



Strasbourg, 24 October 2013

CODEXTER (2013) 10

COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)

MEETING REPORT

24th meeting

Strasbourg (France), 16 – 17 May 2013

Document prepared by the Secretariat

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

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1. Opening of the meeting

1. The Committee of Experts on Terrorism (CODEXTER) held its 24th meeting in Strasbourg (France) on 16 – 17 May 2013, under the Chairmanship of Mr Aaron BUGEJA (Malta). The list of participants is set out in Appendix I to this report.
2. The Director of Information Society and Action against Crime, Directorate General of Human Rights and Rule of Law, Mr Jan KLEIJSEN, made the opening speech.

2. Adoption of the agenda

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

3. Communication by the Secretariat and by the Chair

4. The CODEXTER took note of the information provided by the Secretariat on issues of relevance for CODEXTER.
5. The CODEXTER took note of the information provided by the Chair of the CODEXTER, Mr Aaron BUGEJA (Malta), on the outcomes of the discussions held during the last Bureau meeting.
6. The Committee agreed to appoint Mr Antonios PAPAMATTHAIU (Greece), as representative of the Committee in the Ad hoc Drafting Group on Transnational Organised Crime (PC-GR-COT) under the European Committee on Crime Problems (CDPC).
7. The Committee took note of that Mrs Gertrude KABELKA (Austria) is leaving the Committee after many years of deputed work for the Council of Europe including CODEXTER and saluted her with a standing ovation.

4. Approval of the report of the 23rd meeting

8. The Committee approved the report of the 23rd meeting of the CODEXTER, including the new abridged format.

5. Future priorities for the work of the CODEXTER

9. The Committee expressed their positions with regard to future priorities for the work of CODEXTER. These include the countering of radicalisation and violent extremism; the important role of victims of terrorism in countering radicalisation; use of the Internet in terrorism and terrorists acting alone are directly linked together.
10. The Committee reached consensus that Council of Europe has the leading role in introducing new legal concepts in the area of counterterrorism. Some delegations expressed the view that for the time being it would be difficult, if not impossible, to create a comprehensive Convention on terrorism at the global level, due to different opinions of States on what legally constitutes terrorism. A proposal was made by the Delegation of Poland for the Council of Europe to take the lead in elaborating a comprehensive convention against terrorism as one possible future priority. A call was made by the representative of the United Nations for the Council of Europe to continue playing a leading role in the issue of the use of Special Investigation Techniques.

11. The Committee decided to hold a written consultation on future priorities for CODEXTER. The deadline for submitting contributions was set for 15 July 2013. The Committee decided to continue its deliberations at the occasion of its 25th plenary meeting.
12. The issue of re-designating CODEXTER from an ad hoc committee to steering committee with planning and steering functions was also discussed. Delegations expressed their wish to formally turn CODEXTER into a steering committee to reflect its true role. Questions were raised about the legal procedure and implications of such re-designation, as well as possible implications on the cooperation with Group of Parties to the Convention on the Prevention of Terrorism (CETS No 196).

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

13. The Committee expressed its hope that the number of States ratifying the Convention will gradually be increased.
14. The Committee also took note of the entry into force of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) for Luxembourg on 1 May 2013.

7. 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]

15. The Committee took note of the information provided by The Chair of the Group of Parties, Mr Vladimir SALOV (the Russian Federation) on the outcome of the 5th meeting of the Group of Parties.
16. The Group of Parties had, *inter alia*, discussed the question of whether transposition of a provision by introducing new specific legislation in domestic legislation (the so-called “direct approach”) or the transposition by means of referring to already existing provisions in the domestic legislation (the so-called “indirect approach”) should be preferred from a technical legal point of view. It was concluded that both approaches have their merits and States are free to decide for themselves which approach they prefer. In case of using the indirect approach, States should pay attention to the issue of any ancillary offences to ensure full implementation of the provision. The next round of activities in the monitoring process of the implementation of the Convention will be concerned with Article 7 of the Convention.

8. Presentation, analysis and discussion of judicial cases from member States in the counter-terrorism field

17. The Delegations of Greece and Turkey informed the Committee that they intend to make presentations during the next meeting of CODEXTER. The Delegation of Greece informed that their case will not be a terrorism related case, but an organised crime case. However the procedures applied under Greek law are the same in both cases.

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

18. The CODEXTER took note of the presentation by Mr Ergin ERGÜL (Turkey) and Mr Zdzisław GALICKI (Poland) and the Secretariat on the new database of CODEXTER on the case law of the European Court of Human Rights relevant for counter-terrorism measures. The Delegation of Poland underlined the importance of following the structure and systematic approach of the

book published by Ana Salinas de Frias. The Delegation of France felt that it would be valuable to have a summary of the relevant cases in both working languages.

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

19. The CODEXTER took note of the information presented by the Delegation of Turkey concerning an “International Conference on Cooperation and Coordination in Counter-terrorism”, which Turkey is co-organising with the Council of Europe to be held in Istanbul on 24 and 25 October 2013.

