

Strasbourg, 13 April 2012

CODEXTER (2012) 8

COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)

LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN ABRIDGED REPORT

22nd meeting

Strasbourg (France), 12 – 13 April 2012

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

LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN ABRIDGED REPORT

1. The Committee of Experts on Terrorism (CODEXTER) held its 22nd meeting in Strasbourg, France, on 12-13 April 2012 and was chaired by Mr Aaron BUGEJA (Malta). The list of participants is set out in Appendix I to the meeting report¹.
2. The CODEXTER adopted its agenda as set out in the **Appendix** to the present document. The Committee also approved the report of the 21st meeting, held in Strasbourg (France) on 24-25 November 2011, and authorised its publication on the CODEXTER website.
3. The CODEXTER took note of the presentation by Mr Jan KLEIJSSSEN, Director of the Information Society and Action against Crime Directorate, about the recent developments within the Council of Europe, and of its proposals to create synergies with other bodies within the Directorate.
4. The CODEXTER further considered the implementation of the Council of Europe conventions against Terrorism. It particularly welcomed the fact that since its last meeting, the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] has been ratified by Turkey (on 23 March 2012).
5. The CODEXTER then proceeded with a discussion on the future CODEXTER activities pertinent to the monitoring of the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] and in this respect, the CODEXTER took note of the information on recent developments within the Group of Parties to the said Convention provided by Mr Vladimir SALOV (Russian Federation), Chair of the Group of Parties.
6. Mr SALOV informed the CODEXTER that the Rules of Procedure of the Group of Parties had entered into force on 2 January 2012 and that the 3rd meeting of the Group of Parties took place in Strasbourg on 11 April 2012 and discussed the first evaluation round for the Convention. For the purpose of the first evaluation round, the Group agreed to assess the implementation of Article 6 "Recruitment for terrorism" of the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196]. The Group of Parties also provisionally agreed on the Draft Template for the assessment of the implementation of Article 6 "Recruitment for terrorism". The Group of Parties instructed the Secretariat to send this provisionally adopted Draft Template to the Parties for adoption by silent procedure. If there are no objections by 11 May 2012, the provisionally adopted Draft Template will be considered as finally adopted. The Parties to the Convention will then be asked kindly to return the completed Template to the Secretariat by 31 October 2012.
7. The CODEXTER recalled further that at its 19th meeting (Istanbul, 15-16 December 2010), the Committee decided that it will be "Functioning as an International Observatory active in the prevention and suppression of terrorism" and that for this purpose it may hold thematic debates and regular exchanges of views on different aspects of the fight against terrorism. With an aim to develop this initiative, the CODEXTER instructed the Bureau to explore this matter in more detail and to present a working document with proposals at the next plenary meeting of the CODEXTER.
8. Furthermore, within the framework of this initiative the CODEXTER examined a proposal by the Secretariat to conduct an exchange of information on judicial cases related to terrorism that were of particular interest to the activities of the CODEXTER and to elaborate on obstacles and achievements in the prosecution of these cases (document CODEXTER (2012) 5). The Committee agreed to carry out this activity and invited the delegations to present, on a voluntary basis, relevant national judicial cases.

¹ Document CODEXTER (2012) 9 prov

9. In connection with this proposal, the CODEXTER also took note of the presentation by Ms Anita VAN DE KAR-BACHELET, Secretary of the Committee of Experts on the Operation of European Conventions on Co-Operation in Criminal Matters (PC-OC) on activities related to practical problems and concrete cases concerning the implementation of the Council of Europe conventions on international co-operation in criminal matters. The Committee considered to what extent the experience of PC-OC could be used as an example for the initiative within the CODEXTER.

10. The CODEXTER proceeded with an exchange of views with Mr Gilles DE KERCHOVE, EU Counter-terrorism Coordinator on the occasion of his first visit to the Council of Europe. Mr Gilles DE KERCHOVE gave a comprehensive overview of the European Union's counter-terrorism strategies and challenges as well as possible areas of co-operation between the Council of Europe and the European Union. This exchange of views was considered important for the development of future ideas and possible action by the Committee.

11. The CODEXTER held a discussion on the topic of national co-ordinating bodies in the field of the fight against terrorism and took note of the presentations by the Russian Federation and the UN Security Council Counter Terrorism Committee Executive Directorate (CTED). It also welcomed written contributions submitted by States under this item and examined a draft list of items regarding national counter-terrorism co-ordination, as per the document prepared by the Secretariat in co-operation with the Bureau and interested States (document CODEXTER (2012) 2).

