

Strasbourg, 16 November 2012

CODEXTER (2012) 13

# **COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)**

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## **LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN ABRIDGED REPORT**

**23<sup>rd</sup> meeting**

Strasbourg (France), 15 – 16 November 2012

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Secretariat of the Terrorism Division  
Information Society and Action against Crime Directorate, DG – I

## **LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN ABRIDGED REPORT**

The Committee of Experts on Terrorism (CODEXTER), meeting in Strasbourg on 15 and 16 November 2012 under the Chairmanship of Mr Aaron BUGEJA (Malta), decided to:

### **1. Opening of the meeting**

- Take note of the opening speech of Mr Jan KLEIJSSSEN, Director of Information Society and Action against Crime, Directorate General of Human Rights and Rule of Law, in particular his invitation to the Committee to further explore what can be done to counter the use of the internet by terrorists while safeguarding the freedom of expression.

### **2. Adoption of the draft agenda**

- Adopt the agenda and its accompanying order of business without amendments.

### **3. Communication by the Chair and the Secretariat**

- Take note of the information provided by its Secretary Mr Carlo CHIAROMONTE, Head of the Terrorism Division, Action against Crime Department, Information Society and Action against Crime Directorate, Directorate General of Human Rights and Rule of Law, notably as regards the changes in staff (Mr Kristian BARTHOLIN has been appointed as Co-secretary to the Committee);
- Take note of the information provided by the Chair on the deliberations of the Bureau with regard to further improving the working methods of the Committee;
- Welcome the decision of the Bureau to hold meetings in preparation of plenary meetings, when necessary;
- Hold a debate on future priorities of the Committee as part of a new strategic approach for CODEXTER. In this regard, the Committee considered in particular how to further elaborate subjects such as “terrorism and the internet”, “radicalisation”, “special investigation techniques”, “terrorists acting alone”, “receiving training for terrorism”, “victims of terrorism”, “human rights and the rule of law”, the feasibility of elaborating additional binding and/or non-binding legal instruments or other measures aimed at preventing and suppressing terrorism, as well as the continuation of activities under the “Bringing Terrorists to Justice” initiative as priorities to be addressed by the Committee during the next year, including in the following biennial (2014 – 2015) terms of reference for CODEXTER;
- Invite Delegations to consider further ideas for subjects to be addressed by CODEXTER and send their contributions and proposals to the Secretariat by 7 January 2013;
- Instruct the Secretariat to prepare a document listing the proposals made by Delegations for priorities to be addressed by the Committee;
- Instruct the Bureau to continue its considerations for a strategic approach for CODEXTER, both as regards the next biennial terms of reference (2014 – 2015) and beyond.

### **4. Approval of the report of the 22<sup>nd</sup> meeting**

- Approve the report of the 22<sup>nd</sup> meeting.

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

- Take note of the information provided by Delegations concerning the Council of Europe conventions against terrorism.

**6. Exchange of views on future CODEXTER activities pertinent to the monitoring of the Council of Europe Convention on the Prevention of Terrorism (CETS No 196)**

- Take note of the information provided by the Chair of the Group of Parties, Mr Vladimir SALOV (Russian Federation), concerning the deliberations held and decisions taken by the Group of Parties at its 4<sup>th</sup> meeting (Strasbourg, 14 November 2012), notably as regards the on-going thematic assessment procedure concerning Article 6 of the Convention.

**7. The functioning of the CODEXTER as an international observatory active in the prevention and suppression of terrorism**

- Take note of the presentations of terrorism-related judicial cases by the Delegations of Italy and Norway;
- Continue its activities under this agenda item at its future meetings, focusing in particular on human rights and rule of law aspects;
- Take note that the Delegation of Turkey expressed interest to present a case study during the next meeting.

**8. Setting up of a new database of CODEXTER on the case-law of the European Court of Human Rights relevant for counter-terrorism measures**

- Take note of the presentation by Ms Ana SALINAS of her book "Counter-Terrorism and Human Rights in the case-law of the European Court of Human Rights", published by the Council of Europe;
- Take note of the presentation by the Secretariat regarding a new database on the case-law of the European Court of Human Rights relevant to counter-terrorism measures;
- Welcome this initiative and to nominate Mr Ergin ERGÜL (Turkey) and Mr Zdzisław GALICKI (Poland), supported by the Secretariat, to review and select cases to be included in the database, to explore how to further develop it, and to report back to the Committee at its next Plenary meeting;
- Invite Delegations to inform the Secretariat, if they would like to assist in this task.

