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CODEXTER (2011) 8

COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)

MEETING REPORT

20th meeting

San Sebastian (Spain), 14 – 15 June 2011

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

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I. INTRODUCTION

1. **Opening of the meeting by the Chair, Mr. Andrea Candrian**

1. The Committee of Experts on Terrorism (CODEXTER) held its 20th meeting in San Sebastian, Spain on 14 and 15 June 2011, under the Chairmanship of Mr Andrea Candrian (Switzerland). The list of participants is set out in **Appendix I** to this report.

2. **Adoption of the draft agenda and approval of the report of the 19th meeting**

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

3. The report of the previous meeting¹, held in Istanbul, Turkey on the 15 - 16 December 2010, was adopted with an amendment from Greece. The report was then authorised by the Committee for its publication on the CODEXTER website.

3. **Communication by the Secretariat**

4. Mr. Manuel Lezertua, Director of Legal Advice and Public International Law, briefed delegations about developments at the Council of Europe since the CODEXTER's 19th meeting, in particular of the upcoming Secretary General's Reform of the intergovernmental structures of the Council of Europe. His statement is set out in **Appendix III** to this report.

Special meeting of the United Nations Security Council Counter-Terrorism Committee (CTC) with International, Regional and Sub-Regional Organisations, which was hosted by the Council of Europe on 19-21 April 2011

5. The CODEXTER took note of the Special meeting of the United Nations Security Council Counter-Terrorism Committee (CTC) with International, Regional and Sub-Regional Organisations, which was hosted by the Council of Europe on 19-21 April 2011. The CODEXTER underlined the importance of this initiative which permitted to discuss such topical counter terrorism issues as prevention policies, comprehensive and integrated strategies, and the role of law enforcement and the criminal justice system in prevention terrorism. The Committee also expressed its gratitude to the Council of Europe Counter Terrorism Task Force, which organised and co-ordinated internally this event on behalf of the Council of Europe, which permitted to raise visibility to the relevant Council of Europe standards, activities and initiatives².

Council of Europe activity on "Convention Review"

6. Mr. Lezertua presented information on the Council of Europe activity on "Convention Review", within the Secretary General's reform of the Organisation, and explained the aims of this activity as far its relevance to the CODEXTER is concerned.

7. Ms Marta Requena, Secretary to the CODEXTER, presented in particular the draft classification of the counter-terrorism treaties. She emphasised that the views of the Committee on this activity would be very welcomed by the Working Group on Convention Review.

8. The Committee fully agreed with the presented draft classification of four counter-terrorism treaties as Key Conventions for the Council of Europe. However, several delegations have raised the question of the status of the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] according to the presented classification.

¹ Document CODEXTER (2010) 23 prov

² Detailed information regarding discussions on this matter appears under item 12.

9. The CODEXTER suggested to include in the comments, relevant to this instrument, the reference to the fact that this Council of Europe Convention served as a precursor to other relevant international instruments, in particular the United Nations Security Council Resolution 1624 (2005).

10. One delegation raised the question of the Cybercrime Convention and whether the said Convention is being dealt with by the European Committee on Crime Problems (CDPC). The Secretariat confirmed that the Cybercrime Convention was being consulted with the CDPC.

11. Several delegations further requested clarification on the future of those Conventions that are classified as “obsolete” or “superseded” and which are still in force in some member States.

12. Mr. Lezertua clarified that the Conventions remain the “property” of the member States and the criteria are not cumulative. He further clarified that the Secretary General will present his draft report on Convention Review at the end of September to the Committee of Ministers and this will be followed by consultations with Contracting Parties, who will then seek a solution to the future of those Conventions classified as “obsolete” or “superseded” together.

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

13. The CODEXTER took note of the decisions of the Committee of Ministers relevant to its work which have been adopted since the 19th meeting of the Committee. It welcomed in particular the adoption by the Committee of Ministers on 30 March 2011 of the *Guidelines of the Committee of Ministers of the Council of Europe on eradicating impunity for serious human rights violations*.

14. M. Fernando Iruzun Montoro, the representative of the Steering Committee for Human Rights (CDDH), provided the Committee with information on the aforesaid Guidelines, which were prepared by the CDDH. He elaborated on their importance for action against terrorism in particular as certain provisions of the Guidelines target issues such as victims of terrorism.

15. The Secretariat highlighted the importance of the discussion on the issue of victims of terrorism for the upcoming Council of Europe Conference on Victims of Terrorism and suggested to draw attention during Conference discussions to the aforesaid Guidelines.

16. Concerning the rights of victims of terrorism, one delegation indicated that the increased involvement of victims at investigation stages, as well as a balancing act between the rights of the suspect terrorist and the rights of the victims of terrorism, were both very important remedies and that further information would be welcomed from States on this mechanism.

II. IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTIONS AGAINST TERRORISM

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

17. The delegation of Germany informed the Committee that on 10 June 2011 Germany ratified the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] and *Additional Protocol to the Council of Europe Convention on Cybercrime* [ETS No. 189]. Moreover, Germany has recently completed all internal procedures for ratification of the Protocol amending the *European Convention on the Suppression of Terrorism* [CETS No. 190] and indicated that the ratification documents shall shortly be handed over to the Council of Europe.

18. The delegation of France informed the Committee that following its signing of the *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism* [ETS No. 198], France has begun the process of ratification of the aforementioned Convention. It is expected to last several months as it passes before the Parliament.

19. The delegation of Greece informed the Committee that Greece has not only begun the process of ratification of both the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] and the *Protocol amending the European Convention on the Suppression of Terrorism* [CETS No. 190], but has also begun the process of incorporation of all the provisions into its own Criminal Code through the work of a relevant law-preparing Committee which is expected to complete its task by the end of June 2011.

20. The delegation of Hungary informed the Committee that Hungary has ratified the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196] on 21 March 2011.

21. As for the Factsheet regarding the *European Convention on the Suppression of Terrorism* [CETS No. 90] and its correlation with the latest United Nations treaties (document CODEXTER (2010) 20), the Secretariat underlined that the question of reservations and declarations is within the competence of the States, which means it is up to the States themselves to revise the reservations and declarations they made to treaties on counter-terrorism issues.

22. However, at the same time it was underlined that the exchange of views on the ratification of the *Amending Protocol to the European Convention on the Suppression of Terrorism* and correlation of Council of Europe treaties with United Nations treaties might be useful bearing in mind the fact that both the *European Convention on the Suppression of Terrorism* and the *Amending Protocol* to therein were classified as key instruments of the Council of Europe in the Convention Review document presented earlier under item 3.

23. Mr David Scharia, the representative of the United Nations Security Council Counter-Terrorism Committee Executive Directorate (CTED), informed the Committee that in his Organization's view the political exception clause is not applicable to terrorist offenses and terrorism should not be considered a political offense as mentioned in UNSC Resolution 1373.

24. Regarding the issue of reservations under Article 13 of the *European Convention on the Suppression of Terrorism* [ETS No. 90] and the political exception clause, Mr Andrey Stytsenko, the OSCE representative further indicated it is worthwhile to look into the validity of declarations and reservations under Article 13 and to take action on the individual or collective level. Some national activities conducted by the OSCE in the frame of legal assistance projects revealed that for international co-operation in legal matters such reservations and/or declarations to the Council of Europe Convention could be problematic when States are at the same time already being party to other universal instruments not permitting such declarations/reservations.

25. The CODEXTER agreed not to include this item systematically on its agenda unless there are any further developments regarding the ratification process of the Protocol amending the *European Convention on Suppression of Terrorism* [CETS No. 190].