12. Taking into account the importance of this issue and the usefulness of the exchange of information, the CODEXTER agreed to keep this item on the agenda of its next meeting and invited delegations, who have not done so, to provide information on national co-ordinating bodies in the field of the fight against terrorism. The Committee also agreed that the compilation of the States' contributions would serve as a basis for its discussions during the next meeting on topics/questions deserving more careful consideration by the CODEXTER.

13. The CODEXTER then recalled its previous support to the Council of Europe Initiative "Bringing terrorists to justice" and discussed potential ways to develop this initiative further within the framework of the Committee's future work, on the basis of the working document presented by the Secretariat (CODEXTER (2012) 3). The Committee agreed on the importance of the issue of detection and investigation of terrorism offences. As for the methodology of the work, the Committee instructed the Bureau to prepare – for its 23rd meeting - a first exchange of views on specific topics related to the issue of the use of special investigation techniques and other investigation tools in terrorism-related cases.

14. Moreover, the Committee recalled that its specific terms of reference for the years 2012-2013 foresee that the CODEXTER "*plans and supervises the organisation of the annual Council of Europe counter-terrorism conference and other Council of Europe counter-terrorism capacity building activities, in particular follow-up to the 2009 and 2011 technical cooperation activities related to "Bringing terrorists to justice"*". In this respect, the Committee considered that its exchange of views on the issue of the use of special investigation techniques and other investigation tools in terrorism-related cases might serve as a basis for a future Conference on this topic.

15. On the basis of a working document prepared by the Secretariat (document CODEXTER (2012) 7) and a presentation made by Norway, the CODEXTER held a discussion on national experiences in the drafting of effective legislation aimed to criminalise preparatory acts conducted by terrorists acting alone, that also ensures the protection of fundamental human rights. It agreed to keep this item on the agenda of its next meeting and invited the delegations to present, on a voluntary basis, respective national experiences and practices in tackling this phenomenon of terrorists acting alone.

16. 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 Finland, France, Liechtenstein, Poland and Serbia and authorised their publication in the CODEXTER database. The Committee also took note of the fact that Austria, Belgium, the Czech Republic, Greece and Hungary 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.

17. Furthermore, the Committee took note of information on other relevant activities of the Council of Europe. The Committee was informed of the work undertaken by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) and the Steering Committee for Human Rights (CDDH).

18. The CODEXTER then took note of the work carried out in other international fora, such as the United Nations Security Council Counter Terrorism Committee Executive Directorate (CTED), the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU), the Inter-American Committee Against Terrorism of the Organization of American States (OAS/CICTE) and the Organization for Democracy and Economic Development (GUAM).

19. The CODEXTER also exchanged views with Ms Marta REQUENA, new Chief of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC) regarding the on-going and future activities of the Terrorism Prevention Branch and the co-operation between the two organisations.

20. The CODEXTER took note of the decisions of the Committee of Ministers relevant to its activities.

21. Based on the proposal of the Secretariat (document CODEXTER (2012) 6), the Committee discussed the potential update of the Council of Europe website "Action against terrorism" www.coe.int/terrorism. In this respect, the Committee instructed its Secretariat to continue its work aimed at establishing – in co-operation with the European Court of Human Rights (ECtHR) – a centralised database for the ECtHR case law relevant to counter-terrorism and to report back to the CODEXTER at its next meeting.

22. In accordance with its statutory provisions, the CODEXTER elected Ms Tanja KIKEREKOVA ("The former Yugoslav Republic of Macedonia") as the Gender Rapporteur of the CODEXTER.

23. The CODEXTER decided to hold its 23rd meeting in Strasbourg on **15-16 November 2012**. In this respect, The CODEXTER took note that the 4th meeting of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196] will take place on the 14th November 2012.

24. Before the closing of the meeting, the CODEXTER instructed the Secretariat to prepare, in agreement with the Bureau, the provisional draft agenda for its 23rd meeting.

APPENDIX
22ND MEETING OF THE CODEXTER
AGENDA

I. INTRODUCTION

1. **Opening of the meeting**
2. **Adoption of the draft agenda and approval of the report of the 21st meeting**

Working documents

- Draft agenda CODEXTER (2012) OJ 1 prov
- Annotated draft agenda CODEXTER (2012) OJ 1 annotated
- Draft report of the 21st meeting of the CODEXTER CODEXTER (2011) 15 prov
Restricted

3. **Communication by the Secretariat**

II. IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTIONS AGAINST TERRORISM

4. **Information by States concerning the Council of Europe Conventions against terrorism**
5. **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 3rd meeting of the Group of Parties (Strasbourg, 11 April 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
- b. Discussion on future CODEXTER activities, in particular in the frame of its functioning as an International Observatory active in the prevention and suppression of terrorism
 - Presentation by Ms Anita Van de Kar-Bachelet, Secretary of the Committee of Experts on the Operation of European Conventions on Co-Operation in Criminal Matters (PC-OC) on PC-OC activities related to practical problems and concrete

cases concerning the implementation of Council of Europe conventions on international cooperation in criminal matters

