

Strasbourg, 29 November 2012

CODEXTER (2012) 14

# COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)

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## MEETING REPORT

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

Strasbourg (France), 15 – 16 November 2012

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Document prepared by the Secretariat

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

## 1. Opening of the meeting

1. The Committee of Experts on Terrorism (CODEXTER) held its 23<sup>rd</sup> meeting in Strasbourg (France) on 15 - 16 November 2012, under the Chairmanship of Mr Aaron BUGEJA (Malta). The list of participants is set out in **Appendix I** to this report.

2. In his opening speech, Mr Jan KLEIJSEN, Director of Information Society and Action against Crime Directorate, underlined in particular the importance of the Internet, both as a tool for terrorists and as a tool to combat radicalisation and glorification of terrorism, and invited the Committee to consider among its future priorities the links between the Internet and terrorism.

3. 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 his intervention stressed the importance of combating terrorism while fully respecting human rights and the rule of law, pointing to the unique role of the Council of Europe (and CODEXTER) in this respect. He also pointed out the need for a multidisciplinary and transversal approach in the fight against terrorism, in line with other international and supranational organizations, and avoid overlaps in the international cooperation against terrorism.

## 2. Adoption of the draft agenda

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

## 3. Communication by the Chair and the Secretariat

5. The CODEXTER took note of information provided by its Secretary Mr Carlo CHIAROMONTE, Head of the Terrorism Division, Action against Crime Department, notably as regards the changes in staff (Mr Kristian BARTHOLIN has been appointed as Co-secretary to the Committee).

6. The CODEXTER took 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 and welcomed the decision of the Bureau to hold meetings in preparation of plenary meetings, when necessary.

7. The CODEXTER held a debate on the future priorities of the Committee as part of a new strategic approach for CODEXTER on how to deal with and anticipate the rapid developments in terrorist activities. The Chair invited Delegations to share their ideas on the best way to go forward for the Committee to contribute in a significant manner to countering terrorism in the 21<sup>st</sup> century, based on their experiences. 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.

8. Regarding the implementation of Article 6 of the Convention for the Prevention of Terrorism (recruitment for terrorism), Delegations recommended a more effective coordination and communication between the Group of Parties and the CODEXTER, and greater visibility of implementation activities related to the Convention to partners in international fora. The Delegation of the Netherlands proposed to include a permanent item on the agenda regarding the trends of terrorism, particularly in relation to radicalization.

9. Delegations were invited to consider further ideas for subjects to be addressed by CODEXTER and send their contributions and proposals to the Secretariat by 7 January 2013.

10. The Secretariat was instructed to prepare a document listing the proposals made by Delegations for priorities to be addressed by the Committee.

11. The Bureau was instructed 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**

12. The Committee approved the report of the 22<sup>nd</sup> meeting of CODEXTER, including the new abridged format.

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

13. The Committee took note of the information provided by Delegations concerning the status of signatures and ratifications of the Council of Europe Convention for the prevention of 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)**

14. The Committee took 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.

15. The Delegation of the Russian Federation proposed to consider the issue of preparatory acts from different angles and to consider the drafting of a protocol to the Convention on this issue. The Delegation of Italy suggested that such preparatory acts, even if not criminalised at the moment, could still be used as evidence. The Delegation of Italy also proposed to examine the use of special investigative techniques in connection with the presentation of evidence in court, and to prepare best practices in this regard, to be disseminated among the member States.

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

16. The CODEXTER took note of the presentations of terrorism-related judicial cases by the Delegations of Italy and Norway. The Delegation of Turkey expressed its interest in presenting a case study during the next plenary meeting.

17. The CODEXTER decided to continue its activities under this agenda item at its future meetings, focusing in particular on human rights and rule of law aspects.

#### **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**

18. The CODEXTER took 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.

19. The Secretariat presented the project of setting up a new database on the case-law of the European Court of Human Rights relevant to counter-terrorism measures.