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

26. The Committee took note of the outcomes of the First meeting of the Group of Parties to the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196], which took place in San Sebastian (Spain) on 13 June 2011.

27. Mr Vladimir Salov (Russian Federation) and Mr Iñigo Febrel Benlloch (Spain) were elected during this meeting respectively as Chair and Vice-Chair to the Group of Parties.

28. Mr. Vladimir Salov (Russian Federation), Chair of the Group of Parties, presented the Committee with an overview of the work of the First meeting and underlined that the Group of Parties will play a very important role in the process of the implementation of the Convention. He further

elaborated on the discussions on the draft Rules of Procedure of the Group of Parties, which is essential in order to fully launch the process by which the Convention shall be monitored.

29. It was stated that the Group of Parties instructed the Secretariat to prepare a revised version of the current preliminary draft containing the amendments provisionally agreed and to send it to all members of the Group of Parties by the 1st July 2011 at the latest. Members of the Group of Parties will be invited to send to the Secretariat written comments containing, as far as possible, alternative wording, by 30 September 2011 at the latest. Furthermore, the Chair assisted by the Secretariat will prepare a revised version of the Draft Rules of Procedure including as far as possible those written comments and this revised version will be sent to all members of the Group of Parties by end October 2011 for adoption by silent procedure. If there are objections, the new revised version will be discussed in view of its adoption at the second meeting of the Group of Parties.

30. Ms Marta Requena, Secretary to the CODEXTER, indicated that a document containing a summary of items discussed and decisions taken at the first meeting of the Group of Parties has already been distributed to the Group of Parties for comments. As per the comments received, a final version of this document will be prepared by the Secretariat and made public in the week following this meeting. She also informed the CODEXTER that the Group decided - in accordance with the principles of sound management and in order to optimise financial and human resources available - to hold its 2nd meeting on the day prior to the next meeting of the CODEXTER.

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

31. Mr Andrea Candrian, Chair of the CODEXTER, introduced Conclusions of the Council of Europe Conference on the "Prevention of Terrorism: Prevention Tools, Legal Instruments and their Implementation", which took place in Istanbul, on 16-17 December 2010. Mr Candrian also expressed, on behalf of the CODEXTER appreciation to the Turkish authorities and those involved in the organisation and running of this event, which proved to be a success.

32. Ms Marta Requena, Secretary to the CODEXTER recalled that this event took place in the framework of the Turkish Chairmanship of the Committee of Ministers, having the fight against terrorism as one of its priorities. The CODEXTER has been informed that the Committee of Ministers took note of the Conference Conclusions and welcomed this event. Conference Proceedings publication has been prepared by the Secretariat and this publication will be distributed to delegations in autumn 2011.

33. The Spanish delegation, the CODEXTER Secretariat and the representative of the Organisation of American States' Inter-American Committee Against Terrorism (OAS/CICTE) provided the Committee with information about the upcoming Conference on "Victims of Terrorism", co-organised in San Sebastian by the Spanish government, the Council of Europe and the Organisation of American States, immediately after the CODEXTER meeting, on 16-17 June 2011.

34. This initiative was considered by members of the Committee as particularly valuable for the enhancement of the support and protection of victims of terrorism. It was particularly underlined that the practice of holding a joint event between two regional organisations and national authorities has a considerable added value for fostering international cooperation and exchange of information and good practices. Moreover, it was noted that this Conference might serve as a useful example to the States, which are currently in the process of completing their own counter-terrorism legislation.

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

35. Concerning the follow-up to the Synoptic and Analytical Report on the Questionnaire on "False Identity Information as a Challenge to Immigration Authorities", the CODEXTER took note of the opinion on this report presented by the European Committee on Legal Co-operation (CDCJ), which has carried out important work on such relevant issues as data protection and nationality issues and the denial of residence in the context of the fight against terrorism. In this respect, the Committee also pointed out that other specialised entities dealing with migration issues exist within the Council of Europe and that the report has been transmitted to them. Taking these elements into account, the Committee agreed not to develop further its work in this area.

36. The CODEXTER also took note that the CODEXTER Secretariat and Mr Michael KOWALSKI (the CODEXTER MC-S-CI representative) took an active part in the preparation of the 3rd meeting of the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI), which took place in Strasbourg on 21-22 February 2011. Conclusions and recommendations made in the interim report of the Ad-Hoc Advisory Group were supported in general and some questions were submitted from specific counterterrorism perspective. In particular question was raised, whether it could be useful to reflect on how to assess terrorist use of internet (as target, weapon or resource) within the presented framework and how reactions of state should look like given the overall objective of free cross-border flow of internet traffic. It was suggested that addressing these kinds of dilemmas might strengthen the eventual output of the Advisory Group.

37. Concerning the jihadist use of internet, Mr Kowalski submitted to the MC-S-CI a recent update of an in-depth study written by the office of the National Coordinator for Counterterrorism of The Netherlands. Moreover, the Secretariat of the CODEXTER participated in the 3rd meeting of Group, which scheduled its next meeting for autumn 2011.

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

38. Ms Albina Ovcearenco, Co-Secretary to the CODEXTER, presented to the Committee the Council of Europe Technical Cooperation Assistance Project "Bringing terrorists to justice" (see document CODEXTER (2011) 3), which has been developed by the Council of Europe Counter Terrorism Task Force. This initiative offers particular added value as the purpose of these series of Workshops is to discuss the obstacles as well as the methods which have been employed by prosecutors and judges in order to meet the challenges of bringing terrorists to justice. The project would necessarily have a positive impact on the direct beneficiaries in member States of the Council of Europe who have been pursuing national level counter-terrorism measures and implementation of their multilateral counter-terrorism commitments and participants facing the challenges can learn from their colleagues' experiences.

39. Moreover, this project can be perceived as unique in its nature for two reasons: firstly, because special attention will be paid to the pioneering standards developed by the Council of Europe and secondly, because the project will cover the most noteworthy developments in the case law of the European Court of Human Rights and will detail the general principles and judicial techniques espoused and implemented by the Court.

40. Finally implementing this project the Council of Europe could further enhance the co-operation with relevant UN entities - namely the Counter-Terrorism Committee and its Executive Directorate (CTED), which strongly supports this initiative and contributed actively to the first pilot workshop (Skopje, the former Yugoslav Republic of Macedonia, on 1-2 December 2009). This first

pilot workshop was a great success and in order to develop further the Project the Council of Europe Counter Terrorism Task Force would like to hold one more workshop on this topic in 2011.

41. A number of delegations supported this initiative of the Secretariat by underlining that the Project's approach to the topic of "Bringing Terrorists to Justice" was particularly well-chosen and well-balanced, and further encouraged the Committee to support this valuable and highly practical initiative. The CODEXTER experts expressed hope that this initiative will have the opportunity and budget to continue its operation.

42. Several delegations informed the Committee of their interest to host such an event in future, pending the authorisation of their national authorities.

43. One delegation underlined that the principle of independence of the judiciary should be taken into account when organising such events and highlighted the desire to share good practices with other member States in this area.

44. Mr David Scharia, the representative of CTED welcomed other delegations' remarks highlighting the efficiency of the Council of Europe Project "Bringing terrorists to justice" and expressed CTED support and willingness to work together with the Council of Europe on this project. The CODEXTER's attention has been drawn to the UNSC Counter-Terrorism Committee report of a relevant meeting dedicated also to the topic of bringing terrorists to justice (document S/2011/240). This event has been organised in New York in December 2010 and its report highlights the challenges as identified by the practitioners who participated in the event.

