose, the Council of Europe was created to defend, develop and further promote Democracy, Human Rights and the Rule of Law on the European continent.

As such, the Council of Europe became the only real follow-up to the Universal Declaration of Human Rights, by legally-binding its member States to the European Convention on Human Rights and establishing a Court of Human Rights here in Strasbourg as a guardian of those commitments.

Today the Council of Europe covers virtually the entire European continent with 47 member States. But our activities continue to be based on the fundamental idea that all State actions, laws, policies must be respectful of human rights and fundamental freedoms, the rule of law and democratic values. This is a mission which keeps us young at heart.

“Preventing Terrorism” as the topic of this Special Meeting goes straight to the heart of our mission. How can we uphold our democratic values and practices in the fight against terrorism?

The purpose of terror is not victory. The purpose is as simple as the men and women who perpetrate such a crime: to terrify in contempt of the individual and against the principles of the world community.

This is why our response, as a matter of global interdependence, must build on two crucial elements: the prosecution of terrorism and the respect for human rights.

To deviate from our values and principles in response to terrorist attacks or threats would mean conceding victory to the terrorists. It would be to reward the terrorists' action by acknowledging their power. And it would mean that we lack trust in the solidity of the foundations of our civilization.

At the Council of Europe, the struggle against terrorism is an essential element of the protection of individuals.

Therefore, our key activities in addressing terrorism have been to develop specific conventions to strengthen Europe's legal capacity to:

- prevent terrorism from arising,
- facilitate prosecution of terrorists,
- protect victims of terrorism.

Already in 1977, the Council of Europe member States adopted a European Convention on the Suppression of Terrorism, aimed at facilitating extradition procedures.

In 2005 the Council of Europe Convention on "Laundering, Search, Seizure and Confiscation of the proceeds from Crime and on the Financing of Terrorism", was opened for signature, and made accessible to non-member States.

The same year our core body in terrorism, the Committee of Experts on Terrorism, also known as CODEXTER, concluded a pioneering action in drafting the first multilateral treaty on the prevention of Terrorism; the "Council of Europe Convention on the Prevention of Terrorism".

Currently, our treaties allow 47 European States to offer each other the widest measure of mutual assistance to gather evidence; hear witnesses, experts, suspects or indicted persons; to seize and confiscate funds.

Dear friends,

We may face the terrorist in open battle, but any modern democratic society will do its utmost to prevent terrorism from arising in the first place.

In setting-up comprehensive prevention policies and criminalising certain acts that may lead to the commission of terrorist offences, we guard our human rights standards and values.

But our response must also be an expression of the astonishing increase in global interdependence.

Globalisation means that we are all brought closer, economically, technologically and politically. The closed nature of the Cold War era has been replaced with the openness of the 21st Century.

But by opening up, the world has also become as vulnerable as ever to forces of destruction which benefit from open borders and easily accessible information and technology.

Therefore, the world can only take on the fight against terrorism in unity. Our interdependence is what makes us strong, especially when it is based on the increasing acceptance of democracy and human rights. Preventing terrorism is about keeping the world together.

This meeting is a tribute to interdependence in bringing together international, regional and sub regional organisations.

At the Council of Europe we are committed to contribute as effectively as possible to the attainment of UN goals and objectives.

We are very pleased of the fact that the work of the CODEXTER on the criminalisation of “public provocation” to terrorism and the Convention on the Prevention of Terrorism paved the way for SC Resolution 1624 and for the idea of criminalising “incitement to terrorism”.

We cannot address terrorism in its entirety if we do not include its cultural and societal background, and I am pleased to see that your agenda also includes these questions.

The anticipated Council of Europe report on how we can live together in Europe in the face of increasing intolerance, xenophobia and exclusion will make way for a critical debate on societal diversity and integration.

Dear friends,

The world is uniquely interdependent. Every society must be built on a collective will and shared values. At the same time we must respect diversities as a valuable reality.

Any society must sustain a fair balance between individual rights and the interests of society. This is a delicate balance but a fundamental one in times of crisis – be it an economic crisis or destabilization by terrorist acts.

Whatever the danger we face, we must ensure the preservation of the common values which are the basis of our social pact.