20. The CODEXTER welcomed this initiative and nominated 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. Some Delegations proposed to consider new categories of cases and to expand the database to cover also national case-law.

21. Delegations were invited to inform the Secretariat if they would like to assist in this task within the working group.

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

22. The CODEXTER took note of the document (CODEXTER (2012) 2 rev) prepared by the Secretariat and in particular the proposal for further action contained therein, and decided to continue its activities under this agenda item.

23. Delegations, which had not yet done so, were invited to submit their contributions to CODEXTER for further analysis and discussion, and to take the replies already submitted as models when preparing their own replies.

24. The CODEXTER took 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**

25. The CODEXTER examined the document (CODEXTER (2012) 3 rev) prepared by the Secretariat, and took note of the information provided by the Counter-terrorism coordinator, M. Ivan KOEDJIKOV, Head of Action against Crime Department, 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.

26. Delegations welcomed the proposed conference, scheduled for 14-15 May 2013, 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**

27. The CODEXTER took 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.

28. The CODEXTER took note of the document (CODEXTER (2012) 7 rev) prepared by the Secretariat and held an exchange of views on the three proposals for future activities contained therein. It decided to continue with the exchange of national experiences relating to the problem of terrorists acting alone.

29. The Delegation of Greece proposed to CODEXTER to use softer methods and tools, relying more on prevention as a complement to criminalisation of terrorists acts committed by persons

acting alone. In this respect, the Chair voiced the idea of non-binding guidelines, based on the best practices of Delegations, which could pave the way for an amendment or the adding of provisions to the Convention.

30. The CODEXTER was informed 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.

31. The CODEXTER decided to 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 22nd meeting of CODEXTER**

32. The CODEXTER examined the document prepared by the Secretariat (CODEXTER (2012) 11) and decided in particular to instruct the Chair and the Secretariat to make proposals for deepening co-operation with the European Union in the field of counter-terrorism policies and measures.

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

33. The CODEXTER considered the updated country profiles on counter-terrorism capacity as submitted by the Delegations of Austria, Belgium, Czech Republic, Greece and Hungary, and authorised their publication in the CODEXTER database on the Internet. The Delegation of Georgia has 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**

34. The CODEXTER took note of the oral presentations by:

Mr David SCHARIA, Legal Officer, Counter-Terrorism Committee Executive Directorate (CTED); Mr Reinhard UHRIG, Programme Co-ordinator, Deputy Head of the Action against Terrorism Unit, Transnational Threats Department, OSCE; Ms Lucile SENGLER, Adviser on Anti-terrorism Issues, Human Rights Department, ODIHR; Ms Alinde VERHAAG, Head of Case Analysis Unit, Eurojust; Ms Maria LORENZO SOBRADO, Programme Officer at the Terrorism Prevention Branch UNODC.

35. The CODEXTER also took 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**

36. The CODEXTER took note of the information contained in the document (CODEXTER (2012) 12) prepared by the Secretariat. It also took 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 welcomed such a conference in the light of the coordinating role of the CODEXTER in the counter-terrorism activities of the Council of Europe.

## **16. Elections**

37. The CODEXTER renewed the terms of office for the Chair, Mr Aaron BUGEJA (Malta), the Vice-Chair, Mr Tihomir LULIĆ (Croatia), and Member of the Bureau, Mr Martin ROSENBAUM (Germany).

## **17. Date and place of the 24th meeting of CODEXTER**

38. The CODEXTER, on a proposal from the Secretariat, decided to hold its next plenary meeting in Strasbourg on 16 - 17 May 2013.

39. In this regard, the CODEXTER also took note of the fact that the Group of Parties will hold its fifth meeting in Strasbourg on May 13th 2013, before the two-day conference on special investigation techniques.

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

40. The CODEXTER concluded its 23<sup>rd</sup> plenary meeting with the adoption of the list of items discussed and decisions taken.

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## APPENDICES

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