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COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)

MEETING REPORT

21st meeting

Strasbourg (France), 24 – 25 November 2011

Secretariat of the Counter-Terrorism Task Force
Public International Law and Anti-Terrorism Division

I. INTRODUCTION

1. Opening of the meeting by the Chair, Mr. Andrea Candrian (Switzerland)

1. The Committee of Experts on Terrorism (CODEXTER) held its 21st meeting in Strasbourg (France) on 24 - 25 November 2011, under the Chairmanship of Mr Andrea Candrian (Switzerland). The list of participants is set out in **Appendix I** to this report.

2. In this opening session, the Chair recalled the terrible terrorist attacks in Norway and a series of right wing terrorism attacks disclosed in Germany. He remarked that these attacks provoked immense horror among the population, and expressed deep sympathies for the victims of these atrocities and their relatives and friends. The Chair further stated that sadly, the whole of Europe was still heavily affected by terrorism and its terrible consequences, which did not only affect victims, relatives and society, as such, but left every human being, every member of society who learned about this horrible event, in a state of helplessness and anger. The Committee firmly condemned these terrorist attacks.

3. However, the Chair remarked that we should keep the positive aspects and developments in mind as well. In this regard, the Committee welcomed that, after five decades of terror killings, peace may be within reach in the Spanish Basque region following the announcement of a "definitive cessation of its armed activity" by the Basque separatist group ETA.

2. Adoption of the draft agenda and approval of the report of the 20th meeting

4. The CODEXTER adopted the draft agenda as set out in the **Appendix II** to this report.

5. The report of the 20th meeting¹, held in San Sebastian (Spain), on 14 -15 June 2011, was adopted with amendments from Greece, Croatia and Spain. The report was then authorised by the Committee for its publication on the CODEXTER website.

6. The CODEXTER thanked the Spanish authorities for hosting the successful 20th meeting of the Committee as well as the joint Council of Europe/OAS/Spain International Conference on "Victims of Terrorism", in San Sebastian. The Committee also thanked those who co-organised this Conference together with the Council of Europe.

3. Communication by the Secretariat

7. Mr. Manuel Lezertua, Director of Legal Advice and Public International Law and Jurisconsult, informed delegations about developments at the Council of Europe since the CODEXTER's 20th meeting. In particular, Mr Lezertua informed the delegations about the administrative reorganisation in virtue of the reform of the Council of Europe structures. According to this reorganisation, as of 1st January 2012, the Group of Parties, the Council of Europe Committee of Experts on Terrorism (CODEXTER) and other counter-terrorism activities, were shifted under the responsibility of the Directorate General of Human Rights and Rule of Law (DG I), Directorate of Information Society and Action against Crime, Action against Crime Department. Mr Lezertua's statement is set out in **Appendix III** to this report.

8. The CODEXTER thanked its outgoing Secretary - Ms Marta Requena - for the valuable work carried out for the Committee as well as for strengthening the visibility of Council of Europe counter-terrorism activities, in particular through the organisation of the International Conference on "Prevention of Terrorism: Prevention Tools, Legal Instruments and Their Implementation" held

¹ CODEXTER (2011) 8 prov

in Istanbul in December 2010, and the United Nations Security Council Counter-Terrorism Committee Special Meeting hosted by the Council of Europe in April 2011, as well as joint Council of Europe/OAS/Spain Conference on “Victims of Terrorism”, held in San Sebastian in June 2011. Wishing Ms Marta Requena every success in her new professional tasks, the CODEXTER also welcomed its new Secretary, Mr Carlo Chiaromonte, Head of the Criminal Law Division (DG I).

9. Ms Requena briefed the CODEXTER about the work undertaken by the Secretariat since the last meeting of the Committee and its ongoing cooperation with other international organisations. In particular, the Committee took note that the Council of Europe - represented by Mr Candrian – the Chair of the CODEXTER, Ms Requena as the Council of Europe Counter-Terrorism Coordinator and Ms Ovcearenco from the Secretariat of the CODEXTER - contributed to the Special Meeting of the United Nations Security Council Counter-Terrorism Committee, commemorating the adoption of Security Council resolution 1373 (2001) and the establishment of the Counter-Terrorism Committee (New York, 28 September 2011).

4. Decisions of the Committee of Ministers concerning the CODEXTER and terrorism-related issues

10. The CODEXTER took note of the decisions of the Committee of Ministers relevant to its work, which have been adopted since the 20th meeting of the Committee. The Committee welcomed in particular the outcome of the 14th meeting of the Co-ordination Group between the Council of Europe and the OSCE, which took place in Vienna on 21 October 2011. This meeting was chaired by Ambassador Renatas Norkus (Lithuania), Chairperson of the OSCE Permanent Council, and co-chaired by Ambassador Mykola Tochytskyi (Ukraine), Chairperson of the Ministers’ Deputies of the Council of Europe.

11. In particular, the CODEXTER took note of the Report prepared by the Chairs. With regard to the fight against terrorism, the Coordination Group welcomed continued co-operation and mutual contributions to each other’s activities in the three traditional areas: legal co-operation in criminal matters related to terrorism, combating financing of terrorism and money laundering, and the protection of human rights. The Group also welcomed the expansion of co-operation into new areas, including the promotion of public-private partnerships, countering terrorist use of the Internet, and enhancing cyber security.

12. For the future, the Group encouraged further development of both the traditional and new areas of counter-terrorism co-operation as well as exploration of additional synergies and joint action. Subject to the will of the OSCE participating states and the Council of Europe member states, the Coordination Group suggested considering further avenues of co-operation in supporting and protecting of victims of terrorism, and encouraged maximising synergies between Council of Europe and OSCE activities on cyber security, cybercrime and the use of the Internet for terrorist purposes.

13. Furthermore, Ms Requena informed the Committee on the statement made during the Coordination Group meeting by Ambassador Emil Kuchár (Slovak Republic), the Council of Europe Focal Point for the fight against terrorism. She also informed the CODEXTER of the interest of the OSCE to continue future cooperation with the Council of Europe in the field of flight against terrorism, including a possible joint counter-terrorism event in the future.

II. IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTIONS AGAINST TERRORISM

5. Information by States concerning the Council of Europe Conventions against terrorism

14. The delegation of Switzerland informed the Committee that on 21 September 2011 Switzerland ratified the *Council of Europe Convention on Cybercrime* [CETS No. 185], which will enter into force on 1 January 2012 for this country. Switzerland also informed the Committee that the Swiss Penal Code and the legislation regarding mutual legal assistance have been amended to meet the provisions of the Convention.

15. The delegation of Turkey informed the Committee that following the ratification of the *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism* [CETS No. 198] by Turkey in 2005, a draft law on prevention of financing of terrorism is currently being considered by the Turkish Parliament. This draft law is aimed at enhancing national legal basis for freezing of funds in virtue of United Nations relevant resolutions and harmonising further the national legislation with the relevant international standards, including those of the Council of Europe, the United Nations and the Financial Action Task Force (FATF). The representative of Turkey also informed the Committee of another bill currently before the Parliament, which was aimed at strengthening the rights of victims.

16. The delegation of Poland informed the Committee that on 7 October 2011 Poland signed the *Additional Protocol to the Criminal Law Convention on Corruption* [CETS No. 191], and the *Third Additional Protocol to the European Convention on Extradition* [CETS No. 209]. Poland also noted that to date, it concluded more than 40 bilateral agreements aimed at fighting organised crime, including combating terrorism.

17. The delegation of Germany informed the Committee that since last meeting of the CODEXTER, Germany ratified on 13 July 2011 the *Protocol amending the European Convention on the Suppression of Terrorism* [CETS No. 190], as well as *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] and *Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems* [ETS No. 189] on 10 June 2011. The last two instruments entered into force in Germany on 1st October 2011.

18. The CODEXTER welcomed also the fact that on 1st July 2011, the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] entered into force in Hungary.

19. The delegation of Finland informed the Committee that Finland accepted the *Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems* [ETS No. 189] and the *Additional Protocol to the Criminal Law Convention on Corruption* [CETS No. 191] and these Protocols were going to enter into force in Finland by the end of 2011.

6. Follow-up of the effective use and implementation of the Convention on the Prevention of Terrorism [CETS No. 196] : Follow-up Mechanism

20. The Chair of the CODEXTER recalled that the Second meeting of the Group of Parties to the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] took place the day before the current meeting of the CODEXTER on 23 November 2011 in Strasbourg. He further provided the Committee with a reminder overview of the relationship between the CODEXTER and the Group of Parties, with the CODEXTER as the second pillar of the mechanism, established in virtue of the decision of the Ministers Deputies on the Follow-up of the implementation of the Convention. Mr Candrian explained further that, according to this mechanism, the CODEXTER can endorse the report presented by the Group of Parties and, if necessary, request clarification. The

CODEXTER report on the follow-up of the implementation of the Convention can then be submitted to the Committee of Ministers.

21. Mr Vladimir Salov (Russian Federation), Chair of the Group of Parties, further briefed the Committee on the outcome of the Second meeting of the Group of Parties. The Group of Parties took note that since its first meeting the Convention entered into force in Hungary on the 1st July 2011 and in Germany on the 1st October 2011. The Group welcomed the representatives of these States at the Second meeting of the Group of Parties.

22. The Group further proceeded with the discussion on the *Draft Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]*. Following this discussion, and taking into account the comments made by the delegations, the Group of Parties provisionally adopted the Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]. The Group of Parties instructed the Secretariat to send these provisionally adopted Rules of Procedure to the Parties by 1st December 2011 for adoption by silent procedure. If there were no objections by 2nd January 2012, the provisionally adopted Rules of Procedure would be considered as finally adopted. This would enable the Group of Parties to start monitoring the implementation of the Convention on the Prevention of Terrorism [CETS No. 196] in 2012.

7. On-going activities of the CODEXTER related to the follow-up of the specific provisions of the Convention [CETS No. 196]

23. The CODEXTER expressed its appreciation for two publications prepared by the Secretariat: Proceedings of the Council of Europe Conference on the “Prevention of Terrorism: Prevention Tools, Legal Instruments and their Implementation” (Istanbul, 16-17 December 2010); and the Proceedings of the International Conference on “Victims of Terrorism” co-organised by Spain, the Organisation of American States (OAS) and the Council of Europe (San Sebastian, Spain, 16-17 June 2011).

24. The Chair highlighted that both events were a success, having not only led to some interesting interventions and discussions, but also served as a forum for an exchange of views between different partners in the countering of terrorism. On behalf of the Committee and the Secretariat, he further expressed sincere gratitude to both Spanish and Turkish authorities for their remarkable professionalism and warm hospitality in organising these two events.

25. Ms Marta Requena, Secretary to the CODEXTER, further pointed out that these two publications provided important background information for future activities of the CODEXTER and also contained important references to the case law of the European Court of Human Rights, which is at the core of the Council of Europe activities against terrorism. Ms REQUENA further informed the Committee that the Proceedings publications of both Conferences were to be transmitted to all the participants of the events, as well as Permanent Representations in Strasbourg for transmission to their own Ministries, in the nearest future.

III. IDENTIFICATION OF LACUNAE IN INTERNATIONAL LAW AND ACTION AGAINST TERRORISM

8. On-going activities regarding the identification of lacunae in international law and action against terrorism

Exchange of views on national coordinating bodies in the field of the fight against terrorism

26. The Chair of the CODEXTER recalled that the successful countering of terrorism depends, among other criteria, on coordination. The importance of this element was reflected in the fact that most treaties against terrorism deal with the necessity of international exchange of information and cooperation. However, cooperation should not be restricted to the relations between different States

and it is not limited to mutual legal assistance. A number of countries have come to the conclusion that it is also essential to ensure the existence of a coordination mechanism at national level, in order to facilitate the exchange of information and enhanced coordination among their own authorities. These authorities include, inter alia, police forces, security services, prosecutors, different ministries, legislators and also the contribution of civil society and further organizations.

27. The Chair of the CODEXTER recalled further that the CODEXTER started its fruitful discussion on this issue during its last meeting and that it has been brought to Committee's attention that there are a number of delegations ready to share their experiences and results when it comes to national coordination bodies dealing with the fight against terrorism. Written contributions of Croatia, Finland, Spain, Switzerland, Turkey and Ukraine on their respective national coordinating bodies were presented in the document CODEXTER (2011) 12. These countries were invited to present briefly their experience.