Humanity has been institutionalised world wide.

But the mission is not accomplished. Nor will it ever be. We must continue do our outmost, every day, to make our societies function in accordance with these ideals.

Therefore, dear friends, I will close by reminding us all that the prevention of terrorism and the creation of an integrated and cohesive society - respectful of diversity - are inseparable.

I wish you a successful meeting.

C. Welcoming address by Mr. Mike Smith, Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED)

Mr Chairman, Mr Secretary-General, Excellencies, Ladies and Gentlemen

Thank you all for making the time and effort to come here to Strasbourg for three days of discussion on one of the critical issues of our time – how to prevent terrorists from shredding lives and bringing fear and distress to communities in all regions of the world. I would like to join Ambassador Puri in expressing sincere appreciation to the Council of Europe for hosting the event and for all their gracious assistance in its preparations. It would have been very difficult indeed for us at CTED to have managed this without their expertise, their resources, their understanding and their hard-work.

Prevention of terrorism is a topic that on the face of it covers a broad spectrum of activities. Indeed it could be applied to most of the fields dealt with under the Counter-Terrorism Committee's primary resolution, 1373, adopted by the Security Council almost 10 years ago. For example, *prevention* could refer to border management. If a terrorist group fails because of effective border control measures, to get into the country where it planned to carry out an attack, it has been prevented from doing so. *Prevention* could also apply to law enforcement. If police and intelligence services can identify a group that is planning an attack, they can disrupt it and arrest the conspirators before they carry out their plan. It could also apply to countering the financing of terrorism. Obviously if a group cannot get the money it needs to buy weapons, or to pay for airline

tickets, or to cover the bribes necessary to get access or information, they will be prevented from carrying out their attack. And above all, *prevention* could refer to international cooperation and the sharing of critical operational information across borders. If law enforcement in one country picks up information about a plot to carry out an attack in another country, it can prevent that attack by sharing that information with the appropriate authorities in that second country.

It is in these areas that the Counter-Terrorism Committee focuses most of its attention.

But the notion of '*prevention*' has in recent years evolved and taken on a narrower and more specific meaning. It refers to efforts to prevent young people from being recruited and trained as terrorists. It means addressing what the UN Global Counter-Terrorism Strategy calls 'the conditions conducive to terrorism' – unresolved conflict, ethnic, national and religious discrimination, violations of human rights, and lack of good governance to mention just a few examples – that can be exploited by terrorist recruiters to attract individuals to their cause. It means building resilience in communities so they do not remain passive when terrorists try to seek safe-haven in their midst. It encompasses building cultures of tolerance and understanding in countries so that communities work together and can resolve their differences in a spirit of respect and compromise.

It also means stopping demagogues and others from inciting people to commit terrorist acts – a situation covered by the Committee's second resolution, 1624. It covers rehabilitation programs, particularly those carried out in prisons, places which sometimes turn out to be incubators of terrorism, rather than places where terrorists are deterred.

And in a very general way, it means carrying out all counter-terrorism activities with an understanding that harsh measures applied indiscriminately, or unfairly, or that are not in accordance with the rule of law, can feed the grievances of people that terrorist recruiters use to attract support. In short *prevention* also covers respect for people's dignity and human rights in the implementation of counter-terrorism policies.

Now, everyone here knows that countering terrorism is never easy. The resolution 1373 fields that I mentioned earlier – border control, law enforcement, countering the financing of terrorism and so on, all involve enormous investment in technologies, in training, in educating the community, and in developing new ways of organizing and coordinating government agencies. These are the areas where CTED and our closest partner organizations, spend most of our time and effort.

But in the long-term, if we are to consign terrorism to the dustbin of history, it is the work on prevention in the newer sense of the word that will make the difference. And let us have no illusions – if border control and law enforcement are not easy, how much more difficult is it to get into the minds of young people trawling the internet and turn them away from the apparent adventure and glamour promised by an extremist website? How difficult is it for governments to find strategies to overcome years, sometimes centuries of distrust between ethnic communities or different regions within the state? How can we develop credible narratives that challenge and undermine the narratives of terrorist groups - narratives that clearly strike a chord in the hearts of many individuals, even if the vast majority do not embrace violent extremism.