45. Another delegation underlined that as observed during the Special meeting of CTC with International, Regional and Sub-Regional Organisations, there is a particularly strong demand on behalf of legal practitioners operating in prosecution of criminal offences emerging from the Council of Europe Convention on Prevention of Terrorism for information and similar experience sharing, with a particular emphasis on a hands-on, practical approach.

46. One delegation highlighted the importance of procedural law and suggested that further steps could be taken for the exchange of national practice and experience in this domain.

47. Another delegation stated that in order to organise such event successfully, careful attention must be paid to the choice of international experts and topics relevant for national authorities and participants.

48. In conclusion of this item, CODEXTER welcomed the fact that this Project calls upon member States to implement the pioneering standards developed by the Council of Europe, foresees exchange of good practices between practitioners of different States and covers the most noteworthy developments in the case law of the European Court of Human Rights. The Committee underlined the usefulness of technical cooperation activities in the area of fight against terrorism, and the importance of this activity in addition to standard setting, evaluation and coordination activities in this area. It encouraged the development of this initiative useful for national practitioners and called upon member States to support the development of this Project within the Council of Europe

10. National framework for comprehensive and integrated strategies and interagency coordination

49. The CODEXTER held a preliminary exchange of views on the issue of the need to set up national coordinating bodies in the field of the fight against terrorism.

50. The delegation of the Russian Federation recalled the work of the United Nations Security Council Counter-Terrorism Committee Special Meeting with International, Regional and Sub-Regional Organisations, and its Working Group Session dedicated to the topic of National framework for comprehensive and integrated strategies and interagency coordination. This delegation

particularly underlined the said Working Group observations, *inter alia*, that any kind of coordination mechanism should be defined by the State taking into account the assessment of the terrorist threat and specific features of the existing governmental bodies; that it was important to continue the work and engagement of different bodies and the State itself, but at the same time to develop public-private partnership and cooperation with the civil society. The delegation of the Russian Federation highlighted the importance of exchange of information and of good practices, as well as different models used by member States with regard to national coordination agencies. The representative of the Russian Federation further informed the Committee of the structure of the counter-terrorism coordination agencies of the Russian Federation.

51. Ms Marta Requena, the Secretary to the CODEXTER, provided the Committee with an overview of the system of "national coordinating bodies" within the framework of the Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197]. She pointed out that, despite some differences between the fight against terrorism and the action trafficking in human beings, there are similarities between the two criminal activities and therefore the system set up by the above-mentioned Convention could be a source of inspiration in the field of counter-terrorism.

Indeed, trafficking in human beings, like terrorism, is by definition a transversal issue and therefore concerns most national policies and actors. Consequently any national action to combat trafficking in human beings must be global and multi-sectorial, and take on board the required multidisciplinary expertise. To be effective this global national action must be coordinated through a specific governmental body or entity. These are the "national coordinating bodies" contain in Article 29 paragraph 2 of the of Council of Europe Convention on Action against Trafficking in Human Beings ("Each Party shall adopt such measures as may be necessary to ensure co-ordination of the policies and actions of their governments' departments and other public agencies against trafficking in human beings, where appropriate, through setting up co-ordinating bodies"). The main characteristics of these national coordinating bodies are as follows:

- they are either governmental bodies or are directly linked to the governments in charge of implementing national policies to combat trafficking in human beings;
- their main role is to coordinate all polices to combat trafficking in human beings and to coordinate all actors involved in such combat (different ministries, different administrative entities, local and regional authorities, police, health services, NGOs, etc...).
- often these bodies are in charge of planning strategies to combat trafficking in human beings and contribute to drafting new legislation when appropriate;
- they coordinate the collection of administrative data or population survey data;
- national coordinating bodies are in charge of reporting to international monitoring mechanisms such as GRETA because they are representing the State Parties to the Convention.

52. The delegation of Serbia informed the Committee of the pivotal role of Ministry of Interior in the co-ordination of national work on the issues of trafficking in human beings and counter-terrorism in Serbia. Both relevant entities of Ministry of Interior develop synergies as well as external partnerships (e.g. Ministry of Finances, Ministry of Justice) and the functioning of these mechanisms involves cooperation between governmental ministries at both horizontal and vertical levels. Partnership with non-governmental organisations is strengthened with regard to trafficking in human beings and non existent in counter-terrorism.

53. The delegation of Spain informed the Committee of the Spanish experience in development of interagency coordination.

54. The delegation of Croatia supported the initiative to discuss the issue of comprehensive and integrated strategies and interagency cooperation. It then presented the Croatian experience with interagency coordination and in particular the Croatian experience regarding Croatian National Strategy for Prevention and Suppression of Terrorism. It further agreed with the position of the Russian Federation, i.e. any kind of coordination mechanism should be defined by the State taking into account the assessment of the terrorist threat and specific features of the existing governmental bodies. It underlined also that both positive and negative experiences in this area are important and that CODEXTER should carefully consider how the Committee would proceed with possible work on this topic.

55. The delegation of Turkey informed the Committee of the structure and work of the Turkish national counterterrorism coordination agency, namely the Undersecretariat of Public Order and Security which has been established with the aim of developing policies and strategies to combat terrorism, evaluating strategic intelligence and ensuring coordination in the implementation of the measures taken.

56. The delegation of Finland presented information on the structure and functioning of the national counterterrorism structures of Finland, as well as the National Counterterrorism Strategy of Finland.

57. The delegation of Ukraine echoed intervention of other delegations on the importance of exchange of information and exchange of good practices on this matter and stated that an effective program of workshops at the regional, subregional and international levels could be beneficial for such exchanges.

58. Mr David Scharia, the representative of CTED, supported the initiative of exploring further the topic of national counter-terrorism coordination bodies. The CTED representative further drew the Committee's attention to the conclusions of the Workshop on national coordination and regional cooperation in counter-terrorism matters in South East Europe, held in Sarajevo, Bosnia and Herzegovina in October 2010 which contains valuable overview of current problems and ideas for their solutions. It was also mentioned that Resolution 1963 (2010) calls upon CTED to work closely with States on development of national strategies and CTED stands ready to contribute actively to the work of the CODEXTER on this matter.

59. The representative of the OAS/CICTE expressed its organisation's support and encouragement towards the Council of Europe initiative on this matter. He informed the Committee of the experience of the OAS in interagency coordination - in particular of the practical crisis management exercises, developed by the OAS/CICTE and of the thematic program areas targeted by the OAS in dealing with the issue of interagency coordination. The CODEXTER was further informed of the functioning of a network of national contact points, coordinated by the OAS.

60. Following this preliminary exchange of views, the CODEXTER agreed to resume the discussion of this issue at its next meeting on the basis of written observations made by the delegations.

IV. NATIONAL AND INTERNATIONAL DEVELOPMENTS ON FIGHT AGAINST TERRORISM

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

61. The CODEXTER took note of the updated Country Profiles on counter-terrorism capacity as submitted by Cyprus, Hungary and Ukraine, and authorised their publication in the CODEXTER database.

62. The CODEXTER also took note of the information on measures taken at national level against terrorism as provided by the Croatian representative, who stated that Croatia will complete a new counter-terrorism capacity Profile at the next meeting, in light of the pending adoption of a new Penal Code of Croatia and recent adoption of the Action Plan for implementation of the National Strategy for Prevention and Suppression of Terrorism. The Croatian representative also informed the Committee that Croatia is currently in the final stages of implementation of a UNDP-sponsored project in the field of support of victims of /witnesses of criminal acts.