28. The delegation of Croatia stated that this topic of national coordinating bodies had potential for fruitful discussions and suggested to keep this item on the agenda in order for it to be discussed further in detail in future meetings. A reference to a series of meetings on national counter-terrorist focal points was made, in particular the meeting organized by UN CTED in Sarajevo in October 2010. The Croatian representative suggested to focus more on functionalities of national coordinating bodies rather than structure, as structure differed according to country, and stressed the importance of differentiating between strategic and operational levels of national coordination. He further suggested bringing national coordinators on board for these discussions and reiterated his delegation's readiness to actively cooperate with such an initiative and provide substantial information on his country challenges, findings and achievement of national coordination.

29. Following a request for clarification from one delegation, the Croatian representative underlined that indeed the Croatian Interagency Working Group appeared mainly as a policy making body, however it was created as an entity tasked specifically with implementation of UNSC Resolutions. There were other national coordination bodies such as the coordination body for the Implementation of International Restrictive Measures, which specifically dealt with sanction regimes established by the UNSC and the European Union, targeting individuals linked to terrorist organisations. Furthermore, the Croatian representative underlined that the working relationship and trust between different departments was of utmost importance and this greatly facilitated the smooth running of counter-terrorism activities in Croatia, whether these activities were a result of government decisions or bilateral/ multilateral agreements between different entities in this field.

30. The delegation of Finland supported the Croatian proposal to exchange national experiences in this domain and stated that Finland invested substantially into national coordination for the last year, as this was one of the goals of Finnish Counter-Terrorism Strategy and it paved the way for the establishment of a National Counter-Terrorism Cooperation Forum to address this particular need. The Finnish National Counter-Terrorism Cooperation Forum was a policy-oriented entity and therefore, it focused on implementation of national strategies and national regulations, as well as legislative discussions.

31. At the request of one delegation, the Finnish representative clarified that the Forum was set up by means of a specific legal instrument. It originated following the approval of the National Counter-Terrorism Strategy by the government, which tasked the Ministry of the Interior with the implementation of the Strategy. The Ministry of the Interior made the decision to create and coordinate the National Counter-Terrorism Cooperation Forum, replacing a previous expert group on this topic. The Finnish representative further underlined that Finland had particular experience of collaboration with civil society on this issue.

32. The representative of Spain joined his colleagues in stressing the importance of national coordination for the fight against terrorism. Particularly following the terrorist attacks in Madrid in 2004 and the threat posed by existence of ETA for many years, the government of Spain made some legislative reforms and this paved the way for the creation of the National Coordination Center.

33. In response to the question posed to his delegation, the Spanish representative explained that the National Coordination Center did not have operational capacity, and that operational autonomy remained with entities that include the civil guard, the police and the security services. The National Coordination Center received and assessed information and coordinated the sharing of operational information rather than leads operational activities.

34. The representative of Switzerland provided the Committee with information about the Interdepartmental Group on Counter-Terrorism within the Swiss Directorate of International Law of the Federal Department of Foreign Affairs. As its main role, the Group provided coordination of all counter-terrorism activities of various units, ministries and departments linked to this field. The Group was chaired by the Counter-Terrorism Coordinator. This post was instrumental in dealing with Swiss counter-terrorism activities on the international scale, including its communication with international organisations and information sharing on Swiss counter-terrorism policy.

35. In response to the question of one delegation, the Swiss delegation explained that the logic behind placing this unit within the Ministry of Foreign Affairs reflected Switzerland's emphasis on the importance of coordination of counter-terrorist activities at the international level. Bearing in mind that there are sixteen United Nations conventions dealing with counter-terrorism, as well as a number of Council of Europe Conventions, it seemed logical to have the Public International Law department to take the lead on these issues. At the same time, at the interministerial level, each entity (such as the police and the security services) maintained its autonomy in dealing with its ongoing affairs. Switzerland's united voice on counter-terrorism activities was then presented through a coordinated approach of the Ministry of Foreign Affairs.

36. The representative of Turkey informed the CODEXTER about the structure and functionalities of the Turkish Undersecretariat of Public Order and Security, the main counter-terrorism body, which was previously attached to the Ministry of Interior, but was transferred under the responsibility of the Office of the Prime Minister in June 2011. It was due to start its full functioning in December 2011 and this entity dealt with the development and coordination of strategic counter-terrorism policies. Police forces, academia and civil society, amongst others were involved directly in this counter-terrorism body. Though it had no actual operational capacity, the Undersecretariat could make requests to government departments and collaborated actively with universities, research centres and the civil society.

37. The representative of Ukraine presented the Committee with an overview of the Security Service of Ukraine, which was the main body dealing with counter-terrorism activities. Anti-Terrorist Centre (ATC) was the main coordination entity within the Security Service, serving as headquarters for regional coordination groups in Ukraine. Its operational capacity included providing threat assessments, daily risk analysis and other strategic data. As regards international cooperation, the ATC was engaged in direct information exchange, as well as sensitive information exchange with foreign partners. The ATC was currently actively dealing with preparations for the EURO 2012 Football Championship, which were to be held in Ukraine next year. Towards this end Ukraine has held a number of joint counter-terrorism exercises.

38. Following the opening of the floor for questions and comments, the Greek delegation stated that sharing information with other countries on this topic was a very useful practice. The Greek delegate stressed that further exploration of this subject was the imperative.

39. The delegation of Serbia presented an overview of the latest developments and stated that a National Working Group on Terrorism was recently created, in addition to the National Security Council and Coordination Bureau (which were the previous executive bodies in charge of national security issues, including terrorism). This National Working Group was created by an ad hoc governmental decision. It was a national coordination body at an operational level. The Working Group comprised representatives of various operational units dealing with counter-terrorism such as military personnel, security services, criminal police department, Ministry of Justice, the Terrorism Division of the Ministry of Foreign Affairs, and the Special Terrorism Prosecutor from the Public Prosecutor Office. The Working Group held three meetings in 2010. Information was collected on the

functions of these operational units in order to provide international organisations with information on this topic. This delegation stated that more detailed written information was to be presented for the next CODEXTER meeting.

40. The Greek delegation welcomed the discussion on this matter and was particularly interested by the Swiss experience and the leading role given to the Public International Law department within the Ministry of Foreign affairs in relation to counter-terrorism coordination

41. The delegation of the Russian Federation appreciated the contributions provided by the Committee members and stated that its authorities paid considerable attention to the coordination of national counter-terrorism activities. This delegation then underlined that the difference between the operational approach and policy coordination was a big issue, which was already raised during the last CODEXTER meeting in San Sebastian. Furthermore, this issue was already tackled during special session devoted to this subject during the United Nations Security Council Counter-Terrorism Committee Special Meeting in a broader context of counter-terrorism prevention work (Strasbourg, 19-21 April 2011).

42. A number of delegations stated that the exchange on the interaction between coordination and operational bodies was useful.

43. The Croatian delegation further remarked that it was important to place national coordination at the right level in order to achieve an efficiently functioning intergovernmental mechanism, capable of rapid legislative activity. It equally emphasised the importance of trust that policymakers must have in such bodies. Finally, this representative explained that in Croatia coordination for activities against money laundering and financing of terrorism differed but that the staff working on coordination of these issues were almost the same persons involved in the fight against terrorism. The issue for Croatia was, in his opinion, that of how to coordinate coordinators.

44. The Chair of the CODEXTER, pointed out that the discussion on this item was very fruitful and suggested that this item be kept on the agenda and to entrust the Secretariat to prepare - together with the Bureau and interested States - a draft working paper on national coordinating bodies. He underlined in particular that the rationale of this exercise was not to put obligations upon member States in a form of a binding instrument or an international treaty. In fact, it might be aimed at the preparation of a tool, which States could freely employ in its original form or with own adaptations, should they deem that necessary in their national action of the establishment or strengthening of the functioning of such national coordinating bodies. The Committee members were invited to resume their discussions of this proposal at the next meeting of the CODEXTER.

45. A number of delegations welcomed this initiative and emphasised that the outcome of this exercise should not be prejudged. Furthermore, it had been underlined that as national approaches to coordination differed, this initiative could be a particularly good way to proceed with outlining these differences. It was remarked that in the long term this exercise might eventually result in a soft tool. Some delegations also highlighted that this initiative would also permit countries with no specific coordinating structure in place to have some substantial contributions.

46. Following this exchange of views and taking into account the importance of these discussions, the CODEXTER decided to keep this item on the agenda of its next meeting and invited in this regard the delegations - which have not done so - to send their written contributions to the Secretariat.

47. It also instructed the Secretariat to prepare – in close cooperation with the Bureau and interested States – a draft list of items regarding national counter-terrorism coordination, containing, *inter alia*, information about the legal basis for setting-up of national coordinating bodies, their composition, competences on national and international level, as well as experiences collected by such bodies.

Information on the work undertaken by the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)

48. Concerning the work of MC-S-CI, Mr Michael Kowalski (the Netherlands), representative of the CODEXTER in the MC-S-CI, briefed the Committee about his participation in the fourth and final meeting of the MC-S-CI, which took place on 13-14 October 2011 in Paris (France). Mr Kowalski highlighted the positive achievements of the last 18 months of the Group's activity. These achievements included, *inter alia*, standard-setting proposals on freedom of expression in online environment and internet governance, the validation of the Group's working methodology based on an open and inclusive multi-stakeholder dialogue, and the Group's acknowledgement of the Council of Europe's pioneering role in the field of Internet Governance.

49. The MC-S-CI further decided to transmit some operational suggestions to the Committee on Media and New Communication Services (CDMC), concerning: the promotion of internet governance principles; the deepening of analysis of cross-border internet traffic challenges; and reinforcing of the methodology of the multi-stakeholder consultation by providing a tool kit, for example. It was also proposed to hold a further workshop at the next meeting of the Internet Governance Forum in 2012. The report of the 4th meeting of the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI) appears among working documents of this CODEXTER meeting (MC-S-CI (2011) 012).

9. Council of Europe Technical Cooperation Assistance Project "Bringing terrorists to justice"

50. The Chair of the CODEXTER introduced the International Conference "Bringing terrorists to justice: promoting the implementation of European standards and documenting good practices", which took place in Kyiv, Ukraine, on 25-26 October 2011. This International Conference took place as a follow up event to the Pilot Workshop of the Council of Europe technical cooperation assistance project "Bringing Terrorists to Justice" (Skopje, "the former Yugoslav Republic of Macedonia", 1-2 December 2009). This event was organised by the Council of Europe Counter-Terrorism Task Force and the Security Service of Ukraine within the framework of the Ukrainian Chairmanship of the Committee of Ministers of the Council of Europe and brought together national and international judges, prosecutors and law enforcement representatives. Mr Candrian highlighted, in particular, that as one of the participants to this Conference, delivering a presentation on "International action for the prevention of terrorism", he was impressed with the quality of different contributions and, most of all, the exchange among practitioners and participants representing science and academia.

51. The delegation of Ukraine expressed its gratitude to the Council of Europe Counter-Terrorism Task Force for the cooperation and efficient teamwork in the organisation of this event. She stated that this event presented a possibility to exchange opinions and find concrete solutions in legal mechanisms of terrorism prevention. The Ukrainian representative further highlighted certain outcomes of this Conference, such as the evident need for cooperation between international organisations in establishing legal mechanisms aimed at combating terrorism; the existence of numerous lacunae in international and national legislation concerning bringing terrorists to justice; and the fact that terrorists and criminals are better organised in some cases than law enforcement authorities. The solutions to these issues can only be found through concrete cooperation. This technical project "Bringing Terrorists to Justice" has a lot of potential for future activities narrowed to specific issues and topics raised in this Conference. Examples of such topics included special investigation techniques and protection of victims and witnesses of terrorism, as well as protection of law enforcement and security service personnel operating under their own names, who could become targets of retaliation by criminals. In this respect, the Ukrainian delegation stressed that future events in the framework of this project would be only welcomed by practitioners.

52. One delegation expressed its support for the continuation of this initiative and reiterated that this project was very well designed by the Council of Europe Counter-Terrorism Task Force, particularly its added value being that human rights aspects were presented in every session.

53. The Greek delegation suggested that more practical results could be achieved through the development and analysis of models of case studies. Such case studies would allow identifying lacunae and legal tools that were lacking and thus determine areas for further action, not only from the point of view of substantive law but also from the point of view of procedural criminal law. This work could also have an added value for the CODEXTER action under item 8. "On-going activities regarding the identification of lacunae in international law and action against terrorism".