The answers to these questions, to the extent that we know them, are complicated and multifaceted. This is a new field where different governments are trying out experimental policies and strategies, the success of which remain, in many cases, unproven. The main purpose of this gathering here in Strasbourg is to enable an exchange of views and experience between governments and international and regional organizations in this tantalizingly difficult area.

One thing is clear: governments do not have all the answers. They will not always be able to carry out the research needed to target strategies or programs so that these are most effective. They will not necessarily have the resources or, frankly, the credibility, to conduct all the social and educational programs that could well be needed. Above all they are unlikely to be able to deliver

the messages to particular segments of society that will be needed to counter the siren call of the terrorist recruiters. The community in its broadest sense will have to be involved. Academics, teachers, NGOs, parliamentarians, journalists, lawyers, religious leaders, private sector business and social scientists will all have a role to play.

This meeting is only a beginning. It aims, through the nine panel discussions over the next three days, to put on the table many of the challenges we collectively face in this area and some of the ideas for addressing these challenges. We are not looking for agreement or consensus on any of this. It is rather our hope that participants will gain insights from these discussions and take them back to their countries or their agencies and reflect on how to ensure these are followed up so that they can have an impact in the real world. To that end, at the conclusion of the meeting we will circulate a Chairman's summary of the proceedings that will capture the work of the panels as best it can, but which binds no-one.

Again let me thank you all for coming to this meeting. And again I want to express my appreciation to our hosts the Council of Europe. Their pioneering work on the Convention on the Prevention of Terrorism has laid the foundation for much of what we will be discussing at this meeting, so this Palais de l'Europe is indeed a very fitting venue for this Special Meeting.

Finally I hope that all of you are able to profit from the next 3 days and encourage you to participate actively in sharing ideas and experiences in the interesting panel discussions that we have in the program.

III. CLOSING REMARKS OF THE SPECIAL MEETING

A. Summary and closing remarks by Mr. Hardeep Singh Puri, Chair of the Counter-Terrorism Committee (CTC)



United Nations Security Council Counter-Terrorism Committee
Nations Unies Conseil de Sécurité Comité Contre le Terrorisme



Special Meeting of the Counter-Terrorism Committee of the United Nations Security Council with International, Regional and Subregional Organizations on the Prevention of Terrorism

19-21 April 2011, Strasbourg

Chair's Summary

The Counter-Terrorism Committee of the United Nations Security Council held a Special Meeting from 19 to 21 April 2011 at the Council of Europe in Strasbourg. The objective was to provide an opportunity for the Counter Terrorism Committee (CTC), the Counter-Terrorism Committee Executive Directorate (CTED) and international, regional and subregional organizations to hold open and in-depth discussions about the preventive aspects of Security Council resolutions 1373 (2001), 1624 (2005) and 1963 (2010) and of the United Nations Global Counter-Terrorism Strategy.

I am particularly pleased that the Counter-Terrorism Committee has been able to work with the Council of Europe on this initiative, particularly in respect of the expertise that the Council possesses in the area of terrorism prevention linked to the Convention on the Prevention of Terrorism, which addresses for the first time many of the important issues under discussion in this meeting.

I have invited the Secretary-General of the Council of Europe to participate in the September Special Meeting of the CTC on the tenth anniversary of the establishment of the CTC, and look forward to hearing the ideas of the Council of Europe on this meeting.

The aim of the Special Meeting this week was to identify areas of complementarity and cooperation in the implementation of these resolutions in order to develop international best practices, codes and standards to assist Member States in their efforts to prevent terrorist acts.

To that end, the meeting was organized into plenary and working group sessions. The first half-day of the meeting was held in plenary to provide the framework for the subsequent working group sessions and provide an overview of the international legal framework for the prevention of terrorism and of policies, measures and good practices in this area, in particular from the point of view of contributions by international, regional and subregional organizations. It discussed progress achieved, challenges faced and lessons learned in the prevention of terrorism.