63. The delegation of Greece informed the CODEXTER of the adoption of a new law concerning money laundering and the financing of terrorism, which strengthens the existing framework in this field. After the adoption of this law, the Greek Financial Intelligence Unit (FIU) has three distinct units dealing respectively with money laundering, financing of terrorism and freezing of assets of terrorists as well as tax evasion crimes. More specifically, the second unit is dealing with financing of terrorism and freezing of assets of terrorists, as this unit has the duty to draw a national list of certain persons and entities suspected of terrorism and thus freezing their assets. This new law will bring the Greek legislation in this field to closer compliance with relevant UNSC Resolutions.

64. The delegation of Italy provided the Committee with an overview of a recent case of a disruption by the Italian authorities of a suicide attack attempt and drew attention to the problem of the second/third generation “home-grown terrorism”. This “home-grown terrorism” is particularly nourished by Al Qaeda propaganda on the Internet, which permits widespread disseminating of hate message to the general public. Italian authorities are particularly worried by the fact that Internet functions as a “multiplier”, which permits quicker radicalisation and made difficult the detection of signs of radicalisation. Currently, Italian authorities work along lines of the strategy confirming that protection is not only a prerogative of judiciary and law enforcement and that the involvement of civil society and religious leaders and communities is extremely important for prevention of radicalisation.

65. The Turkish delegation provided the Committee with information regarding the ongoing update of the Secretariat for internal coordination within the Turkish Undersecretariat of Public Order and Security and the preparation of a holistic counter-terrorism strategy, with a strong emphasis on human rights. New publication “Human Rights and the Fight against Terrorism” has been published in 2011 and this book has been prepared by putting together the Council of Europe Committee of Ministers' Guidelines on Human Rights and the Fight Against Terrorism and reference texts' Turkish translation made by the Legal Department of Undersecretariat and their original English version by taking into account the original versions in the Council's official languages and Turkish legal terminology.

66. The delegation of Spain informed the Committee that in the last amendment of the Penal Code that came into force on December 23rd 2010, all offences related to terrorism are specifically covered in a new Chapter VII, Title XXII, Book II, articles 571 to 580. In particular, the current wording of article 579.1 has strengthened the provisions regarding the criminalisation of incitement to terrorism with a sanction providing up to two years of imprisonment.

67. Finally, States which have not yet presented their updated Country Profiles on counter-terrorism capacity, were invited by the Committee to submit them at their earliest convenience.

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

Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)

68. Ms Albina Ovcearenco, Co-Secretary to the CODEXTER, presented the written contribution of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the

Financing of Terrorism (MONEYVAL) (document MONEYVAL (2010)2). The Committee took stock of the findings of the Horizontal Review of MONEYVAL's Third Round of Mutual Evaluation Reports, in particular of the outcomes relevant to its work: outcomes regarding Special Recommendation II – Criminalisation of Financing of Terrorism; Special Recommendation V – International Co-operation (financing of terrorism), Special Recommendation VIII – Non Profit Organisations.

United Nations Security Council Counter-Terrorism Committee Executive Directorate (CTED)

69. Mr David Scharia, the representative of CTED, briefed the Committee on the outcomes Special meeting of CTC with International, Regional and Sub-Regional Organisations, which was hosted by the Council of Europe on 19-21 April 2011 in Strasbourg, France.

70. International, regional and subregional organizations were invited to join members of the Security Council and the Council of Europe in discussing preventive policies and measures and counter-terrorism bodies and relevant civil society groups also participated in the special meeting of the CTC. The three main sessions focused on prevention policies, comprehensive and integrated strategies, and the role of law enforcement in preventing terrorism

71. The Chair's summary document of the Special Meeting was presented to the CODEXTER and the CTED representative also informed the Committee that a full report of the meeting is currently under preparation and this report will be discussed in greater detail at the next CTC meeting in New York in September 2011.

72. The representative of CTED further informed the Committee of several latest developments within the United Nations, namely:

- the new United Nations Security Council Resolution 1963 (2010), which addresses, inter alia, such important issues as the role of civil society in the fight against terrorism, national coordination mechanisms and protection of victims of terrorism;
- the upcoming CTED event in Belgrade, Serbia on 29 to 30 June 2011, which will look at the links between organized crime and financing of terrorism;
- the upcoming event in Ankara, Turkey, on 18 to 20 July 2011, which will bring together prosecutors from different countries to discuss the issue of bringing terrorists to justice;
- forthcoming finalisation of the Second Global Implementation Survey of counter-terrorism efforts across the world; and
- launching of the process of the revision of the Preliminary Implementation Assessment (PIA) into a new model.

73. Finally, CODEXTER has been informed of the preparations of the commemoration of the 10th anniversary of the adoption of UNSC Resolution 1373 (2001), which will take place in New York in September 2011 and in which the Secretary General of the Council of Europe will be invited to take part.

74. One delegation underlined that the coordination work on prevention issues lies with the States themselves and that the Special Meeting succeeded in delivering a clear indication for States to pay attention to the development of comprehensive strategies. The delegation also specified that the role of regional organisations in this process is that of providing a forum for sharing and exchange of information.

75. Ms Marta Requena, Secretary to the CODEXTER, highlighted that the Special Meeting presented a great opportunity to raise visibility for in the terrorism prevention work that is being done by the Council of Europe (standards, activities and initiatives). The event permitted to stress strongly that respecting the rule of law and human rights is essential in successfully combating terrorism at the national, regional and international levels.

Organization of American States/Inter-American Committee Against Terrorism (OAS/CICTE)

76. Mr Gordon Duguid, the Executive Secretary of the Inter-American Committee against Terrorism (CICTE) of the Organization of American States (OAS), informed the Committee that the Declaration of El Salvador was issued on 7 June 2011 as a result of the 41st OAS General Assembly in El Salvador 5 to 7 June 2011, where discussion focused on the issue of citizen security in the Americas, including security from terrorism. This Declaration forms basis for future multidimensional OAS action at individual member State level in providing training and capacity building in border security, as well as maritime security, aviation security, land border security and document security.

77. Moreover, Mr Gordon Duguid informed the CODEXTER of OAS action undertaken in the domain of counter-terrorism financing and its cooperation with UNODC, UNCTED and FATF. Finally the OAS representative highlighted the excellent cooperation between the Council of Europe and the OAS in bringing forth the upcoming Conference on "Victims of Terrorism", co-organised by the two respective organizations and by the Spanish authorities, and due to take place immediately after this CODEXTER meeting, on 16-17 June 2011.

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

78. The CODEXTER took note of the presentation by Mr Andrey Stytsenko, the representative of the OSCE Action Against Terrorism Unit (ATU) on recent activities and plans of the ATU. The Committee took note in particular that on 9-10 May 2011, the ATU organised the OSCE Conference on a Comprehensive Approach to Cyber Security: Exploring the Future OSCE Role, in Vienna. Over 200 participants, including the delegation of the Council of Europe, reviewed the multitude of threats emanating from cyberspace and highlighted responses to different types of related challenges. With the conference goal to identify the future OSCE role in this thematic area, conference participants particularly underlined the OSCE cross-dimensional approach to security and the organization's potential to act as a bridge between different national and international approaches and activities related to cyber security.

79. The information has been provided further on outcomes of the Sub-regional workshop for South-Eastern Europe on public-private partnerships to counter terrorist financing and violent extremism and radicalization that lead to terrorism (Sarajevo, 8-10 December 2010) and OSCE-WCO Sub-regional workshop for South-Eastern Europe on SAFE Framework and Authorized Economic Operator Concept (Skopje, 17-20 May 2011). Finally, it was mentioned that Travel Document Security efforts of OSCE currently focus on two large scale programmes in Central Asia dealing on the one hand with facilitating access to the INTERPOL database for Lost and Stolen Travel Documents and on the other hand with upgrading the national identity and travel document environment. Specifically, in Tajikistan and Kyrgyzstan the OSCE jointly with INTERPOL is working on providing front line border officers with the hardware, software, web services and the requisite infrastructure needed to connect in real time to the INTERPOL FIND platform.