54. The Secretariat expressed gratitude for the excellent cooperation and hospitality of the Ukrainian authorities in hosting this Conference. The success of this event was determined by the large participation of Ukrainian national experts from the governmental structures, as well as the academia and the civil society; and was further enhanced by the presentation of the relevant case law of the European Court of Human Rights. The value of contribution by EUROJUST, COPPRA and Women without Borders/ Sisters against Violent Extremism was underlined.

55. The Secretariat further recalled the background of this technical cooperation assistance project and remarked that this project was not intended to provide a "one-size fits all solution" but rather a practical answer to various issues, such as explaining and understanding judicial logic behind the decisions of the European Court of Human Rights in cases related to terrorism. Traditional topics of extradition and mutual legal assistance were examined within the framework of this project. However, the narrowing of discussions on more specific issues might also be beneficial to practitioners who could face technical obstacles (such as the use, in counter-terrorism proceedings, of computer and Internet related special investigation techniques; organization of the prosecution; relation to media during the prosecution and trial stages, etc).

56. The CODEXTER strongly supported this initiative aimed at exchanging practical experience on ways and means employed by prosecutors and judges for the adoption of investigative measures in the light of increasing complexity of terrorist networks, and on difficult case-management issues in counter-terrorism affairs. Taking into account the support expressed by the CODEXTER for this Project, States were invited to express their interest to host in the near future a third meeting within the framework of this Project.

IV. NATIONAL AND INTERNATIONAL DEVELOPMENTS ON FIGHT AGAINST TERRORISM

10. Country profiles on counter-terrorism capacity and information on measures taken at national level against terrorism

57. The delegations of Croatia, Germany and Serbia highlighted their national developments, which were outlined in updates of their respective country profiles on counter-terrorism capacity.

58. The delegation of Serbia informed the Committee that in November 2011 it set up a new department for international police cooperation and exchange of information on operational level. Further information about this novelty was to be provided in an update of the Serbian country profile.

59. The Committee further took note of an oral presentation made by Finland. In addition to the accession by Finland to the Conventions mentioned in item 5, the Finnish National Policy Section had been changed in light of Governmental policies and programmes updates. These novelties were to be presented in an update of the country profile of Finland.

60. The CODEXTER authorised the publication in the CODEXTER database of the updated Country Profiles on counter-terrorism capacity submitted by Croatia, Germany and Serbia. It also took note that Finland, France, Liechtenstein, Serbia and Spain were going to present an update to their country profiles on counter-terrorism capacity at the next meeting of the CODEXTER. Moreover, States which have not yet done so, were invited by the Committee to submit their Country Profiles or updates at their earliest convenience.

61. Regarding national developments, the delegation of Norway informed the CODEXTER that following the terrorist attacks in Norway on 22 July 2011, a Commission had been established with a mandate to analyse and evaluate the events of 22 July 2011 and report to the government by 10 August 2012. Furthermore, internal evaluations were already being carried out by the police directorate and the police security service. In addition to this, the Ministry of Justice was working on a proposal for legislative amendments focusing among other things on possible ways to criminalise preparatory acts of terrorists acting alone. As this criminalisation would raise several dilemmas, it was crucial to ensure that such legislation would strike a fair balance between the interest of protecting society from terror and respecting fundamental human rights. The Norwegian delegation further stressed that it would welcome a discussion of this topic in the CODEXTER.

62. The delegation of Germany informed the Committee that the series of right wing terrorism attacks disclosed in Germany were currently being investigated.

63. The delegation of Spain briefed the Committee on national developments prior and after the announcement by separatist group ETA of a "definitive cessation of its armed activity".

64. The delegation of Greece informed the Committee that in July 2011, Greece has ratified the *Amendment to the Convention on the Physical Protection of Nuclear Material*. With this addition, Greece ratified already 13 out of the 16 universal counter-terrorism instruments.

65. The delegation of the Netherlands presented to the CODEXTER a publication containing an evaluation of the Counterterrorism measures in the Netherlands in the First Decade of the 21st Century. The publication outlined the history, design and main findings of this research and analysed the cohesion, legitimacy and effectiveness of Dutch counter-terrorism measures and concluded with lessons learnt from the Dutch counter-terrorism experience. In this regard, the representative of the Netherlands also presented a second document, which analysed the Dutch antiterrorism provisions and measures from the perspective of fundamental rights while analysing whether these measures met the absolute minimum standard for the protection of human rights as set out in the European Convention on Human Rights².

11. Information on other relevant activities of the Council of Europe and work carried out in other international fora

Organization for Security and Co-operation in Europe (OSCE: ATU and ODIHR)

66. The CODEXTER took note of the presentation by Ms Lucile Sengler, Human Rights Officer on Anti-Terrorism Issues of the Office for Democratic Institutions and Human Rights (ODIHR) on recent activities and plans of the ODIHR. Ms Sengler's statement is set out in **Appendix IV** of this report.

67. The CODEXTER further took note of the presentation by Mr Laszlo Szucs, Programme Officer of the OSCE Action for Terrorism Unit (ATU) on recent activities and plans of the ATU. The statement of Mr Szucs is set out in **Appendix V** of this report.

68. One delegation referred to the workshops that OSCE/ ATU held in the past in collaboration with the UNODC Terrorism Prevention Branch and which involved particular training elements mostly for judicial personnel on extradition and mutual assistance in criminal matters applicable in the flight against terrorism. It enquired whether these workshops will be further pursued in the future, as they were particularly useful with their analysis of case studies on ways to apply extradition, mutual assistance and other relevant legal tools.

69. Another delegation referred to the International Anti-Corruption Academy (IACA) in Vienna, wondering whether there were possibilities for future cooperation between the UNODC, the OSCE

² Both documents are published on the website, among the CODEXTER working documents for this meeting

and IACA on issues concerning the relationship between corruption, money laundering and the financing of terrorism.

70. In response to the question asked by delegations, the OSCE ATU representative explained that cooperation among international, regional and specialised organisations was one of the key elements of the activities of the OSCE and that the organisation stood ready to offer assistance to its participating States in the implementation of Conventions. One of the main tasks of the OSCE was to develop assistance, share experience and advice between different States and that, due to the mandate of the OSCE, specific tasks and events were always undertaken following a request for a certain activity from an OSCE participating State. The representative of the OSCE ATU stated that he would investigate whether there existed a need in one of the participating States for such an activity related to extradition and mutual legal assistance.

71. As for the issue of financing of terrorism and corruption, this issue was dealt with by the OSCE Coordinator for Economic and Environmental Activities and that the cooperation between the different parts of the OSCE Secretariat, UNODC and other entities was very active. Further information on this area of the co-operation was to be provided at the next meeting of the CODEXTER.

Commonwealth of Independent States (CIS) Anti-Terrorism Centre

72. The CODEXTER took note of the presentation by Mr Nikolay Sokolov, Head of Unit of the Commonwealth of Independent States Anti-Terrorism Center (CIS ATC). He presented in particular the information on the "Tactical exercise and training organized by the CIS ATC and the Security Service of the Ukraine for the European Football Championship readinesses". The presentation of Mr Sokolov is set out in **Appendix VI** of this report.

Organisation for Democracy and Economic Development (GUAM)

73. The CODEXTER took note of the presentation by Mr Oleh Klynchenko, Program Coordinator on Political and Legal Issues of the GUAM, on activities of the GUAM since the last CODEXTER meeting. The presentation of Mr Klynchenko is set out in **Appendix VII** of this report.

74. As for the question on any specific cooperation on combating terrorism or organised crime with the Organization of the Black Sea Economic Cooperation (BSEC), the representative of GUAM responded that GUAM currently had no established contacts with BSEC, noting however that GUAM would be very interested in such cooperation.

EU Counter-Terrorism Coordinator - Council of the European Union

75. Ms Christiane Höhn, Adviser to the EU Counter-Terrorism Coordinator provided the CODEXTER with information on the EU's role in counter-terrorism. Ms Höhn outlined in particular the judicial dimension of the fight against terrorism in the EU, on which the EU Counter-Terrorism Coordinator had made recommendations to the EU ministers of Justice in October 2010. Ms Höhn explained the legal framework and the tools currently available to the EU regarding judicial activities, including the Council Framework Decision of 2003 on the execution in the European Union of orders freezing property or evidence, and the European Arrest Warrant of 2008. Ms Höhn further outlined the possibility of a European Investigation Order, which would allow the authorities of one member state to request that specific criminal investigative measures be carried out by another member State: this measure was currently under discussion in the EU. The EU Counter-terrorism Coordinator's recommendations for action regarding the judicial dimension of the fight against terrorism and the power-point of Ms Höhn's presentation are set out in **Appendix VIII** of this report.

76. Some non EU member States delegations stated that this presentation raised very relevant and practical questions and stated that co-operation with non-EU member States would be very useful, possibly within the framework of the Council of Europe and CODEXTER activities.

77. In response to this remark, Ms Höhn stated that EU was very interested to develop co-operation with third countries in this field.

78. The representative of European External Action Service stated that he would provide for the next meeting of the CODEXTER the information on EU tools of co-operation with non-EU member States.

79. The representative of EUROJUST, remarked that EUROJUST had also certain agreements with so-called third countries and these countries then placed Liaison Magistrates in EUROJUST Headquarters. Such cooperation currently existed with Norway, Switzerland, Croatia and United States and this approach can be broadened step by step.

European Commission

80. Ms Marie-Ange Balbinot, Head of Sector of the Unit 'Fight against terrorism' of the DG Home Affairs of the European Commission, provided the CODEXTER with an overview of the European Commission's activities in the area of the fight against terrorism. Ms Balbinot stated that prevention of violent extremism and radicalisation within the overall area of response to terrorism remained a clear priority for the European Union. The European Union was currently preparing a report assessing whether member States had taken necessary measures to comply with the Framework Decision, which had (to date) been implemented by 17 EU member States. This report was going to be presented by spring 2012 and was going to be shared with the CODEXTER. Ms Balbinot also referred to the European Radicalisation Prevention Network which was launched by the EU in September 2011, and which was aimed at empowering law enforcement authorities working with local communities and civil society. The network was designed as an EU platform where all actors involved in counter-terrorism could meet and share experience. One example was the extension of the COPPRa project: which was to be extended to other member States; a working group dealing with community police tools was to be created in the coming weeks. Ms Balbinot further explained that all this background work on radicalisation prevention was going to be fed into the EU Action Plan on Radicalisation and Recruitment, and a ministerial conference was to be organised in 2012 where the first results of the network's activities were to be discussed.

81. Ms Balbinot stated also that the EU was soon going to start its work on challenging violent and extremist narratives on the internet and in social media though development of its own counter-narrative in the media space. Ms Balbinot also informed the Committee of the first report on the implementation of the EU Internal Security Strategy, which also highlighted the achievements and suggestions for further development of action in the field of terrorism and radicalisation, in particular the possible development Framework for Administrative Measures on the Freezing of Funds of Terrorists having their main field of Activity inside EU. Finally, Ms Balbinot informed the Committee that a package of legislative measures was adopted by the Commission in May 2011 aimed at protection of victims, including victims of terrorism. Ms Balbinot further underlined the EU's willingness to cooperate with the Council of Europe in all of these areas.

EUROJUST

82. The CODEXTER took note of the joint presentation by Ms Alinde Verhaag - the Acting Head of Case Analysis Unit, and Mr Christian Lorenz – Assistant to the EUROJUST's German National Member. The representatives of EUROJUST informed the Committee of the role and added value of EUROJUST in countering terrorism and about the functionalities of EUROJUST's exchange of information on terrorism offences and the mechanism of Terrorism Convictions Monitor. The representatives of EUROJUST explained in particular that information exchange was carried out on the basis of strategic, operational and tactical meetings, which were unique in their nature as they brought together prosecutors and other relevant judicial personnel involved in terrorism cases from all over Europe. States also received feedback through the Terrorism Convictions Monitor, and this information was forwarded to the National Correspondents on Terrorism and included judicial analysis of selected cases. The power-point of the EUROJUST presentation is set out in **Appendix IX** of this report.

83. One delegation asked whether EUROJUST could provide some legal comments and recommendations on the use of investigative techniques, such as the use of undercover agents and control of telecommunications, which corresponded to European standards and which could be used by non EU member States for facilitating the reform of their special services and relevant legislation.

84. Another representative asked whether EUROJUST had developed any guidelines based on its analysis of cases, and whether such an instrument could be consulted.