To optimize the time available and build upon the experiences and knowledge of all participants, the meeting was organized into three working groups, each group focusing on specific aspects of prevention. Working Group I focused on prevention policies, including discussions on prevention of radicalization and incitement to commit terrorist acts, the prevention of terrorist recruitment and the role of public-private partnership in preventing terrorism. Working Group II concentrated on comprehensive and integrated strategies to prevent terrorism through, inter alia, national frameworks and interagency coordination, communication in the prevention of terrorism through media and survivor networks, and international cooperation on issues such as human rights and its enhancement while countering terrorism. Working Group III dealt with the role of law enforcement and the criminal justice system in preventing terrorism. This included discussions on identification, analysis and information-sharing, criminalization and prosecution of offences related to terrorism such as incitement and recruitment to terrorism, safeguards in criminal proceedings,

2

and prevention through bilateral, regional and international cooperation, for example through early-warning systems and information exchange.

In order to enrich the discussion, several experts from civil society organizations were invited and participated actively in the working groups.

Security Council resolution 1624 calls on States to criminalize incitement, but States take many different approaches and Working Group I discussed some of them. The Group recognized the importance of the promotion and protection of human rights and that a range of human rights needs to be taken into account, including freedom of expression, freedom of association and the right to a fair trial. The Group recognized the difficulty of defining incitement but concluded that the lack of an agreed definition of terrorism should not be used as a pretext for inaction, since all are aware of what terrorism is.

It discussed the meaning of incitement and the ways in which it could be tackled. Should the posting of extremist content on the internet be criminalized or should such posts be deleted? There are issues such as these that at the working level would require the involvement and commitment of the private sector. It is clear that religion is not the problem, but that the collective alienation of communities, however, is a serious risk and that civil society should play a key role in prevention.

The use of counter-narratives has been seen as an effective tool to counter incitement to terrorism. They might include the accounts of former terrorists. Various ideas were exchanged as to how to promote such counter-narratives but one clear idea that emerged was that working at the "grassroots" is crucial, and that a top-down approach is not as effective, although indirect collaboration with Government authorities can be helpful.

On recruitment, it was clear that recruitment is a criminal offence, requiring international cooperation and, in that respect, the support of international and regional organizations. Nevertheless, civil society and the private sector can play key roles in detection and early warning as recruitment takes place in diverse social settings and is not necessarily a rigid process.

Participants in more than one Group mentioned the lack of universal definitions of incitement and recruitment as obstacles to international cooperation in the criminalization and prosecution of preventative offences.

Working Group II looked at the importance of States' development of national strategies in the interest of holistic and comprehensive approaches to effectively countering terrorism. In particular, it was agreed that the identification of a lead coordination agency is important but often a challenging issue.

Victims of terrorism are often neglected. There are conceptual problems, as it is incorrectly assumed that only States can violate human rights, but that is not the case.

Promotion and protection of human rights is the key issue. Human rights are a useful framework and not an obstacle. Promoting human rights can lead to prevention of terrorism, by addressing conditions conducive to the spread of terrorism.

Working Group III discussed law enforcement approaches to the prevention of terrorism. It was agreed that the exchange of information in a comprehensive and timely manner is the key to prevention of terrorism from a law enforcement perspective. The essential elements to law enforcement information exchange and cooperation are: i) a legal base, ii) know how, iii) means/resources, iv) channels for communication, and v) mutual trust.

Mutual trust is the sine qua non of information exchange and, arguably, the hardest to achieve. Participants discussed the need to have personal contact, and a network, but

3

acknowledged that there was no universal solution. Intelligence agencies have similar forms of cooperation.

Participants also stressed the difficulties associated with the prosecution of preventative offences.

The Group also discussed community policing. Community policing implies the need to have a complete understanding of the local community, as well as the need to win the support of the local community.

In fact, one important thread that ran through the discussions of all the Working Groups was the essential role of community, civil society and the private sector -- family, schools, universities, religious institutions, youth organizations, commercial businesses -- in addition to and in collaboration with the State authorities.