80. Ms Marina Narvaez, the representative of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) briefed the Committee on recent activities and plans of the ODIHR Human Rights and Anti-Terrorism Programme. In particular, the Committee took note of the past technical assistance and capacity building activities in the field of counter-terrorism and human rights and similar trainings envisaged for the second half of the year in the Balkans and Central Asia. Moreover, the CODEXTER has been briefed on ODIHR input to trainings on border security. The ODIHR representative also informed the Committee of the development of an advanced operational training module on investigations for police officers, focusing on human rights and investigations related to counter-terrorism, which eventually is planned to integrate into the national training programs of the OSCE participating States.

81. Ms Narvaez further reiterated the interest in cooperating with other international organisations and coordinating their activities, particularly on issues of interagency cooperation, as it did at the aforesaid Special meeting of CTC, in which ODIHR contributed as a key speaker in one

of the working group sessions. Finally the ODIHR representative welcomed the upcoming CoE-OAS-Spanish government Conference on “Victims of Terrorism”, especially since the ODIHR is interested in exploring future work on the issue of victim compensation.

Commonwealth of Independent States (CIS) Anti-Terrorism Centre

82. Mr Nikolay Sokolov, the representative of the CIS Anti-Terrorism Centre informed the Committee of the *Memorandum of Mutual Understanding and Information Exchange between the CIS ATC and the Organization of Security Treaty* which was signed on 18 February 2011. Furthermore the CODEXTER was informed about a range of meetings on the topic of counter-terrorism were held within the CIS and between the CIS and the Shanghai Cooperation Organization, as well as several simulation training exercises aimed at critical infrastructure protection.

Work of other international fora

83. Mr Andrea Candrian, Chair of the CODEXTER, presented a brief overview of the activities of the UNODC Expert Group on Cybercrime, which is currently exploring a possibility of an elaboration of a new Universal Treaty on Cybercrime. The group held its first meeting in January 2011 in Vienna in order to start plenary discussions about the mandate of a study on Cybercrime. A number of delegations have been asking to include the issue of Cyber-Terrorism in the mandate of the study, as well. As long as discussions about the scope of the study, time frames, authorship and participation continue, it remains unclear to which extent the group will, in the end, decide in favor or against the elaboration of a universal Cybercrime-Convention.

84. Mr Aaron Bugeja, the Vice-Chair of the CODEXTER, briefed the Committee on the Council of Europe participation in the meeting of the Working Party on Terrorism (COTER), which took place in Brussels on 25 May 2011. The Council of Europe’s delegation composed of Mr Bugeja and Ms Marta Requena, briefed the COTER about the CODEXTER activities, and avenues for further counter-terrorism cooperation between European Union and the Council of Europe were explored.

V. MISCELLANEOUS

13. Exchange of views on CODEXTER’s Specific Terms of Reference for 2012-2013: adoption of the draft Specific Terms of Reference to be submitted to the Committee of Ministers for approval

85. Concerning the ongoing restructuring of the intergovernmental committees of the Council of Europe, Ms Marta Requena, Secretary to the CODEXTER, drew the Committee’s attention to the documents CODEXTER (2011) 5 and SG Inf (2011) 9, which outline the proposals of the Secretary General of the Council of Europe for reforming of the intergovernmental structures of the organisation. Ms Requena informed the Committee of the proposed set up of the new intergovernmental structures, which is likely to be adopted in the second half of 2011.

86. The Committee has been further informed that according to the current Reform proposition, the mandate of the intergovernmental structures and their budget will be reviewed and revised every two years, and this rule would also apply to the CODEXTER.

87. Ms Marta Requena, Secretary to the CODEXTER, further presented to the Committee the draft of CODEXTER’s Specific Terms of Reference for 2012-2013 and informed the Committee that this draft prepared by the Secretariat does not contain major significant changes from the current Terms of Reference of the CODEXTER.

88. In fact, the major difference to the current document is the order of tasks of the Committee – the Monitoring Mechanism to the Council of Europe Convention on the Prevention of Terrorism now appears on the top of tasks of the Committee with an aim to highlight the order of priority. Additionally an official observer status has been suggested to MONEYVAL, which already actively participates in the work of the Committee. Finally, in terms of the composition of the Bureau of the CODEXTER, it is suggested that the Bureau will now also comprise the Chair of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism.

89. One delegation proposed a reorganisation of paragraph 4a and instead of making reference to a two-level mechanism in paragraph 6b, to make a general reference to the Group of Parties, as was made in the previous mandate.

90. Other delegations supported the amendment proposition regarding paragraph 4a.

91. The Secretariat further clarified that, regarding paragraph 6a, the Group of Parties does not form part of the general structure of the CODEXTER and for that reason should not be referenced as such in the text of the mandate.

92. Several delegations expressed their agreement with the clarification made by the CODEXTER Secretariat and the reference made to the two-level mechanism, in stating that the Group of Parties does not form part of the CODEXTER itself.

93. Following the adoption of the amendment to paragraph 4a, the CODEXTER adopted the Draft in order to submit it to the Committee of Ministers for approval. The draft Specific Terms of Reference adopted by the CODEXTER appears in **Appendix IV** to this report.

14. Elections of a member of the Bureau of the CODEXTER

94. Following the resignation of Ms Anniken ENERSEN (Norway), as a member of the CODEXTER Bureau, the CODEXTER was called upon, accordingly, to elect a member of the Bureau to complete the term of office of Ms Enersen, which will expire on 31 December 2011.

95. In accordance with its statutory provisions, and in conformity with Article 13.d. of Appendix 1 to Committee of Ministers Resolution (2005) 47, the CODEXTER elected Mr Tihomir LULIC (Croatia) as a new member of the Bureau to complete the term of office of Ms Enersen, which will expire on 31 December 2011.

15. Date, place and agenda of the 21st meeting of the CODEXTER

96. The CODEXTER decided to hold its next 21st meeting in Strasbourg on 24-25 November 2011.

97. It instructed the Secretariat to prepare, in agreement with the Bureau, the provisional draft agenda for its 21st meeting.

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

98. The Committee concluded the meeting by adopting the abridged report of the 20th meeting, as it appears in **Appendix V** to this report.

APPENDICES

APPENDIX I

LIST OF PARTICIPANTS

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

APPENDIX II**AGENDA****I. INTRODUCTION**

1. Opening of the meeting
2. Adoption of the draft agenda and approval of the report of the 19th 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 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], in particular:
 - Outcome of the Council of Europe Conference “Prevention of Terrorism: Prevention Tools, Legal Instruments and their Implementation” (Istanbul, 16-17 December 2010): Conclusions
 - Information about the upcoming Conference on “Victims of Terrorism”

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
 - Follow-up to the Synoptic and Analytical Report on the Questionnaire on “False Identity Information as a Challenge to Immigration Authorities”
 - 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”
10. National framework for comprehensive and integrated strategies and interagency coordination

IV. NATIONAL AND INTERNATIONAL DEVELOPMENTS ON FIGHT AGAINST TERRORISM

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

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12. Information on other relevant activities of the Council of Europe and work carried out in other international fora
 - Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)
 - United Nations Security Council Counter-Terrorism Committee Executive Directorate (CTED)

V. MISCELLANEOUS

13. Exchange of views on CODEXTER's Specific Terms of Reference for 2012-2013: adoption of the draft Specific Terms of Reference to be submitted to the Committee of Ministers for approval
14. Elections of a member of the Bureau of the CODEXTER
15. Date, place and agenda of the 21st meeting of the CODEXTER
16. 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 20^{ème} réunion du
Comité d'Experts sur le Terrorisme (CODEXTER)**

San Sebastian, 14-15 juin 2011

Monsieur le Président,

Mesdames et Messieurs,

C'est avec un grand plaisir que je vous retrouve tous à San Sebastian lors de cette 20ème réunion du CODEXTER. À cette occasion, je voudrais avant tout chaleureusement saluer et remercier les autorités espagnoles pour leur aimable invitation qui nous permet de nous rencontrer dans ce magnifique cadre ainsi que pour leur assistance dans l'organisation de cette réunion.