85. Another delegation stated that the counter-terrorism mechanism developed by EUROJUST was indeed very efficient. This delegation remarked that its authorities had participated in several tactical and coordination meetings of EUROJUST concerning one specific terrorist organisation. It was underlined that the position of States might vary on the nature of terrorist organisations. Some States proceeded with convictions for terrorist activities regarding the same terrorist organisation, although others might run only surveillance and investigations. Therefore, Terrorism Convictions Monitor was an important tool permitting to overview the prosecution of terrorist organisations or their cells in Europe.

86. In response to this remark, the representative of EUROJUST agreed that Terrorism Convictions Monitor was an important tool and when cases were referred to EUROJUST, they were mostly cases concerning terrorism. However, while collecting information on convictions, special attention had to be paid to the fact that the case could be deemed to concern acts of extremism or acts of terrorism, depending on States and their approaches towards terrorism. These different approaches of States were examined, for instance, during this year's tactical meeting on violence and extremism.

87. Answering a question on the use of investigative techniques, the representatives of EUROJUST explained that member States could also ask for a general questionnaire to address specific topics such as controlled deliveries and undercover operations, with an aim to get answers from the member States on their practice. As for experience and know-how collected by EUROJUST, some analysis was carried out and a handbook was published based on certain issues. However, such work was carried at the request of member States and interested States could direct their queries to EUROJUST but only via a member State of EUROJUST.

88. Ms Marta Requena, Secretary to the CODEXTER, thanked the representatives of EUROJUST for the interesting presentation and underlined that the Council of Europe welcomed future cooperation with EUROJUST and this was particularly reflected in the CODEXTER's Terms of Reference for 2012-2013 that specifically mentioned EUROJUST's status as a new observer.

Co-operation with Interpol

89. Ms Marta Requena, Counter-Terrorism Coordinator of the Council of Europe informed the Committee about her participation in the 80th General Assembly Session of INTERPOL and in particular about the long-standing partnership between both Organisations. She underlined that this partnership went back to February 1960, when the former Secretary General of the Council of Europe, Mr Benvenuti, initiated an exchange of letters with Mr Sicot, former Secretary General of INTERPOL. The agreement which resulted of this exchange fixed the arrangements concerning the exchange of information between the two Organisations, consultations and the mutual attendance to meetings. Ms Requena presented the main idea behind this longstanding cooperation and partnership: the Council of Europe, as a standard-setting Organisation, created and monitored rules applied by the law enforcement authorities, among which the police. Therefore, she underlined the importance of interaction with these law enforcement authorities during the drafting process and also afterwards when monitoring the implementation.

90. Furthermore, Ms Requena indicated that during this event she presented the partnership between both Organisations in the field of terrorism, underlining in particular the importance of the Recommendation drafted by the CODEXTER in 2007, namely *Recommendation Rec(2007)1 of the*

Committee of Ministers to member States on Co-operation against terrorism between the Council of Europe and its member States, and the International Criminal Police Organisation (ICPO – INTERPOL). Moreover, she noted that in accordance with its paragraph 2, the CODEXTER assessed the implementation on the basis of information provided by INTERPOL. The partnership in other fields had been also presented, namely regarding anti-money laundering measures, cybercrime, protection of children against sexual exploitation and abuse, action against trafficking in human beings, counterfeiting of medical products and similar crimes involving threats to public health, as well as the cooperation in the field of public international law. Regarding these areas of co-operation, Ms Requena informed the Committee about the adoption during the General Assembly of the following Resolutions: “The red notice system”, “Combating online sexual exploitation of children through a legislative global engagement strategy”, “Promoting victim-centric management of child abuse material at the national level”, “Building an effective and sustainable INTERPOL maritime piracy programme” and “Encouraging member countries to make optimal use of the tools developed under INTERPOL’s firearms programme”.

V. MISCELLANEOUS

12. Examination of the CODEXTER’s Specific Terms of Reference for 2012-2013 by the Committee of Ministers

91. The Committee was informed that on 9th November 2011, at its 1125th meeting, the Committee of Ministers adopted the *Resolution CM/Res (2011) 24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods*. This Resolution replaced the Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods.

92. Moreover, the CODEXTER took note of the fact that the Ministers’ Deputies adopted the CODEXTER’s Specific Terms of Reference for 2012-2013 at their 1127th Meeting on 22-24 November 2011. The Terms of Reference were valid from 1 January 2012 until 31 December 2013 and its preamble stated that the Committee was set up by the Committee of Ministers in accordance with the aforesaid Resolution CM/Res(2011)24.

93. As in accordance with its new Specific Terms of Reference, the CODEXTER should appoint a Gender Equality Rapporteur from amongst its members, the Committee held an exchange of views on the role and possible tasks to be performed by this new Gender Equality Rapporteur. Following this exchange of views, the CODEXTER concluded that the main competences and tasks of this Gender Equality Rapporteur were not clear and therefore the Committee agreed that it was to appoint this Gender Equality Rapporteur at its next meeting when more information will be available.

13. Elections of the Chair, Vice-Chair and members of the Bureau of the CODEXTER

94. In accordance with its statutory provisions, the CODEXTER elected Mr Aaron Bugeja (Malta) and Mr Tihomir Lulić (Croatia) respectively as Chair and Vice-Chair of the Committee for one year as from 1st January 2012.

95. The CODEXTER further elected Mr Vladimir Salov (Russian Federation) and Ms Riina-Riikka Heikka (Finland) as members of the Bureau for two years as from 1st January 2012.

96. The CODEXTER also elected Mr Martin Rosenbaum (Germany) as member of the Bureau for one year as from 1st January 2012.

14. Date and place of the 22nd meeting of the CODEXTER

97. The CODEXTER decided to hold its next 22nd meeting in Strasbourg on **12-13 April 2012**. It instructed the Secretariat to prepare, in cooperation with the Bureau, the provisional draft agenda for its 22nd meeting.

98. Under this item, the CODEXTER also took note that the Group of Parties agreed that its 3rd meeting was to take place in Strasbourg, on 11th April 2012, a day prior to the 22nd meeting of the CODEXTER.

15. Other business and adoption of the List of items discussed and decision taken

99. The Committee concluded the meeting by adopting the abridged report of the 21st meeting, as it appeared in **Appendix X** to this report.

APPENDICES

APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

Please contact the Secretariat : taskforce.terrorism@coe.int

APPENDIX II

AGENDA

21st meeting of the Committee of Experts on Terrorism (CODEXTER) Strasbourg, 24 - 25 November 2011

I. INTRODUCTION

1. Opening of the meeting
2. Adoption of the draft agenda and approval of the report of the 20th meeting
3. Communication by the Secretariat
4. Decisions of the Committee of Ministers concerning the CODEXTER and terrorism-related issues

II. IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTIONS AGAINST TERRORISM

5. Information by States concerning the Council of Europe Conventions against terrorism
6. Follow-up of the effective use and implementation of the Convention on the Prevention of Terrorism [CETS No. 196] : Follow-up Mechanism
 - Outcome of the 2nd meeting of the Group of Parties
7. On-going activities of the CODEXTER related to the follow-up of the specific provisions of the Convention on the Prevention of Terrorism [CETS No. 196]

III. IDENTIFICATION OF LACUNAE IN INTERNATIONAL LAW AND ACTION AGAINST TERRORISM

8. On-going activities regarding the identification of *lacunae* in international law and action against terrorism
 - Exchange of views on national coordinating bodies in the field of the fight against terrorism
 - Information on the work undertaken by the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)
9. Council of Europe Technical Cooperation Assistance Project "Bringing terrorists to justice"

IV. NATIONAL AND INTERNATIONAL DEVELOPMENTS ON FIGHT AGAINST TERRORISM

10. Country profiles on counter-terrorism capacity and information on measures taken at national level against terrorism

-
11. Information on other relevant activities of the Council of Europe and work carried out in other international fora
 - Organization for Security and Co-operation in Europe (OSCE: ATU and ODIHR)
 - EUROJUST: "Terrorism Convictions Monitor" (TCM)
 - The Commonwealth of Independent States Anti-Terrorism Center (CIS ATC)
 - Organisation for Democracy and Economic Development (GUAM)

V. MISCELLANEOUS

12. Examination of the CODEXTER's Specific Terms of Reference for 2012-2013 by the Committee of Ministers
13. Elections of the Chair, Vice-Chair and members of the Bureau of the CODEXTER
14. Date and place of the 22nd meeting of the CODEXTER
15. Adoption of the List of items discussed and decisions taken

APPENDIX III*French only*

**Intervention de Monsieur M. Lezertua
Directeur du Conseil juridique et du droit international public
à l'occasion de la 21ème réunion du
Comité d'Experts sur le Terrorisme (CODEXTER)**

Strasbourg, 24 - 25 novembre 2011

Monsieur le Président,

Mesdames et Messieurs,

C'est un grand honneur pour moi de tous vous retrouver ici à Strasbourg à l'occasion de cette 21ème réunion du CODEXTER. J'ai le plaisir, en tant que Directeur du Conseil juridique et du droit international public du Conseil de l'Europe, de vous accueillir cette fois-ci dans les locaux même du Conseil de l'Europe.

Je souhaiterais dès à présent et comme le veut la coutume, faire le point sur l'actualité politique et juridique du Conseil de l'Europe ainsi que des développements importants survenus au sein de notre Organisation depuis notre dernière rencontre en juin 2011 à San Sebastian en Espagne lors de la 20ème réunion du CODEXTER.

* * *

Comme vous le savez la vie politique de notre Organisation est cadencée tous les six mois par les changements de présidence du Comité des Ministres, organe exécutif et décisionnel du Conseil de l'Europe.

Cet organe est présidé depuis le début du mois de novembre par le Royaume-Uni, l'un des pays fondateurs de l'Organisation et premier pays à avoir ratifié la Convention européenne des Droits de l'Homme.

Au cours des six prochains mois, la Présidence britannique s'attachera notamment aux priorités suivantes :

- La réforme de la Cour européenne des droits de l'homme et le renforcement de la mise en application de la Convention européenne des Droits de l'Homme ;
- Le renforcement de l'état de droit ;
- La gouvernance de l'Internet, notamment la liberté d'expression sur Internet ; et
- Le soutien au programme de réforme du Conseil de l'Europe mis en place par le Secrétaire Général Thorbjørn Jagland

À cet égard j'aimerais attirer votre attention sur une nouveauté importante dont je vous avais déjà fait part lors de la réunion précédente. En effet, cette pratique consiste à poursuivre un objectif de continuité et de reprise des priorités entre présidences consécutives. Ainsi, l'actuelle présidence britannique poursuit l'orientation et les progrès déjà accomplis par ses prédécesseurs ukrainien et turc, notamment pour la question de l'avenir de la Cour.

Une autre priorité qui sera également reprise par la prochaine présidence de l'Albanie est celle de la réforme de l'Organisation, qui comme vous le savez détient une place importante depuis l'élection en 2009 de M. Thorbjørn Jagland, le Secrétaire Général du Conseil de l'Europe.

* * *

Le Conseil de l'Europe est à présent dans la deuxième phase de la réforme de l'Organisation qui durera jusqu'à décembre 2011. Son but est de définir des priorités stratégiques pour la décennie à venir et les traduire en actions concrètes et efficaces grâce à de nouveaux outils et méthodes de travail.

Ainsi, la Direction de la planification politique a commencé à travailler début septembre au sein du Secrétariat et cette Direction est chargée d'aider le Secrétaire Général à définir sa stratégie à moyen et long termes en identifiant les défis et les évolutions à venir en Europe dans des domaines où le Conseil de l'Europe peut jouer un rôle moteur et novateur.

L'objectif visé de permettre au Conseil de l'Europe de mieux répondre aux enjeux politiques et sécuritaires qui se présentent, se fera notamment grâce à une nouvelle configuration et rationalisation des comités intergouvernementaux.

La nouvelle structure des comités intergouvernementaux sera mise en place dès l'année prochaine. Cette mesure, considérée comme une caractéristique clef du processus de réforme du Secrétaire Général, a été approuvée par les Délégués des Ministres en mai dernier à l'issue de consultations intensives avec les Etats membres.

Ce transfert affecte aussi les activités du Conseil de l'Europe en matière de lutte contre le terrorisme, qui seront transférées dès le 1er janvier 2012 vers un nouveau Service de la lutte contre la criminalité, faisant partie de la Direction de la société de l'information et de la lutte contre la criminalité de la Direction Générale des droits de l'homme et de l'Etat de droit (DG I). Ce nouveau service sera en charge de différents dossiers, à savoir les dossiers de droit pénal, de criminalité économique (MONEYVAL) et bien sûr de terrorisme.