Finally, the role of international and regional organizations in assisting States to prevent terrorism was discussed. A number of concrete measures elaborated by the organizations were identified as measures which added value to international counter-terrorism efforts:

- Adoption of medium-term programmes by States;
- Regular information exchange, including that on terrorist organizations recognized as such at the regional level;
- Elaboration of model laws and models of other normative standards;
- Development of glossaries and notion terms in the counter-terrorism field;
- Live exercises through cross-border cooperation;
- Development of various international counter-terrorism databases;
- Enhancement of national capacity-building in border control, judicial sphere, judicial police and community police cooperation;
- Enhancement of support of national human rights protection entities, bar associations;
- Activities undertaken by international and regional organizations (IROs) as intermediary actors in the dialogue between States authorities and civil society and media on the involvement of the latest know-how in prevention of terrorism;
- Support of national counter-terrorism focal points and their co-operation via regional structures; and
- Assistance to States in transposition of relevant international obligations in this field into domestic law and in the elaboration of national definitions in concrete terms.

Participants agreed that international and regional organizations had another key role. Common risk assessment is a facilitating factor for the exchange of information and in this respect participants underlined that the role of IROs is fundamental in the organization of activities which maybe unrelated directly to information exchange but which help to create informal and formal networking and thus help to build the trust essential for information exchange.

Following the meeting, CTED will consolidate the outcomes and provide everyone with a document outlining the main observations made by meeting participants. It is hoped that this document will assist the CTC, CTED, the Council of Europe as well as all participating organizations and States in their future work on this important subject.

It is the Chair's intention to utilize the deliberations in the very productive individual sessions, as reflected in the document to be circulated by CTED and in this Summary, which has been prepared on the Chair's responsibility, as inputs that will feed into preparations for the tenth anniversary of the CTC that will be observed in September, 2011.

B. Closing remarks by Mr. Manuel Lezertua, Jurisconsult, Director of Legal Advice and Public International Law, Council of Europe

Excellencies,
Dear colleagues,
Ladies and gentlemen,

From the outset of my concluding remarks, I would like to underline that it was a great pleasure for the Council of Europe to host in Strasbourg the United Nations Security Council Counter-Terrorism Committee Special Meeting on the Prevention of Terrorism.

I would like to thank first of all the Counter-Terrorism Committee and its Chair, Ambassador Puri, the Counter-Terrorism Committee Executive Directorate and its Executive Director, Mr. Mike Smith, Assistant Secretary-General of the United Nations, as well as the Chairs of the different working groups, the rapporteurs and the participants for their active participation and valuable insights which have enriched the debates. Likewise, I would like to thank my colleagues from the Counter-Terrorism Task Force of the Council of Europe for their active involvement in this event.

This Special Meeting was an important and ground-breaking assembly of practitioners and policymakers from international organisations, national governments and civil societies.

I heard a lot of important messages from the three day's discussion, and I would like to share a few with you:

- Firstly, prevention of terrorism is crucial and more importance should be attached to enhancing efforts in this area. This means not only enhancing capacity building in preventing terrorist attacks, but also prevention in a wide range of areas such as protecting of human rights, supporting victims of terrorism, enhancing public-private partnership and promoting intercultural dialogue.
- Secondly, the coordination of efforts for the prevention of terrorism is essential. For the past three days, we heard from practitioners who are on the forefront of national prevention efforts. We heard from international organisations who constantly work on harmonization and coordination of approaches and who stand ready to bring their assistance to States. We heard also from experts who gave us academical insight and presented some innovative approaches.
- Such working method could only permit us to move forward to more holistic approach and multidisciplinary expertise to fight terrorism effectively, an approach which the Council of Europe cherishes in particular.
- However – as mentioned by Ambassador Puri in the opening session – despite concerted efforts of the international community, much more needs to be done.
- In this respect, the Council of Europe will follow closely developments concerning the Comprehensive Convention on International Terrorism and hopes that current negotiations would lead to a positive result.
- Furthermore, I fully ally with my colleagues' call for ratifications of the legally binding rules that the Council of Europe, as well as other international and regional organizations have created throughout the years. Indeed – as it has been underlined by several of our distinguished speakers – even though the normative framework of international conventions and their protocols is still incomplete, we have a number of existing rules which

undoubtedly already assist our member States to effectively fight terrorism. They need to be reinforced, and a larger ratification of the conventions can only serve this purpose.