Je souhaiterai maintenant, comme il est d'usage, évoquer avec vous l'actualité politique et juridique du Conseil de l'Europe ainsi que les développements importants survenus au sein de notre Organisation depuis notre dernière rencontre en décembre 2010, à Istanbul, lors de la 19ème réunion du CODEXTER.

* * *

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

À présent, et depuis le mois de mai, c'est au tour de l'Ukraine de présider le Comité des Ministres pour la première fois depuis son adhésion au Conseil de l'Europe en 1995.

Une nouveauté politique importante à souligner réside dans le souci de continuité qui anime dorénavant les présidences du Comité des Ministres. En effet, pour la première fois, l'Ukraine a consulté le Royaume-Uni et l'Albanie - Etats qui exerceront après elle la présidence de l'Organisation - inaugurant ainsi une nouvelle pratique dans le modus operandi de l'Organisation.

* * *

Les trois présidences successives du Comité des Ministres s'attacheront à faire avancer 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 20 janvier 2010, le Secrétaire Général avait présenté au Comité des Ministres une première série de mesures visant à revitaliser le Conseil de l'Europe en tant qu'une Organisation innovante, concentrant ses travaux sur un nombre plus restreint de programmes.

Le Secrétaire Général a ensuite présenté le 16 février 2011 la deuxième phase de la réforme, en proposant une série de mesures concernant le Programme et budget de l'Organisation, notamment :

- le schéma des priorités du Secrétaire Général ;
- la révision des structures intergouvernementales ;
- le passage à un Programme et budget biannuel.

Je voudrais particulièrement attirer votre attention à la question de la révision des structures intergouvernementales.

En effet, en raison de la multiplication du nombre de comités (le Conseil de l'Europe comporte à ce jour un réseau d'une soixantaine de comités), le Secrétaire Général a proposé de réduire le nombre des comités directeurs et comités ad hoc et de leur confier une responsabilité générale pour des secteurs prioritaires.

La lutte contre le crime organisé, terrorisme, cybercriminalité et traite des êtres humains est considéré comme l'un des secteurs prioritaires.

Les comités responsables de ces domaines - le CODEXTER pour le terrorisme notamment - ont une responsabilité :

- de promouvoir l'adhésion aux normes et mécanismes de suivi pertinents qui ont été bâtis au fil des ans, et
- de veiller à ce qu'ils soient effectivement mis en œuvre.

Il est également considéré important que ces Comité s'appuient dans leur action sur l'assistance ciblée pour consolider les capacités et adapter la législation.

Les documents pertinents à ces mesures figurent aujourd'hui à votre ordre du jour. Permettez-moi, Monsieur le Président d'exprimer mon avis que ces documents serviront de base utile à la discussion du CODEXTER sur son mandat spécifique pour 2012-2013.

En effet, le CODEXTER, depuis quelques réunions déjà, s'est engagé, au suivi de la mise en œuvre effective de la Convention du Conseil de l'Europe sur la prévention du terrorisme [CETS n° 196].

Comme vous le savez sûrement, la Première réunion du Groupe des Parties à cette Convention s'est tenue hier ici-même à San Sebastian.

Je ne peux que féliciter l'engagement pris par le CODEXTER et le Groupe des Parties dans ce processus de suivi de la Convention sur la Prévention du terrorisme.

J'espère également que les travaux de ces deux entités en 2011 ainsi qu'en 2012 et 2013 permettront au mécanisme de monitoring de la Convention de franchir un cap supérieur.

Par ailleurs, nous espérons que dans les années à venir le CODEXTER prendra en compte dans ces travaux (sur la Convention et autres sujets) les résultats des activités de la coopération technique de l'Organisation dans le domaine de la lutte contre le terrorisme.

Ceci sera en ligne avec le processus de la réforme et pour cette raison l'information sur notre Projet d'assistance technique de coopération « Traduire les terroristes en justice : promouvoir la mise en œuvre des standards européens et définir les bonnes pratiques » figure aujourd'hui à votre l'ordre du jour.

Nous espérons qu'avec l'appui de votre Comité, ce Projet permettra au Conseil de l'Europe d'implanter son action davantage sur le terrain et ainsi permettre aux Etats membres de mettre en œuvre des standards novateurs développés par l'Organisation (par exemple sur l'apologie du terrorisme, les techniques spéciales d'investigation, la protection des témoins...).

* * *

Je tiens à présent à vous faire part des avancements relatifs à certaines autres conventions du Conseil de l'Europe :

Le Troisième Protocole additionnel à la Convention européenne d'extradition, complétant la Convention à certains égards afin de simplifier et d'accélérer la procédure d'extradition lorsque l'individu recherché consent à l'extradition, a été ouvert à la signature le 10 novembre 2010. À ce jour, 12 Etats ont signé le Protocole, parmi lesquels la Serbie l'a ratifié. Le Protocole nécessite 3 ratifications pour son entrée en vigueur.

Le Comité des Ministres a adopté, le 8 décembre 2010, une convention internationale – la Convention « Medicrime » – qui constitue, pour la première fois, un instrument juridique contraignant dans le domaine du droit pénal criminalisant la contrefaçon, mais aussi la fabrication et la distribution produits médicaux mis sur le marché sans autorisation ou en violation des normes de sécurité.

Le 11 mai 2011, Convention sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique a été ouverte à la signature des pays à Istanbul. Il s'agit du premier instrument juridiquement contraignant au niveau européen, offrant un cadre juridique complet pour la prévention de la violence, la protection des victimes et dans le but de mettre fin à l'impunité des auteurs de violences. Elle définit plusieurs formes de violences contre les femmes, dont le mariage forcé, les mutilations génitales féminines, le harcèlement, les violences physiques et psychologiques et les violences sexuelles.

A ce jour, cette Convention a été signée par 13 Etats membres du Conseil de l'Europe.

* * *

Avant de conclure, je souhaiterais attirer de nouveau votre attention sur les priorités du Secrétaire Général pour 2012-2013 en ce qui concerne les relations avec les autres organisations internationales.

Sous la ligne de programme à laquelle appartient le CODEXTER, le Secrétaire Général a souligné la nécessité de poursuivre les partenariats actifs avec les autres organisations internationales dans le domaine du terrorisme, ce que nous allons bien évidemment continuer à faire.

A cet égard, je tiens à accueillir et à remercier les organisations internationales qui suivent les travaux de notre Comité et je les encourage à continuer de nous fournir régulièrement des informations sur les travaux entrepris au sein de leur organisation.

Je voudrais particulièrement mentionner une réunion d'une importance pour le CODEXTER et l'Organisation. Il s'agit de la Réunion Spéciale du Comité contre le terrorisme du Conseil de sécurité des Nations Unies avec les organisations internationales, régionales et sous-régionales.