Dans sa proposition, le Secrétaire Général indiquait que la nouvelle structure, moins onéreuse, allait "créer les conditions nécessaires pour que le Comité des Ministres prenne la responsabilité stratégique en ce qui concerne les activités intergouvernementales, tout en préservant les travaux des comités directeurs en tant que lien essentiel avec les ministères spécialisés".

En ce qui concerne le Secrétariat, vous savez que l'actuel Secrétariat est en charge des activités de lutte contre le terrorisme mais également des activités de droit international public. Ainsi, il a été convenu que le personnel de la Division du droit international public et de la lutte contre le terrorisme soit séparé.

Mme Marta Requena restera Chef de la Division de droit international public et M. Carlo Chiaromonte ici présent, sera responsable des activités de lutte contre le terrorisme à partir du 1er janvier 2012. Mme Albina Ovcearenco et Mme Anna Tsitsina continueront à faire partie du Secrétariat du CODEXTER.

Enfin, pour terminer avec cette partie sur la réforme de l'Organisation, je souhaite attirer votre attention sur l'adoption par le Comité des Ministres le 9 novembre 2011 d'une nouvelle Résolution concernant les comités intergouvernementaux et les organes subordonnés, leur mandat et leurs méthodes de travail (résolution CM/Res(2011)24), qui met à jour l'ancienne résolution Res(2005)47 portant sur le même sujet. Cette nouvelle résolution est d'une importance pour le Comité et c'est pour cette raison qu'elle vous sera présentée sous le point 12 de votre ordre du jour.

* * *

Je tiens à présent à vous faire part de certains événements récents ayant un intérêt pour le travail de votre Comité.

Tout d'abord et comme vous le savez, notre précédente réunion a été suivie d'une Conférence internationale sur les « Victimes du terrorisme », co-organisée par l'Organisation des Etats

américains (OEA) et le Conseil de l'Europe. Elle fut l'occasion de focaliser davantage sur ce thème qui fait également l'objet d'un article de la Convention du Conseil de l'Europe pour la prévention du terrorisme. Aussi, elle a permis à différents acteurs de ce domaine d'échanger des bonnes pratiques et faire part plus généralement de leurs expériences.

Vous trouverez à cet égard les Actes de la Conférence, qui seront présentés avec ceux de la Conférence du Conseil de l'Europe sur la « Prévention du terrorisme : moyens de prévention, instruments juridiques et leur mise en œuvre », tenue en décembre 2010 à Istanbul en Turquie.

En outre, les 25 et 26 octobre derniers, la Task Force contre le terrorisme du Conseil de l'Europe et le Service de sécurité de l'Ukraine ont tenu à Kiev en Ukraine, une Conférence internationale dans le cadre de la Présidence ukrainienne du Comité des Ministres du Conseil de l'Europe sur le thème « Traduire les terroristes en justice : promouvoir la mise en œuvre des standards européens et définir les bonnes pratiques ». Cette Conférence illustre la volonté de développer les activités de coopération techniques de l'Organisation, dans la mesure où elle donne suite au Projet d'assistance technique de coopération sur ce même thème mis en place en 2009.

Je ne m'attarderai pas davantage sur ce point, car des experts présents à la réunion ainsi que le Secrétariat vous fourniront des précisions sur cet événement sous le point 9 de votre ordre du jour.

Un autre événement important s'est déroulé au début de cette semaine au sein de notre Organisation. Il s'agit de la Conférence Octopus - Coopération contre la cybercriminalité et la célébration du 10ème anniversaire de la Convention de Budapest. La Convention sur la cybercriminalité du Conseil de l'Europe est le seul instrument international contraignant concernant la question de cybercriminalité. Lors de cette Conférence différents aspects de la thématique ont été développés, tels que les éléments clés et les bonnes pratiques des stratégies sur la cybercriminalité, ainsi que les résultats des projets de coopération technique sur le renforcement des capacités.

Une autre réunion qui revêt un intérêt pour le CODEXTER est la 10ème réunion d'experts sur les typologies de blanchiment d'argent et du financement du terrorisme qui a eu lieu du 31 octobre au 2 novembre à Tel Aviv en Israël. Cette réunion du Comité d'experts du Conseil de l'Europe sur l'évaluation des mesures de lutte contre le blanchiment des capitaux et le financement du terrorisme (MONEYVAL) s'est focalisée sur l'examen des méthodes de lutte contre le blanchiment des capitaux et le financement du terrorisme. Les experts du MONEYVAL se sont également concentrés sur l'analyse des tendances dans le cadre de deux situations particulières : le blanchiment d'argent fondé sur les transactions commerciales dans les économies fortement axées sur les paiements en espèces et le report des transactions financières et la surveillance des comptes bancaires.

En ce qui concerne plus particulièrement le Mécanisme de Suivi de la Convention du Conseil de l'Europe pour la prévention du terrorisme [STCE No. 196], la deuxième réunion du Groupe des Parties s'est tenue hier ici-même à Strasbourg. Je ne peux que féliciter l'engagement pris par le CODEXTER et le Groupe des Parties dans ce processus de suivi, qui permet au mécanisme de monitoring de la Convention de franchir un cap supérieur. Sous le point 6 de l'ordre du jour, vous aurez davantage de précisions sur cette réunion.

* * *

Je souhaiterais maintenant mentionner brièvement les avancements concernant la Convention internationale dont je vous avais fait part lors de votre précédente réunion : la Convention « Medicrime ». Elle a été adoptée le 8 décembre 2010 par la Comité des Ministres et à l'issue d'une Conférence internationale organisée conjointement par les autorités compétentes de la Fédération de Russie et par le Conseil de l'Europe en octobre dernier, la « Convention Medicrime » a été ouverte à la signature à Moscou le 28 octobre 2011. A ce jour, 13 Etats ont signés cette Convention.

Par ailleurs, je tiens à vous informer d'une nouvelle activité normative au sein de notre Organisation. Le 6 juillet 2011, le Comité des Ministres a adopté le mandat du Comité d'experts sur le trafic d'organes, de tissus et de cellules humaines (PC-TO) qui sera chargé de préparer :

- un projet de convention de droit pénal contre le trafic d'organes humains ; et, si nécessaire,
- un projet de protocole additionnel au projet de convention de droit pénal précité relatif à la lutte contre le trafic de tissus et de cellules humaines.

* * *

Pour terminer, je souhaiterais attirer votre attention sur les relations avec les autres organisations internationales.

Au début du mois de novembre, Mme Marta Requena ici présente a représenté le Conseil de l'Europe à la 80ème session de l'Assemblée Générale d'INTERPOL. Elle a pu présenter les 50 ans d'une fructueuse coopération entre nos deux Organisations, et notamment les relations en matière de lutte contre le terrorisme, qui sont basées sur la Recommandation préparée par le CODEXTER : la Recommandation Rec(2007)1 du Comité des Ministres aux Etats membres relative à la coopération entre le Conseil de l'Europe et ses Etats membres, et Interpol, en matière de lutte contre le terrorisme.

Cette participation a permis de renforcer les bonnes relations que nous entretenons déjà avec INTERPOL et nous espérons bien évidemment continuer à échanger de bonnes pratiques qui sont d'une valeur ajoutée certaine pour nos deux Organisations.

Enfin, nous continuons également à entretenir des liens solides avec l'ONU et l'OSCE dans le domaine de la lutte contre le terrorisme ainsi qu'avec l'Union européenne et d'autres organisations régionales. Nous avons le plaisir d'accueillir aujourd'hui plusieurs représentants de ces Organisations et je les encourage à continuer à nous fournir régulièrement des informations sur les travaux entrepris au sein de leur organisation.

* * *

J'en ai terminé avec ce rapide tour d'horizon des activités du Conseil de l'Europe. Le Secrétariat reste bien évidemment à votre disposition pour toute information supplémentaire.

Il me reste à vous souhaiter une très agréable et fructueuse 21ème réunion et je vous remercie de votre attention.

APPENDIX IV

**Presentation by Ms Lucile Sengler
Human Rights Officer on Anti-Terrorism Issues
Office for Democratic Institutions and Human Rights,
Organization for Security and Co-operation in Europe (OSCE - ODIHR)**

**21st meeting of the Committee of Experts on Terrorism (CODEXTER)
Strasbourg, 24 - 25 November 2011**

Thank you, Mr. Chairman, for giving us the opportunity to share with you the recent activities and plans of the Human Rights and Anti-Terrorism Programme of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Technical Assistance and Capacity Building Activities

The Programme has delivered, in cooperation with the OSCE Field Operation and relevant local authorities, a training session on human rights and anti-terrorism last September in Bosnia and Herzegovina (14-16 September 2011). Based on ODIHR manual on "Countering Terrorism, Protecting Human Rights", this training course is a key element of the Programme's support to OSCE participating States in addressing the need to protect human rights in the context of all counter-terrorism measures and practices. We plan to continue conducting similar trainings in 2012.

As mentioned during the previous CODEXTER meeting, the Programme is developing an advanced training module on human rights and counter-terrorism investigations for law enforcement officers, in cooperation with the OSCE's Strategic Police Matters Unit (SPMU). Earlier this month, we have delivered two pilot training sessions in Pristina (31 October–1 November) and Skopje (3-4 November) to more than 45 law enforcement officers and officers from the European Union's Rule of Law Mission in Kosovo (EULEX). The participants welcomed the training's operational approach, which looks at the different sequences of counter-terrorism investigations and their possible impact on human rights. An online peer review of the training manual through the POLIS website took place last week. The training module will be finalised in 2012.

The Programme continued carrying out training for border officials on border security and human rights in the framework of the annual course of the OSCE Border Management Staff College (June 2011) and a specialized seminar on counter-terrorism organized by the Staff College in cooperation with the Lithuanian OSCE Chairmanship last October in Vilnius. We plan to intensify our efforts in enhancing border officials' capacities in protecting human rights when countering terrorist threats at the border.

As you know, the Programme, together with the OSCE Office in Tajikistan, launched early 2011 a new project to help build further the capacity of the law enforcement training institutions of Tajikistan to provide and develop sustainable training on protecting human rights in the context of countering terrorism. A working group composed of representatives from the law enforcement training institutions of Tajikistan, is currently elaborating with the Programme's assistance a targeted training module on human rights and counter-terrorism for its future integration into their curricula. Since last June, we have conducted a train the trainer course and workshop on designing and delivering specialized training as well as working meetings to assist the working group in elaborating the training module.

Finally, the need to protect human rights and rule of law while combating terrorism as well as to reject the identification of terrorism with any religion, was strongly reaffirmed during the last OSCE Human Dimension Implementation Meeting (26 September-7 October 2011, Warsaw). This annual

meeting gathers representatives of OSCE participating States and NGOs from the OSCE region to review and discuss the implementation of the OSCE human dimension commitments.

Interagency Cooperation

ODIHR values the opportunity to cooperate with the Council of Europe and the United Nations, and continues to view such cooperation as the best way to reinforce each other's effort to deliver technical assistance to requesting states.

The Programme was pleased to take part in the International Conference on Victims of Terrorism organized last June by the Council of Europe and the Organisation of American States. The Programme considers working further on the issue of solidarity with and protection of victims of terrorism.

In July, the Programme was pleased to contribute to the 3rd expert meeting jointly organized by the UN CTITF, the EU and the UN Regional Centre for Preventive Diplomacy in Central Asia on the implementation of Pillar III of the UN Global Counter-Terrorism Strategy in Central Asia (Almaty, 21-22 July 2011).

As always, we welcome future occasions for cooperation and coordination of activities and events.
Conclusion

Please allow me to conclude by highlighting that the Programme, together with the OSCE Action Against Terrorism Unit and the Gender Section of the OSCE Secretariat will organize an expert meeting on the prevention of women terrorist radicalisation on 12 December in Vienna. The expert roundtable will seek to take stock of research conducted on the radicalization of women leading to terrorism, with a view to achieve a better understanding of the possible specifics involved. Particular attention will be paid to discussing the negative impact of counter-terrorism policies on women as possible factors conducive to terrorism as well as the need to tailor or correct preventive actions to make them gender sensitive, human rights compliant, and therefore effective.
Thank you very much for your attention.