11. “Bringing terrorists to justice” Initiative

20. The CODEXTER took note of the information provided by Mr Ivan KOEDJIKOV, The Council of Europe Counter-terrorism coordinator and Secretary to the International Conference on the Use of Special Investigation Techniques to Combat Terrorism and other Forms of Serious Crime, on the outcome of the aforesaid conference.

21. The Delegation of Ukraine expressed willingness to host further events following the technical seminar on “bringing terrorists to justice” which took place on 25 and 26 October 2011 in Kyiv, Ukraine.

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

22. The Committee took note of the comments from several Delegations that this area needs further scrutiny and exploration. The Delegations of Norway and Greece supported the idea of keeping this item on the agenda for the 25th meeting of CODEXTER. Furthermore, these Delegations invited other Delegations to provide examples of case law and best practices in this regard.

23. The Committee took note that the Delegation of Norway intends to make a presentation of its new legislation relevant for this agenda item at one of the future plenary meetings.

13. Possible areas of co-operation between the Council of Europe and the European Union

24. The CODEXTER took note of the presentation by The Council of Europe Counterterrorism coordinator, Mr Ivan KOEDJIKOV, concerning the outcome of his visit to the COTER Working Party of the European Union on 25 April 2013. Mr Ivan KOEDJIKOV had taken the opportunity of his visit to appeal to the European Union to ratify the Council of Europe Conventions such as Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CET 198) and the Convention on CyberCrime (CET 185) in order to enhance cooperation.

25. The Delegation of the European Union expressed its interest in the work carried out by the Council of Europe in the area of counter-terrorism as the priorities are in line with relevant EU policies. The Delegation of the European Union thus considered that the document provided a basis for deepening cooperation with the Council of Europe.

14. Possible areas of co-operation with the Global Counterterrorism Forum (GCTF)

26. The Secretariat explained its position on the usefulness of co-operating with GCTF, as it is an informal platform for interaction with a number of non-member States and other key players.
27. The Delegation of the Russian Federation pointed out that the informal structure of the GCTF could potentially prove to be a problem as regards identifying the proper channels of communication between GCTF and CODEXTER.
28. The Delegation of Hungary proposed that a European Union representative should be invited to the next CODEXTER meeting to inform CODEXTER about GCTF activities.
29. The Delegation of Italy commented that the capability of the GCTF to implement capacity building measures may be an added value to CODEXTER and therefore CODEXTER should invite a GCTF representative to the next meeting.
30. In conclusion, CODEXTER decided it would be beneficial to invite relevant representatives of GCTF to the CODEXTER and hold an exchange with them on the scope for deepening cooperation.

15. Co-operation with the United Nations

31. The CODEXTER took note of the presentation by Senior Legal Officer and Coordinator (Legal and Criminal Justice Group, CTED), Mr David SCHARIA, on the New Detailed Implementation Survey (DIS) adopted by the United Nations Security Council Counter-Terrorism Committee. He, *inter alia*, expressed satisfaction with the quality of CODEXTER country profiles and explained how CTED relies on them in order to conduct their assessments. Mr SCHARIA also praised the MONEYVAL reports as a valuable source of information since they are very thorough and have a wide spectrum of expertise, not only within the area of financing of terrorism but also within the area of money laundering.

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

32. The Delegations of Spain and Turkey presented their country profile on counter-terrorism capacity and information on measures taken at a national level against terrorism.

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

33. The CODEXTER took note of the presentations by:

Ms Lucile SENGLER, Adviser on Anti-terrorism Issues, Human Rights Department, OSCE Office for Democratic Institutions and Human Rights on the update on recent activities of the OSCE ODIHR. The OSCE is providing assistance to their member states based on the manual "Fighting Terrorism while Protecting Human Rights". Currently ODIHR is completing a manual on protecting human rights in counter-terrorism investigations.

Ms Marta REQUENA, Chief, Terrorism Prevention Branch, Division of Treaty Affairs, UNODC on the update on the recent activities of the United Nations Office for Drugs and Crime (UNODC). The UNODC has provided legal and technical assistance to 84 member states in 2012.

Mr Oleg KLYCHENKO, Program Coordinator on Political and Legal Issues, GUAM Secretariat on the update on the recent activities of GUAM. Mr KLYCHENKO made reference to a conference that took place in Azerbaijan on 18 – 19 March 2013, with the aim of strengthening cooperation in preventing terrorism, as this provided a good example of cooperation between GUAM and the Islamic world.

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

34. The Committee took note of the decisions of the Committee of Ministers relevant for its work.

19. Information by the Gender Equality Rapporteur of CODEXTER

35. The CODEXTER took note of the information provided by The Gender Equality Rapporteur, Ms Tanja KIKEREKOVA (“the former Yugoslav Republic of Macedonia”), and in particular that Delegations are invited to submit information on the following topics for discussion at the occasion of the 25th meeting of CODEXTER:

- The composition (in percentage in respect of gender) of staff in national coordinating bodies in the area of the fight against terrorism and official position of the persons employed in the institutions which they represent with an indication relating to the rank, and
- The percentage of female perpetrators and victims of terrorism (in comparison to male perpetrators and victims) in recent cases under the jurisdictions of member States.