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

- Take note of the document prepared by the Secretariat (CODEXTER (2012) 2 rev) and in particular the proposal for further action contained therein;
- Continue its activities under this agenda item;
- Invite those Delegations, which have not yet done so, to submit their contributions to CODEXTER for further analysis and discussion.

- Invite Delegations to take the replies already submitted as models when preparing their own replies;
- Take note of the proposal made by the Delegation of Turkey to organise and host a conference on this subject.

#### **10. “Bringing terrorists to justice” initiative**

- Take note of the information provided by the Counter-terrorism coordinator, Mr Ivan KOEDJIKOV, Head of Action against Crime Department, Information Society and Action against Crime Directorate, Directorate General of Human Rights and Rule of Law, on the preparation of an international conference to be hosted by the Council of Europe, with the participation of the United Nations, the OSCE and other relevant international organisations on the subject of special investigation techniques. The conference is scheduled for 14-15 of May 2013;
- Welcome the proposed conference, underlining the importance of cooperation between all relevant international actors in the field of counter-terrorism.

#### **11. Exchange of views on national experiences in drafting effective legislation aimed at criminalising preparatory acts conducted by terrorists acting alone**

- Take note of the presentations by the Delegations of the Netherlands and Norway concerning practical measures and proposals for legislation respectively to prevent and combat acts of terrorism perpetrated by persons acting outside of terrorist groups or cells;
- Take note of the document prepared by the Secretariat (CODEXTER (2012) 7 rev), and hold an exchange of views on the three proposals for future activities contained therein;
- Continue with the exchange of national experiences relating to the problem of terrorists acting alone;
- Take note of the information that the Group of Parties may decide to make Article 7 of the Convention (training for terrorism) the subject of its next evaluation round following which the Committee may examine to what extent it is possible and necessary to take steps to criminalise receiving training for terrorism;
- Analyse in more detail the possibility of exploring other aspects of the problem of terrorists acting alone, including the notion of preparatory acts conducted by terrorists acting alone, and what other measures may be elaborated in this respect.

#### **12. Possible areas of co-operation between the Council of Europe and the European Union – follow-up to the exchange of views with Mr Gilles DE KERCHOVE (EU Counter-terrorism Coordinator) at the occasion of the 22<sup>nd</sup> meeting of CODEXTER**

- Examine the document prepared by the Secretariat (CODEXTER (2012) 11) and in particular to instruct the Chair and the Secretariat to make proposals for deepening co-operation with the European Union.

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

- Consider the updated country profiles on counter-terrorism capacity as submitted by the Delegations of Austria, Belgium, Czech Republic, Greece and Hungary, and authorise their publication in the CODEXTER database;

- Take note that the Delegation of Georgia requested to postpone the submission of its country profile.

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

- Take note of the oral presentations by:
  - (a) Ambassador Charles-Edouard HELD, Permanent Representative of Switzerland to the Council of Europe and Focal point of the Council of Europe for the fight against terrorism, in particular as regards 1) the Council of Europe's mission to ensure that society is effectively protected against acts of terrorism without the respect for human rights and the rule of law being compromised and 2) the need to ensure proper cooperation and coordination between the various international actors active in the field of preventing and suppressing terrorism;
  - (b) Mr David SCHARIA, Legal Officer, Counter-Terrorism Committee Executive Directorate (CTED);
  - (c) Mr Reinhard UHRIG, Programme Co-ordinator, Deputy Head of the Action against Terrorism Unit, Transnational Threats Department, OSCE;
  - (d) Ms Lucile SENGLER, Adviser on Anti-terrorism Issues, Human Rights Department, ODIHR ;
  - (e) Ms Alinde VERHAAG, Head of Case Analysis Unit, Eurojust ;
  - (f) Ms Maria LORENZO SOBRADO, Programme Officer at the Terrorism Prevention Branch UNODC.
- Take note of the information provided by the Gender Equality Rapporteur of the Committee, Ms Tanja KIKEREKOVA ("the former Yugoslav Republic of Macedonia"), on the meeting of the Gender Equality Rapporteurs and of her proposals concerning the collection and examination of data related to 1) the role of women in the national coordinating bodies in the field of fighting against terrorism and 2) women as perpetrators and victims of acts of terrorism.

#### **15. Decisions of the Committee of Ministers concerning the CODEXTER and terrorism-related issues**

- Take note of the information contained in the document prepared by the Secretariat (CODEXTER (2012) 12);
- Take note of the information provided by the Secretariat with regard to proposals currently being examined by the Committee of Ministers concerning the organisation of a conference on organised crime and terrorism and welcome such a conference in the light of the coordinating role of the CODEXTER in the counter-terrorism activities of the Council of Europe.