Working documents

- Role of the Plenary of the CODEXTER and its relationship with the Group of Parties CODEXTER (2010) 22 Appendix II
- Functioning as an International Observatory active in the prevention and suppression of terrorism: proposal by the Secretariat on the exchange of information on judicial terrorism-related cases CODEXTER (2012) 5
Restricted
- Practical measures to facilitate the application of conventions on international cooperation in criminal matters adopted by the PC-OC during their 61st plenary meeting PC-OC (2011) 04REV3

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

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

- Presentation by the delegation of the Russian Federation
- Exchange of views with Mr Gilles de Kerchove, EU Counter-terrorism Coordinator
- Contribution of the UN Security Council Counter Terrorism Committee Executive Directorate (CTED) of the outcomes of Regional Workshop in South East Europe on National coordination and regional cooperation (Sarajevo, October 2010)

Working documents

- Information on national coordinating bodies in the field of the fight against terrorism – Contributions by delegations CODEXTER (2012) 1 & three addenda
English only
Restricted
- Draft list of items regarding national counter-terrorism coordination – document prepared by the Secretariat CODEXTER (2012) 2
Restricted
- The National Coordinator for Counterterrorism (NCTb) – Contribution of the Netherlands *Brochure*
published on the website
- Contribution of the UN Security Council Counter Terrorism Committee Executive Directorate (CTED): Outcomes of Regional Workshop in South East Europe on National coordination and regional cooperation (Sarajevo, October 2010) CODEXTER (2012) Inf 1
English only
Restricted

7. “Bringing terrorists to justice” Initiative

Working papers

- Contribution of the CODEXTER to the development of the “Bringing terrorists to justice” Initiative CODEXTER (2012) 3
Restricted
- Report of the UN Security Council Counter-Terrorism Committee Executive Directorate (CTED) on the practitioners’ seminar on “The use of intelligence in counter-terrorism prosecutions” (Ankara, Turkey 18-20 July 2011) CODEXTER (2012) Inf 2
English only
Restricted

8. Exchange of views on national experience in drafting of effective legislation aimed to criminalise preparatory acts conducted by terrorists acting alone, that also ensures the protection of fundamental human rights

Working paper

- Exchange of views on national experience in drafting of effective legislation aimed to criminalise preparatory acts conducted by terrorists acting alone, that also ensures the protection of fundamental human rights CODEXTER (2012) 7
Restricted

IV. NATIONAL AND INTERNATIONAL DEVELOPMENTS ON FIGHT AGAINST TERRORISM

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

Working documents

- Update to the profile of Finland Profiles (2012) Finland
Restricted
- Update to the profile of France Profiles (2012) France
Restricted
- Update to the profile of Liechtenstein Profiles (2012) Liechtenstein
Restricted
- Update to the profile of Poland Profiles (2012) Poland
Restricted
- Update to the profile of Serbia Profiles (2012) Serbia
Restricted

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

- a. Relevant activities of the Council of Europe
 - Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE)

Working paper

- “An overview of work of the Committee on Legal Affairs and Human Rights on issues relating to human rights and terrorism”: background information document prepared by the Secretariat of the Committee on Legal Affairs and Human Rights of the PACE AS/Jur/Inf (2012) 03
- b. Exchange of views with Ms Marta Requena, new Chief of the Terrorism Prevention Branch of the UN Office on Drugs and Crime (UNODC)
- c. Work carried out in other international fora
 - UN Security Council Counter Terrorism Committee Executive Directorate (CTED)
 - Organization for Security and Co-operation in Europe (OSCE)
 - European Union (EU)
 - Inter-American Committee Against Terrorism of the Organization of American States (OAS/CICTE)

Working documents

- Global survey of the implementation by Member States of Security Council resolution 1624 (2005) S/2012/16
- Global survey of the implementation of Security Council resolution 1373 (2001) by Member States S/2011/463
- Contribution of the Secretariat of the Inter-American Committee Against Terrorism of the Organization of American States (OAS/CICTE) CODEXTER (2012) Inf 3
English only
Restricted

V. MISCELLANEOUS**11. 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) 4
Restricted

12. Update of the Council of Europe website “Action against terrorism”
www.coe.int/terrorism

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
Restricted

13. Elections of the Gender Equality Rapporteur from the members of the CODEXTER

14. Date and place of the 23rd meeting of the CODEXTER
(preliminary proposed dates: Strasbourg, 15 -16 November 2012)

15. Adoption of the list of items discussed and decisions taken