Le Conseil de l'Europe a eu l'honneur d'accueillir cette réunion à Strasbourg du 19 au 21 avril 2011. Cette réunion avait pour ambition d'accélérer les efforts déployés pour combattre le terrorisme et était principalement axée sur les politiques de prévention, les stratégies globales et intégrées, ainsi que sur le rôle de l'application des lois et de la justice pénale dans la prévention du terrorisme.

Vous trouverez dans le document CODEXTER (2011) Inf 1 davantage d'informations sur cette réunion. De même, j'espère que les membres du Bureau du CODEXTER qui ont participé à la Réunion spéciale, ainsi que Mr David SCHARIA de la CTED nous fourniront davantage de précisions sur les résultats de cet événement important.

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 20ème réunion et à vous remercier de votre attention.

APPENDIX IV**DRAFT TERMS OF REFERENCE OF THE COMMITTEE OF EXPERTS ON TERRORISM
(CODEXTER) FOR 2012-2013**

1. **Name of Committee:** Committee of Experts on Terrorism (CODEXTER)
2. **Type of Committee:** Ad hoc Committee
3. **Source of terms of reference:** Committee of Ministers
4. **Terms of reference:**

Having regard to:

- the Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
- the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in particular Section II.1 – Combating Terrorism;
- the Declaration adopted by the Committee of Ministers on 12 September 2001 and its Decision of 21 September 2001;
- the relevant Recommendations of the Committee of Ministers to member states;
- the relevant texts of the Parliamentary Assembly;
- the relevant resolutions of the European Ministers of Justice;
- the standards of the Council of Europe in the fields of the rule of law and human rights;
- the reports of the Multidisciplinary Group on International Action against Terrorism (GMT) and the progress report on future priority areas for the work of the Council of Europe in the fight against terrorism: follow-up to the decision taken at the Deputies' 953rd meeting;
- the outcomes of the 1st Consultation of the Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) (Madrid, 12 May 2009) and the decision of the Ministers' Deputies at its 1062nd meeting on 1 July 2009 instructing the CODEXTER to "*regularly monitor the effective use and implementation of the Convention on the Prevention of Terrorism (CETS No. 196) between Consultations of the Parties to the Council of Europe Convention on the Prevention of Terrorism*";
- the decision of the Ministers' Deputies at its 1090th meeting on 7 July 2010, which "*took note of the follow-up mechanism agreed by the Committee of Experts on Terrorism (CODEXTER) to follow-up the effective use and implementation of the Convention on the Prevention of Terrorism (CETS No. 196) between consultations of the Parties to the said Convention*";
- the work of the relevant Council of Europe intergovernmental committees and other monitoring bodies;

- the Council of Europe “road map” for the implementation of the United Nations Counter-Terrorism Strategy, adopted by the Ad hoc meeting of Chairs of relevant committees of the Council of Europe on terrorism (Strasbourg, 25 April 2007);
- the work of other international organisations active in this field including the United Nations, the OSCE, the OAS and the European Union.

Within the framework of the Programme of Activities for 2012-2013, under Pillar “Rule of Law”, Sector “Threats to the Rule of Law”, Programme “Organised Crime, Terrorism, Cybercrime and Trafficking in Human Beings”, the Committee is instructed:

- a. to follow the implementation of the Council of Europe instruments applicable to the fight against terrorism, in particular *the effective implementation of the Convention on the Prevention of Terrorism (CETS No. 196) between Consultations of the Parties to the Council of Europe Convention on the Prevention of Terrorism*;
- b. to pursue ongoing activities, in particular the drawing up of country profiles on legislative and institutional counter-terrorism capacity and the exchanges of best practice concerning, *inter alia*, the protection and compensation of victims of terrorism;
- c. to co-ordinate the work of all Council of Europe committees as far as international law and action against terrorism are concerned; and
- d. to identify possible additional priority activities against terrorism and to make appropriate proposals to the Committee of Ministers with a view to intensifying the Council of Europe's action against terrorism, including preventive measures, while protecting and promoting human rights and fundamental freedoms.

5. Composition of the Committee:

5.A. Members

Governments of member states are entitled to appoint representatives of the highest possible rank with the following desirable qualifications: experts with an extensive knowledge of legal or financial questions concerning terrorism.

The Council of Europe budget will bear the travelling and subsistence expenses of one representative from each member state (two in the case of the state whose representative has been elected Chair).

5.B. Participants

- i. The Parliamentary Assembly of the Council of Europe may send a representative to the meetings of the Committee, without the right to vote and at the charge of its administrative budget.
- ii. The following committees may each send one representative to meetings of the Committee, without the right to vote and at the charge of their respective administrative budgets:
 - the European Committee on Legal Co-operation (CDCJ);
 - the European Committee on Crime Problems (CDPC);
 - the Steering Committee for Human Rights (CDDH).
- iii. The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) may send a representative to the meetings of the Committee, without the right to vote and at the charge of its administrative budget.

5.C Other participants

- i. The European Union may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.
- ii. The states with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.
- iii. The following intergovernmental organisations may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses:
 - United Nations (UN);
 - International Criminal Police Organisation-Interpol (ICPO-Interpol);
 - Europol;
 - Eurojust;
 - Organisation for Security and Co-operation in Europe (OSCE);
 - Organisation of American States (OAS);
 - Organisation for Democracy and Economic Development (GUAM)
 - Commonwealth of Independent States (CIS).

5.D. Observers

The following non-governmental organisation may send (a) representative(s) to the meetings of the Committee, without the right to vote or defrayal of expenses:

- International Committee of the Red Cross (ICRC).

6. Working methods and structures:

6.A. The Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]

According to the follow-up mechanism adopted by the CODEXTER at its 18th meeting (Strasbourg, 7-8 April 2010), “[the] Group of Parties – as the first stage of the follow-up mechanism - carries out follow-up work which is specific to the Parties to the Convention. Thus it makes assessments regarding use and implementation of the Convention by the individual Parties.”³

6.B. The Bureau

The CODEXTER elects a Chair and a Vice-Chair in accordance with Article 12 of Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;

The CODEXTER elects a Bureau in accordance with Article 13.a. of Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods. The Bureau comprises following members:

- the Chair;
- the Vice-Chair;
- three members of the Bureau; and
- the Chair of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]

³ See document CM(2010)78

6.C Within the limits of its budgetary appropriations, the Committee may have recourse to consultants and organise hearings and consultations.

7. Duration:

These terms of reference begin on 1 January 2012 and will expire on 31 December 2013.

APPENDIX V**LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN
ABRIDGED REPORT**