20. Elections to the Bureau

36. The CODEXTER elected from among its Members Ms Yuliia LAPUTINA (Ukraine), Mr Nicola PIACENTE (Italy) and Mr Mats BENESTAD (Norway) as Members of the Bureau of the Committee.

21. Date and place of the 25th meeting of the CODEXTER

37. The Committee agreed to hold the 25th meeting of CODEXTER in Istanbul 23 and 24 October 2013 in connection with the “International Conference on Cooperation and Coordination in Counter-terrorism” to be hosted by Turkey.

22. Adoption of list of items discussed and decisions taken

38. The CODEXTER examined and concluded its 24th meeting with the adoption of the list of items discussed and decisions taken.

APPENDICES

APPENDIX I

Please contact the Secretariat codexter@coe.int

APPENDIX II
24th MEETING OF THE CODEXTER
AGENDA

1. Opening of the meeting

2. Adoption of the draft agenda

Working documents

- Draft agenda CODEXTER (2013) OJ 1
- Annotated agenda CODEXTER (2013) OJ 1 annotated
Restricted

3. Approval of the report of the 23rd meeting

Working documents

- Draft report of the 23rd meeting of the CODEXTER CODEXTER (2012) 14 prov
Restricted
- List of Decisions of the 23rd CODEXTER Meeting CODEXTER (2012) 13

4. Communication by the Secretariat and by the Chair

Working document

- List of Decisions of the Bureau CODEXTER-BU (2013) 1
Restricted

5. Future priorities for the work of CODEXTER

Working documents

- Proposals for priority areas to be addressed by the CODEXTER in its future work CODEXTER (2013) 3
Restricted
- Terms of Reference of the CODEXTER CODEXTER-TOR 2012-2013
- Preliminary draft Terms of Reference of the CODEXTER (2014 – 2015) CODEXTER (2013) 6 prov
Restricted
- Report by the Secretary General on the review of Council of Europe conventions – Decisions by the Committee of Ministers CODEXTER (2013) 4
Restricted

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

Information document

- State of signatures and ratifications of the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196] GOP (2013) 3

7. 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]

Working document

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

8. Presentation, analysis and discussion of judicial cases from member States in the counter-terrorism field

Working document

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

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

Working document

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

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

- Working documents

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

11. “Bringing terrorists to justice” Initiative

Working document

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

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

Working document

- Criminalisation of preparatory acts conducted by terrorists acting alone, while ensuring the protection of fundamental human rights
CODEXTER (2012) 7 rev 2
Restricted

13. Possible areas of co-operation between the Council of Europe and the European Union

Working document

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

14. Possible areas of co-operation with the Global Counterterrorism Forum (GCTF)

Working document

- Possibilities for co-operation with the Global Counterterrorism Forum (GCTF)
CODEXTER (2013) 1
Restricted

15. Co-operation with the United Nations

- The New Detailed Implementation Survey (DIS) adopted by the United Nations Security Council Counter-Terrorism Committee. Presentation by Mr David SCHARIA, Senior Legal Officer and Coordinator (Legal and Criminal Justice Group, CTED).

Information documents

- The New Detailed Implementation Survey (DIS) (*Please note the document is 67 pages long*)
CTED DIS
Restricted
- Overview of Implementation Assessment
CTED OIA
Restricted
- Report on the 4th CTED seminar "Bringing Terrorists to Justice", Dar es Salaam, February 2013
CTED Dar es Salaam
Restricted

Working documents

- Co-operation between the CODEXTER and the United Nations in the field of counter-terrorism
CODEXTER (2013) 5
Restricted

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

Working documents

- Update to the profile of Georgia
Profiles (2013) Georgia
Restricted
- Update to the profile of Spain
Profiles (2013) Spain
Restricted
- Update to the profile of Turkey
Profiles (2013) Turkey
Restricted

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

- Update on the OSCE ODIHR recent activities. Presentation by Ms Lucile SENGLER, Adviser on Anti-terrorism Issues, Human Rights Department, OSCE Office for Democratic Institutions and Human Rights

Information document

- Report on the OSCE activities in the area of countering terrorism CODEXTER (2013) Inf 1
Restricted

18. Decisions of the Committee of Ministers concerning the CODEXTER and terrorism-related issuesWorking document

- Decisions of the Committee of Ministers concerning the CODEXTER and terrorism-related issues CODEXTER (2013) 2
Restricted

19. Information by the Gender Equality Rapporteur of CODEXTER**20. Elections to the Bureau****21. Date and place of the 25th meeting of the CODEXTER****22. Adoption of the list of items discussed and decisions taken**