APPENDIX V

**Presentation by Ms Laszlo Szucs
Programme Officer
OSCE Action for Terrorism Unit (ATU),
Organization for Security and Co-operation in Europe**

**21st meeting of the Committee of Experts on Terrorism (CODEXTER)
Strasbourg, 24 - 25 November 2011**

National workshop on "Community policing tools to counter violent extremism and radicalization that lead to terrorism" in Bishkek, Kyrgyzstan, 4-5 October 2011

This workshop was jointly organized by the ATU, SPMU, and the OSCE Centre in Bishkek, in co-operation with the Ministry of the Interior of the Kyrgyz Republic. Police consultants from the OSCE Community Security Initiative actively contributed to the event. The workshop promoted the development of partnerships between the police and the public in Kyrgyzstan, mainly through the use of community policing tools, to counter violent extremism and radicalization that lead to terrorism (VERLT) while protecting and promoting human rights and fundamental freedoms. The workshop brought together 60 participants from the Kyrgyz state authorities, civil society, as well as representatives from Tajikistan, the Commonwealth of Independent States, the Shanghai Cooperation Organization, and the Office of the United Nations High Commissioner for Human Rights.

Participants exchanged views on their understanding of the VERLT and their perceptions of the threat it poses in Kyrgyzstan. The workshop emphasized that a community policing approach, when effectively implemented, will naturally benefit efforts to counter VERLT as one of the many possible risks to community safety. Trust and partnership between the police and the public fosters information exchange and local capacity to prevent and peacefully address grievances. The prevention of VERLT, as an objective, actually reinforces the importance of key community policing ingredients, such as, inter alia, police training on and respect of human rights, police skills in communication and relationship building, adequate awareness and understanding of local contexts by police, as well as recruitment and representation of minorities in the police. In addition, both the police and the public would benefit from national and local-level initiatives aimed to raise awareness and improve their understanding of VERLT. In this regard, applicable legislation must be clear and uphold human rights and fundamental freedoms to enable police-public co-operation rather than be a source of uncertainty and possibly distrust.

Sub-Regional workshop on preventing and countering terrorism financing

On 26-28 September 2011 a workshop was organized in Chisinau (Moldova) by UNODC and the ATU with the support of the OCEEA (Office of the Coordinator for Economic and Environmental Activities) and Romanian Ministry of Foreign Affairs. Participants shared and discussed their experiences regarding the adoption of international conventions on combating terrorist financing, their implementation in their national legislation and the practical use of these provisions in their respective countries.

OSCE Workshop on Public-Private Partnerships on Enhancing Tourism Security

On 8-9 September, the OSCE Action against Terrorism Unit organized the OSCE Workshop on Public-Private Partnerships on Enhancing Tourism Security in Vienna. The workshop was organized upon the initiative of the United States of America and the Russian Federation and was made possible thanks to contributions from Spain, the United States of America and Andorra. It was held in partnership with the United Nations World Tourism Organization (UNWTO) and the United Nations Interregional Crime and Justice Research Institute (UNICRI).

The workshop gathered 129 participants representing 39 participating States and 8 Partners for Co-operation, as well as a number of representatives from the private sector and international organizations and associations. The agenda covered a wide range of issues related to, for example, the role for public-private partnerships, the costs of terrorist attacks at tourist destinations, and how security can be enhanced at major events.

ATU and WCO co-organized a National Workshop for the Republic of Armenia on Co-ordinated Border Management and Single Window concept, 13-16 June 2011

In line with MC.DEC/6/05, the ATU and the World Customs Organisation organized in Yerevan a national workshop for Armenia on introducing simplified and more secure customs procedures to facilitate international trade, known as Single Window. The workshop, which had 20 participants, was a follow-up to the national SAFE Strategic Action Plan Workshop held in Yerevan in 2009 and a Regional Workshop on Risk Management, held on 5-8 October 2010 in Sevan, Armenia.

The workshop dealt with various technical, legal and political aspects of establishing a Single Window environment and how to use existing WCO Instruments in supporting Co-ordinated Border Management & Single Window, such as Standards for Simplified Trade Documents, data harmonization, business process modelling, and setting up a virtual border.

APPENDIX VI

**Presentation by Mr Nikolay Sokolov
Head of Unit**

The Commonwealth of Independent States Anti-Terrorism Center (CIS ATC)

**21st meeting of the Committee of Experts on Terrorism (CODEXTER)
Strasbourg, 24 - 25 November 2011**

TACTICAL EXERCISE AND TRAINING ORGANIZED BY THE CIS ATC AND THE SECURITY SERVICE OF THE UKRAINE FOR THE EUROPEAN FOOTBALL CHAMPIONSHIP READINESS

Dear colleagues,
Ladies and Gentleman,

The Commonwealth of Independent States Antiterrorism Centre organizes a lot of measures and events aimed for the Commonwealth States and our neighbours' security against terrorism threats. The measures were arranged within the framework of the middle-time programmes of the Commonwealth. I told your representatives of the measures and events within the Global UN Strategy, Global Initiatives (including GIANT), COE, OSCE resolutions in our meeting at New-York October this year, concerning the 10-th anniversary of the UN Counterterrorism establishing. (You can take at the reception).

Today I'd like to draw your attention to the fact that the Center carried out a considerable part of the work in practical sphere. One of the biggest practical events this year was tactical exercise and training at the end of October. The Security Service of the Ukraine carried out a considerable part of the work. And the most important part of the training was organized by the Centre.

That was a complex of independent events, integrated by mutual concept to check the readiness the special services and law enforcement authorities to guarantee the Euro 2012 security.

1 stage. Path progression control of the assumed terrorist groups from the different Commonwealth States to the Ukraine.

2 stage (so called field phase). Solving the following aims:

- Neutralization of the terrorists who captured the bus with passengers;
- Releasing the hostages;
- Minimization of the explosion consequences at the chemistry factory organized by terrorists, carried out in simultaneously with capturing bus passengers;

3 stage. Suppression of mass riots at the stadium (fan zone) organized by football fans.

All of these stages were organized and demonstrated by the Security Service and Militia of the Ukraine.

4 stage. (Virtual training. Special day)

Special Services, Law Enforcement Authorities and other Structures mutual work to secure big sport events (Organizer the CIS ATC).

According to the scenario a lot of terrorist attacks are arranged in Donetsk. During the attacks some terrorist groups go through the City objects preliminary. They are planning to support violence using modern technologies, including flash-mobs.

The Customs, Border Service are involved in operation to neutralize terrorist groups.

A number of terrorism acts were masked as anthropogenic catastrophes and hooliganism.

Terrorists used the police attributes (as in Norway).

The Event was organized in the multi-screen regime. It means that different presentations were performed in different screens.

5 stage (Final)

The final stage of the training was scientific discussion of the arranged measures, organization of the interstate search, and realization of the mutual actions

I have not got enough time to inform you of the exercise and training details, but I'll be happy to answer your questions.

Thank you.

APPENDIX VII

Presentation by Mr Oleh Klynchenko Program Coordinator on Political and Legal Issues Organisation for Democracy and Economic Development (GUAM)

21st meeting of the Committee of Experts on Terrorism (CODEXTER) Strasbourg, 24 - 25 November 2011

An active law enforcement cooperation and operational interaction is one of the basic components of the activity within the Organization for Democracy and Economic Development – GUAM (see Annex 1). This activity is based on the Agreement on Cooperation among the Governments of the GUUAM Participating States in the Field of Combating Terrorism, Organized Crime and Other Dangerous Types of Crimes of 20 July 2002, the Protocol to the Agreement of 04 December 2008, and the Agreement on Establishing GUUAM Virtual Centre on Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crime (VLEC) and GUUAM Interstate Information Management System (IIMS) of 04 July 2003.

Corresponding to main international conventions, resolutions, protocols and other documents, the counter-terrorism activity within GUAM is aimed at practical cooperation and counteracting to the threats.

The National Inter-Agency Groups and VLEC/IIMS national segments were created in the GUAM member states. For its part, the VLEC and IIMS were created in context of implementation of the Framework GUAM - USA Program on Facilitation of Trade and Transportation, Securing Border and Customs Control and Combating Terrorism, Organized Crime and Drug Trafficking.

Regular meetings of the GUAM Working Group on Combating Terrorism, Organized Crime and Drug Trafficking (WGCTOC) are held every half a year.

Four Working Sub-Groups function within WGCTOC:

- on Terrorism (WGS-TER)
- on Drug Trafficking (WGS-DT)
- on Trade-in-Persons and Illegal Migration (WGS-TIP)
- on Corruption and Money Laundering (WGS-CML)
- A new Working Sub-Group on Law Statistics (WGS-STAT) is to be created soon.

Specific issues of counteracting to the threats of terrorism and other crimes are also on the agenda of meetings of representatives of Border Guard Services and the Steering Committee of the GUAM Trade and Transportation Facilitation Project (TTF).

The GUAM's activities in the field of law enforcement, border and customs control is intensified during last years.

An uninterrupted connection and information exchange, including at operational level, on combating terrorism, organized crime, drug trafficking, money laundering, trade-in-persons and illegal migration are ensured within the GUAM. The information exchange is also aimed at verification of vehicles and documents, examination of commercial agents' activities, search, identification of persons and confirmation of their identity, examination of validity of official documents, verification of stolen or lost fire arms etc.

The Working Sub-Groups on Drug Trafficking and on Trade-in-Persons and Illegal Migration develop and carry out regular joint operations of the GUAM member states law enforcement agencies under the nickname "Narcostop" and "Perekhvat [Interception]". In general, annually the

GUAM member states law enforcement agencies conduct a number of joint operations and joint measures.

The implementation of the Framework GUAM – USA Program's projects also includes modernization of the National Information Analytical Centers (NIACs) of the GUAM member states (2010) as well as the installation of encryption equipment.

In summer 2011 the Cryptographic Protection System at apparatus-programming level is to be put into operation within the GUAM IIMS, which qualitatively increased operational and other capabilities of the GUAM member states' interaction, including information exchange and conducting joint operations.

It provides not just a reliable protection of classified law enforcement data, strengthens institutional capabilities of the GUAM member states' law enforcement agencies, and harmonized GUAM's standards, but also brings GUAM to a principally new level of international cooperation in combating terrorism and international crime.

Accordingly to the agreements within Working Groups and Sub-Groups, adopted by the GUAM Council of Ministers for Foreign Affairs, counteraction to cyber-terrorism and technogenic terrorism, including chemical, bacteriological and radiological threats, is defined as perspective and highly important directions of the development of law enforcement cooperation. Relevant practical aspects and common measures are to be considered during the GUAM Working Sub-Group on Terrorism' regular meeting in May 2011. These directions are also regarded as a field of cooperation both between GUAM member states and other countries and international organizations.

An initiative to create a Nuclear Criminal Expertise Regional Network begins fulfilling within a Project of the Science and Technology Center in Ukraine (STCU) for GUAM countries.

The GUAM also develops counter-terrorism and law enforcement cooperation with other international organizations, including, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC/TPB), in the framework of the OSCE, the Council of Europe Committee of Experts on Terrorism (CODEXTER), the OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN) etc.

In particular, in 2009 and 2010 the UNODC/TPB with the GUAM Secretariat organized and carried out two sub-regional workshops for the GUAM member states on preventing nuclear terrorism and on enhancing international legal cooperation related to terrorism, including the drafting of request for extradition and mutual legal assistance. Besides representatives of the GUAM member states, national experts from the United States, Germany, France and other countries as well as international experts from the CODEXTER, Eurojust, IAEA, INTERPOL, OSCE/ODIHR participated in the workshops.

In 2011 the OECD Anti-Corruption Network for Eastern Europe and Central Asia and the U.S. Department of State's Bureau for International Narcotics and Law Enforcement Affairs conduct a joint Anti-Corruption project for GUAM countries, aimed at supporting capacity building for detection, investigation and prosecution.

The GUAM sees possibilities to strengthen cooperation in border control, in particular, with the purpose of securing the GUAM transport corridor, on checking vehicles at the border cross points, on checking of travel and other documents, and on risk analysis. Putting into operation the Cryptographic Protection System creates new capabilities in this field within the GUAM proper. We also see potential in implementing with the engagement of the resources of the GUAM, USA, the OSCE Conflict Prevention Centre, and the Eastern partnership Flagship initiative "Integrated Border Management".

We would like to pay a special attention to further development of activity of the Global Initiative to Combat Nuclear Terrorism (GICNT), which aims not only at global, but also at regional cooperation.