1. The Committee of Experts on Terrorism (CODEXTER) held its 20th meeting in San Sebastian, Spain on 14-15 June 2011, with Mr. Andrea CANDRIAN (Switzerland) in the Chair. The list of participants is set out in **Appendix I** of the meeting report⁴.
2. The CODEXTER adopted its agenda as set out in **Appendix I** of the present document. The Committee also approved the report of the previous meeting, held in Istanbul (Turkey) on 15-16 December 2010 and authorised its publication on the CODEXTER website.
3. The Secretariat informed the Committee about recent developments within the Council of Europe. In particular, the CODEXTER took note of the Special meeting of the United Nations Security Council Counter-Terrorism Committee (CTC) with International, Regional and Sub-Regional Organisations, which was hosted by the Council of Europe on 19-21 April 2011. The CODEXTER underlined the importance of this initiative which permitted to discuss such topical counter terrorism issues as prevention policies, comprehensive and integrated strategies, and the role of law enforcement and the criminal justice system in prevention terrorism. The Committee also expressed its gratitude to the Council of Europe Counter Terrorism Task Force, which organised and co-ordinated internally this event on behalf of the Council of Europe, which permitted to raise visibility to the relevant Council of Europe standards, activities and initiatives.
4. The CODEXTER held an exchange of views on the Council of Europe activity on "Convention Review", and in particular on the draft classification of the counter-terrorism treaties, presented by the Secretariat in the frame of this activity. The Committee fully agreed with the presented draft classification of four counter-terrorism treaties as Key Conventions for the Council of Europe. In particular with regard to the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196], the CODEXTER suggested to include in the comments, relevant to this instrument, the reference to the fact that this Council of Europe Convention served as a precursor to other relevant international instruments, in particular the *United Nations Security Council Resolution 1624 (2005)*.
5. The CODEXTER took note of the decisions of the Committee of Ministers relevant to its work which have been adopted since the 19th meeting of the Committee. The CODEXTER welcomed in particular the adoption by the Committee of Ministers on 30 March 2011 of the *Guidelines of the Committee of Ministers of the Council of Europe on eradicating impunity for serious human rights violations*, prepared by the Steering Committee for Human Rights (CDDH).
6. The CODEXTER further considered the implementation of the Council of Europe conventions against terrorism. The CODEXTER took note of the information by States on the signatures and ratifications of the Council of Europe counter-terrorism treaties and welcomed particularly the ratification by Germany on 10 June 2011 of the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196]. The Committee called upon member States, which have not yet done so, to become Parties to these treaties at their earliest convenience.
7. Furthermore delegations held an exchange of views on the Factsheet regarding the European Convention on the Suppression of Terrorism [CETS No. 90] and its correlation with the latest United Nations treaties (document CODEXTER (2010) 20). The CODEXTER agreed not to include this item systematically on its agenda unless there are any further developments regarding the ratification process of the *Protocol amending the European Convention on Suppression of Terrorism* [CETS No. 190].

⁴ Document CODEXTER (2011) 8 prov

8. The CODEXTER took note of the progress made by the First meeting of the Group of Parties to the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196], which took place in San Sebastian (Spain) on 13 June 2011. In this respect, the Committee took note of the outcome of the election of Mr Vladimir SALOV (Russian Federation) and Mr Iñigo FEBREL BENLLOCH (Spain) respectively as Chair and Vice-Chair to the Group of Parties. The CODEXTER also took note of the preliminary adoption of the draft Rules of Procedure of the Group of Parties. In respect of this item on the agenda, the Committee also noted that in accordance with the principles of sound management and in order to optimise financial and human resources available the group decided to hold its 2nd meeting on the day prior to the next meeting of the CODEXTER.
9. The CODEXTER further considered on-going activities relating to specific provisions of the *Council of Europe Convention on the Prevention of Terrorism* [CETS No. 196]. In this respect, delegations took note of the outcome of the Council of Europe Conference “Prevention of Terrorism: Prevention Tools, Legal Instruments and their Implementation” (Istanbul, Turkey, 16-17 December 2010) and welcomed the conclusions of this Conference, which were considered by the Committee of Ministers at its 1112th meeting on 19 April 2011.
10. Delegations further welcomed the information provided by the Secretariat on the upcoming Conference on “Victims of Terrorism”, co-organised by the Spanish authorities, the Council of Europe and the Organisation of American States (San Sebastian, Spain, 16-17 June 2011). This initiative was considered by members of the Committee as particularly valuable for the enhancement of the support and protection of victims of terrorism. Moreover, it was underlined that the practice of holding a joint event between two regional organisations and national authorities has a considerable added value for fostering international cooperation in this area.
11. Concerning the follow-up to the Synoptic and Analytical Report on the Questionnaire on “False Identity Information as a Challenge to Immigration Authorities”, the CODEXTER took note of the opinion on this report presented by the European Committee on Legal Co-operation (CDCJ), which has carried out important work on such relevant issues as data protection and nationality issues and the denial of residence in the context of the fight against terrorism. In this respect, the Committee also pointed out that other specialised entities dealing with migration issues exist within the Council of Europe and that the report has been transmitted to them. Taking these elements into account, the Committee agreed not to develop further its work in this area.
12. The Committee also considered the ongoing work of the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI), where the CODEXTER has an observer status. In this respect the Committee took note of the conclusions of the 3rd meeting of the MC-S-CI which took place on 21-22 February 2011 and of the Interim Report of the MC-S-CI.
13. The CODEXTER held an exchange of views on the Council of Europe Technical Cooperation Assistance Project “*Bringing terrorists to justice: promoting the implementation of European standards and documenting good practices*”, which has been developed by the Council of Europe Counter Terrorism Task Force (document CODEXTER (2011) 3). Delegations welcomed the fact that this Project calls upon member States to implement the pioneering standards developed by the Council of Europe, foresees exchange of good practices between practitioners of different States and covers the most noteworthy developments in the case law of the European Court of Human Rights. The Committee underlined the usefulness of technical cooperation activities in the area of fight against terrorism, and the importance of this activity in addition to standard setting, evaluation and coordination activities in this area. The Committee encouraged the development of this initiative useful for national practitioners and called upon member States to support the development of this Project within the Council of Europe.
14. The CODEXTER held a preliminary exchange of views on the issue of the need to set up national coordinating bodies in the field of the fight against terrorism. In this respect, it was recalled that during the United Nations Security Council Counter Terrorism Committee Special Meeting on

Prevention of Terrorism – which was hosted by the Council of Europe on 19-21 April 2011 – Session 1 of Working Group II was devoted to the important issue of “National framework for comprehensive and integrated strategies and inter-agency coordination”. The CODEXTER agreed to resume the discussion of this issue at its next meeting on the basis of written observations made by the delegations.

15. The CODEXTER considered the updated Country Profiles on counter-terrorism capacity as submitted by Cyprus, Hungary and Ukraine, and authorised their publication in the CODEXTER database. The Committee further took note that Croatia will present a new Profile on its counter-terrorism capacity for the next meeting of the Committee. Moreover, States which have not yet done so, were invited by the Committee to submit their Country Profiles at their earliest convenience.

16. Moreover, the CODEXTER took note of the information on measures taken at national level against terrorism as provided by Croatia, Greece, Italy, Spain and Turkey.

17. The CODEXTER further took note of other relevant activities of the Council of Europe and especially of the Horizontal Review of the 3rd round of Mutual Evaluation Reports conducted by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

18. Furthermore, delegations took note of information concerning the work carried out in other international fora and particularly the work undertaken by the United Nations Security Council Counter-Terrorism Committee Executive Directorate (CTED), 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 Organisation of American States Inter-American Committee against Terrorism (CICTE) as well as the Anti-Terrorism Center of the Commonwealth of Independent States (CIS).

19. The delegations held an exchange of views on CODEXTER’s Draft Specific Terms of Reference for 2012-2013 and adopted the Draft in order to submit it to the Committee of Ministers for approval. The draft Specific Terms of Reference adopted by the CODEXTER is set out in **Appendix II** to the present document.

20. Furthermore, delegations took note of the reform process undertaken by the Council of Europe, and especially the proposed new set-up for intergovernmental structures.

21. Following the resignation of Ms Anniken ENERSEN (Norway), as a member of the CODEXTER Bureau, and in conformity with Article 13.d. of Appendix 1 to Committee of Ministers Resolution (2005) 47, the CODEXTER elected Mr Tihomir LULIC (Croatia) as a new member of the Bureau to complete the term of office of Ms Enersen, which will expire on 31 December 2011.

22. The CODEXTER decided to hold its next 21st meeting in Strasbourg on 24-25 November 2011. It instructed the Secretariat, in consultation with the Chair of the Committee, to prepare in due course the provisional agenda of the meeting.