The Conference also outlined that the prevention of terrorism is not limited to repressive law-enforcement methods but may be seen in a broader perspective of creating an environment which is not conducive to radicalization of individuals or terrorist recruitments. Indeed, radicalization is a process that takes place over a considerable period of time, with certain factors that increase the risk. In this regard, it has come out from the discussions that the utmost importance for counter terrorism actors is to consider the question of dealing with public expression of support, the justification or praise of terrorists and terrorist acts. We have in this respect already instruments which deal with this problematic, such as the Resolution 1624 (2005) which calls upon member States to prohibit and prevent incitement to terrorism, and the Council of Europe Convention on the Prevention of Terrorism, which focuses on public expressions of support for terrorist offences and covers both incitement and “apologie” of terrorism. I should like to take this opportunity to invite countries to accede to this Convention, open to Council of Europe member States and non-member States alike. However, participants believed that further strategies which address the prevention of terrorism are needed, and I am in this regard very delighted about the exchange of good practices that took place during these three days on this topical issue.

Furthermore, the ever changing nature of terrorism was also at the core of the discussions during this Conference. Indeed, it came out from several presentations that terrorists have an ability to use modern technology and thus promoting their ideas through various new media and social networking. In this respect, it is crucial that in the context of counterterrorism, care must be taken in developing smart counter narratives. Media and social networking can also play a vital role in helping the organisations as well as the member States to effectively promote public awareness. Therefore, I am happy for the exchange on existing measures that took place between the participants, which are good examples of cooperation between public and private sectors.

Another important issue that was raised during these three days was the question of the victims of terrorism. As mentioned by Ambassador Puri, there has been a tendency these last years to overlook the victims, and I am therefore more than happy that we have decided to bring forward this topical issue. Indeed, victims should not be disregarded – first and foremost because justice starts with those who have already suffered at the hands of terrorists. They have unfortunately been in the front row of terrorist acts, and deserve to have their case heard. Moreover, it has been pointed out by many participants, that they offer a unique perspective and insight into ways to address issues that may lead to terrorist acts. They can play an indispensable role, and – in conjunction with the topic of new communication flows – can take on the challenge of terrorism prevention and raising public awareness of where the danger may lie. With this in mind the Council of Europe, together with the Organisation of American States and the Government of Spain, is organising in June a Conference on “Victims of Terrorism”, in San Sebastian, a city which has been particularly hit by terrorism, and which counts its victims in hundreds.

The recognition of the suffering of victims of terrorism is also part of the broader topic of human rights, which I believe was present during all the sessions of this Conference. The question of promotion and protection of human rights in the fight against terrorism is indeed one of the key questions, as their violation is likely to create a breeding ground for future waves of terrorism. Indeed, as the judges of the European Court of Human Rights stated in the case of Saadi v. Italy, *“there is nothing more counterproductive that to fight fire with fire, to give the terrorists the perfect pretext for martyrdom and for accusing democracies of using double standards”*. And I am therefore more than glad that this issue was part of the discussions during this Conference because we must never forget that – as it has been pointed out by several distinguished speakers – *“our human rights law is flexible enough to leave room for carefully designed and optimally effective counter-terrorism measures”*.

Finally, *“this meeting [has been] a tribute to interdependence in bringing together international, regional and sub regional organizations”*. I think that the information-sharing that took place

between the different actors in the field of prevention of terrorism can only serve our common goal, which is to counter effectively terrorism. Terrorism, as we all know, has no borders, and in this respect, we must ensure at any moment the preservation of the common values that we outlined during these three days.

As we look into the future, we anticipate a continuing deepening of the partnership between United Nations, the Council of Europe and other regional and subregional organisations and their increased assistance to States in the area of the prevention of terrorism. The Council of Europe is offering to the international community a wide range of conventions which are open to non member States and which can make a worthwhile contribution to this matter, with its strong comprehensive approach and multidisciplinary know-how. We stand ready to share our experience with other counter-terrorism actors – States, regional and international organizations, as well as the civil society – and to pursue our long-standing contribution to the tremendous efforts of the United Nations in this area.

This is the only way to link better between national, regional and global efforts for the prevention of terrorism.