#### **16. Any other business: Elections**

- Renew the terms of office for the Chair, Vice-Chair and the German Member of the Bureau.

**17. Date and place of the 24<sup>th</sup> meeting of CODEXTER**

- Hold its next meeting in Strasbourg on 16 – 17 May 2013.

**18. Adoption of the list of items discussed and decisions taken**

- Adopt the list of items discussed and decisions taken.

**APPENDIX**  
**23<sup>rd</sup> MEETING OF THE CODEXTER**  
**AGENDA**

**1. Opening of the meeting**

**2. Adoption of the draft agenda**

Working documents

- Draft agenda CODEXTER (2012) OJ 3 prov
- Annotated agenda CODEXTER (2012) OJ 3 annotated  
*Restricted*
- Order of Business CODEXTER (2012) OB 1  
*Restricted*

**3. Communication by the Secretariat**

Working documents

- Terms of Reference of the CODEXTER CODEXTER-TOR 2012-2013
- List of Decisions of the Bureau CODEXTER-BU (2012)1  
*Restricted*

**4. Approval of the report of the 22<sup>nd</sup> meeting**

Working documents

- Draft report of the 22<sup>nd</sup> meeting of the CODEXTER CODEXTER (2012) 9 prov  
*Restricted*

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

Information document

- State of signatures and ratifications of the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196] GOP (2012) 2 bil rev2

**6. Exchange of views on future CODEXTER activities pertinent to the monitoring of the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]**

- a. Information provided by the Chair of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism on the outcomes of the 4<sup>th</sup> meeting of the Group of Parties (Strasbourg, 14 November 2012)

Working documents

- Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196] GOP (2012) 1

## 7. The functioning of the CODEXTER as an International Observatory active in the prevention and suppression of terrorism

### Working documents

- Functioning as an International Observatory active in the prevention and suppression of terrorism: exchange of information on judicial terrorism related cases CODEXTER (2012) 5 rev  
*Restricted*

## 8. Setting up of a new database of the CODEXTER on the case law of the European Court of Human Rights relevant for counter-terrorism measures

### Working documents

- Proposal for a setting up of a new database of the CODEXTER on the cases of the European Court of Human Rights relevant to the counter-terrorism CODEXTER (2012) 6 rev  
*Restricted*

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

### Working documents

- National coordination bodies in the field of the fight against terrorism – document prepared by the Secretariat CODEXTER (2012) 2 rev  
*Restricted*
- Information on national coordinating bodies in the field of the fight against terrorism – Contributions by delegations CODEXTER (2012) 10  
*English only*  
*Restricted*

## 10. “Bringing terrorists to justice” Initiative

### Working documents

- Contribution of the CODEXTER to the development of the “Bringing terrorists to justice” Initiative CODEXTER (2012) 3 rev  
*Restricted*

## 11. Exchange of views on national experiences in drafting of effective legislation aimed at criminalising preparatory acts conducted by terrorists acting alone

### Working documents

- Criminalisation of preparatory acts conducted by terrorists acting alone, while ensuring the protection of fundamental human rights CODEXTER (2012) 7 rev  
*Restricted*

## 12. Possible areas of co-operation between the Council of Europe and the European Union – follow-up to the exchange of views with Mr Gilles DE KERCHOVE (EU Counter-terrorism Coordinator) at the occasion of the 22<sup>nd</sup> meeting of CODEXTER

### Working documents

- Possible areas of co-operation between the Council of Europe and the European Union CODEXTER (2012) 11  
*Restricted*



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

Working documents

- Update to the profile of Austria Profiles (2012) Austria  
*Restricted*
- Update to the profile of Belgium Profiles (2012) Belgium  
*Restricted*
- Update to the profile of Czech Republic Profiles (2012) Czech Republic  
*Restricted*
- Update to the profile of Georgia Profiles (2012) Georgia  
*Restricted*
- Update to the profile of Greece Profiles (2012) Greece  
*Restricted*
- Update to the profile of Hungary Profiles (2012) Hungary  
*Restricted*

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

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

Working documents

- Decisions of the Committee of Ministers concerning the CODEXTER and terrorism-related issues CODEXTER (2012) 12  
*Restricted*

**16. Any other business**

*(Terms of office of the Chair and of the Vice-Chair of the CODEXTER)*

Working documents

- Resolution of the Committee of Ministers on intergovernmental committees and subordinate bodies, their terms of reference and working methods CM/Res(2011)24

**17. Date and place of the 24<sup>th</sup> meeting of the CODEXTER**  
*(Preliminary proposed dates: Strasbourg, 16-17 May 2013)*

**18. Adoption of the list of items discussed and decisions taken**