Under actual conditions a necessity for joining efforts and practices of counter-terrorist and disaster management agencies becomes more and more obvious. In particular, it was underlined during the GUAM Working Group on Emergency Situations (WGEMRG) meeting on February 2011 and reassured by the GUAM Council of Ministers for Foreign Affairs. To our point of view, organization of joint inter-agency trainings and other measures, especially regarding technogenic terrorism threats, is to be on the agenda. The fulfilment of these tasks demands coordinated international efforts, too.

APPENDIX VIII

**Presentation by Ms Christiane Höhn
Adviser to the EU Counter-Terrorism Coordinator
Council of the European Union**

**21st meeting of the Committee of Experts on Terrorism (CODEXTER)
Strasbourg, 24 - 25 November 2011**

JUDICIAL DIMENSION OF THE FIGHT AGAINST TERRORISM – RECOMMENDATIONS FOR ACTION

EU role in CT

- EU supports MS:
 - Schengen area – justice and home affairs since late 1990s, huge growth, now shared competence
 - legal framework and operational tools for cross-border cooperation,
 - capacity building/ network/ best practices
 - NB: national security sole responsibility of MS – intelligence agencies outside of EU framework
- EU Counter-Terrorism Coordinator: implementation of the EU CT strategy, evaluation, coordination, communication with third countries

Guiding principles

- Criminal justice approach to the fight against terrorism – terrorism as a crime
- Need for close cooperation within the EU and with third countries
- Level playing field – rapprochement of material criminal law on CT: criminal offenses (framework decisions) , prevention –preparatory stages
- Human rights: ECHR, Charta of Fundamental Rights
- Judicial review: ECHR, ECJ
- Judicial cooperation in criminal matters based on principle of mutual recognition of judgments and judicial decisions

Mutual recognition of evidence

- Framework on execution of orders freezing property and evidence (2003):
 - mutual recognition : only freezing,
 - transfer separate request
- European Evidence Warrant (2008):
 - Only for transfer of existing evidence: objects, documents, data
 - Complementary to MLA
- Under discussion : European Investigation Order
 - Comprehensive system for obtaining evidence in cases with cross-border dimension - almost all investigative measures:
 - Incl. Gathering of evidence in real time, controlled deliveries, information related to bank accounts/transactions
 - excl. JIT, interception of certain telecommunications (real time, satellite), cross-border surveillance (regulations in force would continue to apply)

CTC Recommendations – 10/2010

- Based on series of 5 seminars co-financed by EU and coordinated by the French National School for the Judiciary in close partnership with judicial authorities/schools in DE, PL, NL, ES and BE, with technical support of the CTC
- Aim of project:
 - to develop mutual knowledge of judicial systems
 - to create a network of European prosecutors handling terrorist cases
 - to share best practices
- Recommendations (24) presented by CTC to EU Ministers of Justice in October 2011, follow up discussed in the relevant working groups

Detailed presentation of recommendations related to:

- Judicial organisation
- Special investigation techniques
- Rights of defense
- Judicial cooperation
- International cooperation

**COUNCIL OF THE EUROPEAN UNION
JUDICIAL DIMENSION OF THE FIGHT AGAINST TERRORISM –
RECOMMENDATIONS FOR ACTION**



COUNCIL OF
THE EUROPEAN UNION

Brussels, 28 September 2010 (29.09)
(OR. fr)

13318/1/10

REV 1

LIMITE

JAI 716
COPEN 175
EUROJUST 83
ENFOPOL 240
COTER 62
FIN 380

NOTE

from:	EU Counter-Terrorism Coordinator
to:	Council
Subject:	Judicial dimension of the fight against terrorism – Recommendations for action

1. Background

A conference was held in Brussels on 1 and 2 July 2010 on the judicial dimension of the fight against terrorism. The conference brought to a close a series of five meetings held in the framework of a high-level training project on the fight against terrorism and the judicial response to that category of crime. This initiative, which was co-financed by the European Union and coordinated by the French National School for the Judiciary (FR), with the technical support of the CTC, was developed in close partnership with the Federal Ministry of Justice (DE), the National School of Judiciary and Public Prosecution (PL), the Studiecentrum Rechtspleging – SSR - (NL) and the public prosecutor of the Audiencia Nacional (ES). The closing conference also had the support of the Judicial Training Institute (BE). The aim of the project was to develop mutual knowledge of judicial systems, to create a network of European magistrates who handle terrorist cases, and to share best practices.

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The five meetings covered the following themes: judicial organisation, in Paris on 18 and 19 December 2008; special investigation techniques, in Trier on 15 and 16 October 2009; terrorist financing, in Warsaw on 15 and 16 December 2009; rights of defence, in Amsterdam on 25 and 26 January 2010; and judicial cooperation between the Member States, in Madrid on 15 and 16 February 2010.

The Brussels conference summarised the main elements of the earlier meetings and set the themes they had addressed in the broader context of international cooperation and Union policy. On the basis of those discussions, the CTC drew up a number of recommendations to submit to the Council, identifying those areas where progress could be made either in improving national and European legislation on the fight against terrorism, or in making existing mechanisms work more effectively.

2. Proposed recommendations

First theme: judicial organisation

The fight against terrorism demands a highly targeted judicial response. The MS have put different arrangements in place to provide the best possible expertise and optimum effectiveness. In some MS competence for prosecuting terrorist offences is centralised, and/or cases are heard before special courts. In others, the concern to treat terrorism like any other form of crime has resulted in a refusal to have these offences dealt with by special courts or magistrates. These differences in approach can sometimes make communication and coordination between law-enforcement authorities less effective.

Moreover, the overriding need to prevent terrorist attacks from occurring has led the EU and its MS to take action upstream, on the one hand by criminalising behaviour that precedes, prepares or leads to terrorist acts, and on the other hand by improving the interface between intelligence, police investigations, and prosecution and sentencing, while safeguarding individual rights and rights of defence.

Recommended action

- Compensate for the lack of specialisation in those MS which choose not to centralise by offering prosecutors and magistrates dealing with terrorist cases **professional advice and training sessions under** the European Judicial Training Network and with the assistance of the Eurojust National Coordination System where the contact points for terrorism have a seat;
- Catalogue operating methods between intelligence services and players in the judicial sphere and identify good practice, taking account of their respective areas of specialisation.

Second theme: special investigation techniques and terrorist financing

The terrorism phenomenon is now so specialised that it can often be detected only with relatively sophisticated investigative techniques, such as the use of undercover agents or informers, interception of telecommunications, investigating IT systems, the use of tracking devices and other recording equipment placed underneath or inside vehicles moving within the territory of several Member States, or analysing financial transaction flows. These investigative methods require particular skills and qualifications that are not always available everywhere.

The conditions for their use remain largely disparate, which makes cooperation more haphazard in cross-border situations. The relevant mutual assistance or mutual recognition instruments are also fragmentary and have lacunae. The proposal for a European Investigation Order seeks to resolve this problem.

The collaboration of the private sector is invaluable, and needs to take place in accordance with the relevant EU legislation so as to ensure, inter alia, that personal data are adequately protected throughout the European Union.

Recommended action

- Firstly, work to improve mutual awareness of good practices and draw up model agreements, and then establish a common judicial framework for certain investigative techniques such as the use of undercover agents and informers, or online searches, and spell out the rules to be observed in the case of surveillance and undercover operations that continue across borders;
- Strengthen cooperation between MS so as to provide appropriate protection to witnesses and others cooperating with judicial action;
- Reinforce the MS' technical capacity and training in the investigation of computer-based media by establishing a centre of excellence at Europol, and support this effort with EU funding;
- Instruct the CARIN network to promote more effective use of the instruments governing cooperation on the detection of assets, freezing, seizure and return, by compiling a handbook on the use of these measures;
- Utilise the results of the 5th mutual evaluation round to develop a training course in financial investigations;
- Establish a framework of appropriate administrative measures for implementing a preventive freeze on assets pursuant to Article 75 TFEU;
- Develop the partnership with the private sector, notably by improving the FIUs' system of feedback from banks in relation to the financing of terrorism.
- Develop a European terrorist finance tracking programme (EU TFTP).

Third theme: rights of defence

The EU has resolved to deploy legal means against terrorism, considering terrorism not as a war or a clash of civilisations but as a criminal activity like any other. This approach means of course that rights of defence have to be fully respected, which implies giving very careful consideration to the specific rules governing, for example, the collection of evidence.

Greater transparency and more consistency between the arrangements applying in this area in the various MS should boost mutual trust, provide clearer evidence that procedures are fair, strengthen mutual recognition and thereby help make the MS' common legal response to terrorism more effective.

Recommended action

- Establish an overview of the practices of the various Member States as regards the checking and protecting of (intelligence) sources, particularly in cross-border proceedings, whilst safeguarding the rights of defence, especially the principle of an adversarial process;
- Implement as soon as possible the roadmap on protection of suspects in criminal proceedings, as provided for in the Stockholm Programme.

Fourth theme: judicial cooperation

An MS which is the target of terrorism is often unable to respond on its own, and the attack or threat to which it is subject also concerns and affects the EU as a whole, as regards both its aims and the reality on the ground.

Investigations and inquiries in this area therefore require intensive collaboration between MS and optimum use of Eurojust and of the mutual assistance instruments in force. This specific category of crime also calls for further work on these rules to make them more flexible and more efficient in practice, and for the existing arsenal to be supplemented and further developed.

Recommended action

- Lay down the principle that evidence obtained in the context of a joint investigation team in one Member State, in accordance with the procedural requirements of that Member State, is to be regarded as equivalent to evidence properly obtained in the Member State of the proceedings as to substance;

- Consider extending this principle to transfers of proceedings;
- Taking terrorism as a pilot case, promote a mechanism for the settlement of conflicts of jurisdiction: strengthen the mechanisms laid down in the Framework Decision on the prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, specifically for the area of terrorism;
- Increase the use of joint investigation teams and their funding via Eurojust;
- Adopt measures by which Europol and Eurojust should always be involved in joint investigation teams concerning terrorist cases.

Fifth theme: international perspective

As regards terrorism, practically any conspiracy or participation in a terrorist offence has an international dimension.

While each MS has developed its own relations with third countries, based on historic links or geographical, political or economic circumstances, a coordinated approach should nevertheless be encouraged within the EU, building on these special relationships and in collaboration with Eurojust. Agreeing on ways of working with third countries, on methods of cooperation such as joint investigation teams, and on conditions for the acceptance and evaluation of evidence obtained abroad, for instance, would help to ensure greater visibility, achieve greater consistency and build generally more effective and fruitful cooperation between the EU and its partners.

Recommended action

- Make more systematic use of the Eurojust channel in cases which extend outside the European Union;
- Intensify EU assistance programmes for third countries confronted with terrorism, to strengthen their judicial mechanisms;
- Take advantage of the existence of liaison magistrates between third countries and MS and, on the basis of those experiences, extend this network and establish Eurojust liaison magistrates in third countries with which more intense cooperation is desirable;

- Start to draw up cooperation agreements with those third countries most often involved in terrorist cases under investigation in the EU, in particular to determine the legal framework for the exchange of information, arrangements for any technical assistance, and the conditions under which joint investigation teams might be established;
- Lay down basic criteria for the acceptance of evidence gathered in a non-EU Member State.

Sixth theme: strategy for EU prosecutions and criminal policy

In Framework Decisions 2002/475/JHA and 2008/919/JHA, the EU deemed it necessary to require MS to define as criminal offences certain types of behaviour relating to terrorism. The COSI has embarked on an analysis of the nature and characteristics of the terrorist threat that continues to afflict the EU.

In this context we need to question whether the criminal offences provided for in these instruments match the nature of terrorism today and its current trends, linked inter alia to the expansion of the Internet.

Furthermore, the real impact of these Framework Decisions on the ground has not yet been properly assessed and warrants examination and discussion.

Recommended action

- Increase judicial input in the composition of COSI, by the participation of Eurojust and the Consultative Forum of Prosecutors General/Directors of Prosecution;
- Evaluate the impact of the 2002 and 2008 Framework Decisions on terrorism: carry out systematic and in-depth monitoring of national case-law, based in particular on Eurojust's analysis (the Terrorism Convictions Monitor).

APPENDIX IX

**Presentation by Ms Alinde Verhaag
Acting Head of Case Analysis Unit
and
Mr Christian Lorenz
Assistant to the EUROJUST's German National Member
EUROJUST**

**21st meeting of the Committee of Experts on Terrorism (CODEXTER)
Strasbourg, 24 - 25 November 2011**

ROLE AND ADDED VALUE OF EUROJUST IN COUNTERING TERRORISM / THE EXCHANGE OF INFORMATION ON TERRORISM OFFENCES AND THE TERRORISM CONVICTIONS MONITOR

The beginnings

- Eurojust was set up by Decision 2002/187/JHA as a body of the EU with legal personality to stimulate and to improve coordination and cooperation between competent judicial authorities of the Member States. Operational meetings, tactical meetings and strategic meetings on terrorism began to be held regularly.
- In 2004, a Counter-Terrorism Team (CTT) was established at Eurojust

CTT scoreboard:

- Organization of Operational, Tactical and Strategic meetings
- Networking with Key Players Terrorism
- Legal Database
- Judicial Database
- Contact with Third States
- Financing of Terrorism
- Cyber Terrorism
- CBRN Terrorism

CENTRE OF EXPERTISE

Strategic Meetings

- Yearly since 2004
- 27 National Correspondents for Terrorism and leading EU magistrates in matters of terrorism..
- Focus on legal issues and follow-up on legislation, to assess its impact, see where it could be improved and how to enhance the performances of the Member States.
- Conclusions are disseminated to the EU legislators and to the CTC
- Examples of Strategic Meetings

Tactical Meetings

- Aim: tackle the dimension of a particular terrorism problem.
- Questionnaire and analysis of replies
- Identification of loopholes and common difficulties, but also of best practices and possible solutions and ways ahead.
- Eurojust contributes to an efficient EU legal framework. The answers to the questionnaire and the reached conclusions are shared with EU legislators, relevant legal authorities, law enforcement actors and, if possible, representatives of the private sector.
- Examples of Tactical Meetings

Exchange of information with the Member States

- Developments under Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust:
 - Set up ENCS, including the national correspondent for Eurojust for terrorism matters (Article 12, paragraph 2b).
 - Regular examination by the Commission of the implementation of the Council Decision by the Member States and, if appropriate, proposals to the European Parliament and to the Council to improve judicial cooperation and the functioning of Eurojust. This shall in particular apply to Eurojust capacities to support Member States in fighting terrorism (Article 42, paragraph 2).
- Obligation regarding the transmission of terrorism related information to Eurojust according to Council Decision 2005/671/JHA of 20 September 2005.
- Eurojust shall provide competent national authorities with information and feedback on the results of the processing of information, including the existence of links with cases already stored in the Case Management System (Council Decision 2009/426/JHA , Article 13a, paragraph 1).

TCM – Information and analysis tool

- Regular overview of the terrorism related judicial developments throughout the EU.
- Based on:
 - Open sources information available to the Case Analysis Unit.
 - Information exclusively provided to Eurojust by national authorities by virtue of Council Decision 671/JHA/2005.
- General objectives:
 - Inform and invite the National Members to review and confirm the information.
 - Evaluate the impact of the 2002 and 2008 Framework Decisions on terrorism. Have legislation amendments affected the success of prosecutions and severity of sentences?
- Judicial analysis on selected cases:
 - Carry out systematic and in-depth monitoring of national case-law throughout EU
 - Case studies and comparative analysis
 - Tailor-made methodology for analysis:
 - Consistency of approach
 - Main categories to analyse
 - Particular attention to interesting legal issues and topics of interest

Statistics:

- Countries with concluded trials: January – August 2011
- Convictions and acquittals May – August 2011
- Group affiliation May – August 2011
- Sentences May – August 2011
- Examples of convictions 2011 - Islamist terrorism
- Examples of convictions 2011 - Separatist terrorism
- Examples of acquittals 2011 - Islamist and separatist terrorism

The way forward

- Issues considered:
 - Content of the TCM (list of requirements).
 - Wider distribution.
 - Role of national correspondents for terrorism.
 - Input on cases from national prosecutors.

APPENDIX X

LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN ABRIDGED REPORT

21st meeting of the Committee of Experts on Terrorism (CODEXTER) Strasbourg, 24 - 25 November 2011

1. The Committee of Experts on Terrorism (CODEXTER) held its 21st meeting in Strasbourg, France, on 24-25 November 2011, with Mr. Andrea CANDRIAN (Switzerland) in the Chair. The list of participants is set out in Appendix I of the meeting report³.
2. The CODEXTER adopted its agenda as set out in the **Appendix** of the present document. The Committee also approved the report of the 20th meeting, held in San Sebastian (Spain) on 14-15 June 2011 and authorised its publication on the CODEXTER website.
3. The Secretariat informed the Committee about the recent developments within the Council of Europe, including the administrative reorganisation in virtue of the reform of the Council of Europe structures. According to this reorganisation, as of 1st January 2012, the Group of Parties, the Council of Europe Committee of Experts on Terrorism (CODEXTER) and other counter-terrorism activities, will be under the responsibility of the Directorate General of Human Rights and Rule of Law (DG I), Directorate of Information Society and Action against Crime, Action against Crime Department. The CODEXTER thanked its outgoing Secretary, Ms Marta REQUENA, for the valuable work carried out for the Committee as well as for strengthening the visibility of Council of Europe counter-terrorism activities through the organisation of the United Nations Security Council Counter-Terrorism Committee Special Meeting hosted by the Council of Europe in April 2011 as well as the joint Council of Europe/OAS/Spain Conference on "Victims of Terrorism", held in San Sebastian in June 2011. The CODEXTER also welcomed its new Secretary, Mr Carlo CHIAROMONTE, Head of the Criminal Law Division (DG I).
4. The CODEXTER took note of the decisions of the Committee of Ministers relevant to its work, which have been adopted since the 20th meeting of the CODEXTER. The Committee welcomed in particular the outcomes of the 14th meeting of the Co-ordination Group between the Council of Europe and the OSCE which was held in Vienna on 21 October 2011. This meeting was chaired by Ambassador Renatas NORKUS (Lithuania), Chairperson of the OSCE Permanent Council, and co-chaired by Ambassador Mykola TOCHYTSKYI (Ukraine), Chairperson of the Ministers' Deputies of the Council of Europe. The CODEXTER welcomed in particular the Report prepared by the Chairs. It also welcomed the information provided by the Secretariat on the statement made by Ambassador Emil KUCHÁR (Slovak Republic), the Council of Europe Focal Point for the fight against terrorism.
5. The CODEXTER further considered the implementation of the Council of Europe Conventions against Terrorism. The Committee took note of oral presentations of the delegations concerning the developments of the national process of becoming Parties to the Council of Europe Conventions against Terrorism. It welcomed in particular that since its last meeting the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] entered into force for Hungary and Germany, respectively on 1st July 2011 and 1st October 2011.
6. Moreover, the CODEXTER took note of the information provided by Mr Vladimir SALOV (Russian Federation), Chair of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196], on the outcome of the Second meeting of the Group of Parties, which took place in Strasbourg (France) on 23 November 2011. In this respect, the

¹ Document CODEXTER (2011) 15 prov

CODEXTER welcomed the provisional adoption of the Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196], which will be sent to the Parties for adoption by silent procedure. If there are no objections by 2nd January 2012, the provisionally adopted Rules of Procedure will be considered as finally adopted.

7. The CODEXTER welcomed the publication of the proceedings of the Council of Europe Conference “Prevention of Terrorism: Prevention Tools, Legal Instruments and their Implementation” (Istanbul, Turkey, 16-17 December 2010) as well as of the Conference on “Victims of Terrorism”, co-organized by the Spanish authorities, the Council of Europe and the Organization of American States (San Sebastian, Spain, 16-17 June 2011).

8. The CODEXTER proceeded further with its on-going activities on the identification of *lacunae* in international law and action against terrorism. On the basis of written contributions of Croatia, Finland, Spain, Switzerland, Turkey and Ukraine, as well as oral contributions of other delegations, the Committee exchanged views on national coordinating bodies in the field of the fight against terrorism. Taking into account the importance of these discussions, the CODEXTER decided to keep this item on the agenda of its next meeting and invited in this regard the delegations - which have not done so - to send their written contributions to the Secretariat. It instructed the Secretariat to prepare – in close cooperation with the Bureau and interested States – a draft list of items regarding national counter-terrorism coordination, containing *inter alia* information about the legal basis for setting-up of national coordinating bodies, their composition, competences on national and international level, as well as experiences collected by such bodies.

9. As for other future discussions, the CODEXTER also took note of the proposal by the delegation of Norway to conduct discussions on how to draft effective legislation aimed to criminalise preparatory acts conducted by terrorists acting alone, that also ensures the protection of fundamental human rights.

10. Mr Michael KOWALSKI (the Netherlands), representative of the CODEXTER in the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI), also briefed the CODEXTER about his participation in the fourth meeting of the MC-S-CI, which took place on 13-14 October 2011 in Paris (France).

11. The Committee further took note of the information provided by experts and the Secretariat, who participated in the International Conference “Bringing terrorists to justice: promoting the implementation of European standards and documenting good practices” (Kyiv, Ukraine, 25-26 October 2011). This International Conference was organised by the Council of Europe Counter-Terrorism Task Force and the Security Service of Ukraine within the framework of the Ukrainian Chairmanship of the Committee of Ministers of the Council of Europe, and brought together national and international judges, prosecutors and law enforcement representatives. The CODEXTER strongly supported this initiative aimed at exchanging practical experience on ways and means employed by prosecutors and judges for the adoption of investigative measures in the light of increasing complexity of terrorist networks, and on difficult case-management issues in counter-terrorism affairs. Taking into account the support expressed by the CODEXTER for this Project, States were invited to express their interest to host in the near future a third meeting within the framework of this Project.

12. Concerning the national and international developments in the fight against terrorism, the CODEXTER considered the updated Country Profiles on counter-terrorism capacity as submitted by Croatia, Germany and Serbia and authorised their publication in the CODEXTER database. The Committee further took note of an oral presentation by Finland. The Committee also took note that Finland, France, Liechtenstein, Serbia and Spain will present an update to their country profiles on counter-terrorism capacity at the next meeting of the CODEXTER. Moreover, States which have not yet done so, were invited by the Committee to submit their Country Profiles or updates at their earliest convenience.

13. In addition, the representative of the Netherlands provided the CODEXTER with an evaluation of the *Counterterrorism measures in the Netherlands in the First Decade of the 21st Century*. The representative of the Netherlands also informed the Committee of the Dutch antiterrorism provisions and measures from the perspective of fundamental rights while analyzing whether these measures meet the absolute minimum standard for the protection of human rights as set out in the European Convention on Human Rights.

14. Moreover, the CODEXTER took note of the information on measures taken at national level against terrorism as provided by Greece, Norway and Spain.

15. Furthermore, the Committee took note of information about work carried out in other international fora. In particular, it was informed of the work undertaken by the Action against Terrorism Unit (ATU) and the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE), the Anti-Terrorism Center of the Commonwealth of Independent States (CIS) and the Organisation for Democracy and Economic Development (GUAM). The CODEXTER was also informed of the work undertaken within the framework of the European Union by the Office of the EU Counter-Terrorism Coordinator, the European Commission and EUROJUST.

16. The delegations took note of the adoption by the Committee of Ministers of the CODEXTER's Specific Terms of Reference for 2012-2013. In accordance with its new Specific Terms of Reference, the CODEXTER should appoint a Gender Equality Rapporteur from amongst its members. The CODEXTER held an exchange of views on the role and possible tasks to be performed by this new Gender Equality Rapporteur. Following this exchange of views, the CODEXTER concluded that the main competences and tasks of this Gender Equality Rapporteur were not clear and therefore the Committee agreed that it will appoint this Gender Equality Rapporteur at its next meeting when more information will be available.

17. Moreover, the Committee was informed that on 9th November 2011, at its 1125th meeting, the Committee of Ministers adopted the *Resolution CM/Res (2011) 24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods*. This Resolution replaced the Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods.

18. In accordance with its statutory provisions, the CODEXTER elected Mr Aaron BUGEJA (Malta) and Mr Tihomir LULIĆ (Croatia) respectively as Chair and Vice-Chair of the Committee for one year as from 1st January 2012.

19. The CODEXTER further elected Mr Vladimir SALOV (Russian Federation) and Ms Riina-Riikka HEIKKA (Finland) as members of the Bureau for two years as from 1st January 2012.

20. The CODEXTER also elected Mr Martin ROSENBAUM (Germany) as member of the Bureau for one year as from 1st January 2012.

21. The CODEXTER decided to hold its next 22rd meeting in Strasbourg on **12-13 April 2012**. Before the closing of the meeting, the CODEXTER instructed the Secretariat to prepare, in agreement with the Bureau, the provisional draft agenda for its 22rd meeting.