



Strasbourg, 7 May 2014

CODEXTER (2014) 6

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



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

**26<sup>th</sup> Plenary Meeting**

Strasbourg (France), 6 - 7 May 2014



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Information Society and Action against Crime Directorate, DG I

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The Committee of Experts on Terrorism (CODEXTER) meeting in Strasbourg on 6 and 7 May 2014 under the Chairmanship of Mr Nicola PIACENTE (Italy) decided to:

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

- take note of the opening remarks of Director Jan KLEIJSSSEN, Information Society and Action against Crime Directorate, who underlined the important work that CODEXTER is currently carrying out for effectively enhancing international cooperation in preventing and suppressing terrorism while fully respecting human rights and the rule of law. In particular, he welcomed the identification of four priorities for 2014 and 2015 and encouraged the Committee to take operational decisions in this respect. CODEXTER is called upon to actively take up its role as coordinating body for counter-terrorism policies and measures in the framework of the Council of Europe. Mr KLEIJSSSEN underlined the importance of working in a transversal manner with other committees of the Council of Europe, such as the CDPC, the CDDH, the CDMSI, the T-CY and the T-PD. How to strike the right balance between the legitimate need for States to provide security for their citizens and at the same time protecting the rights to freedom of expression and access to information and right to private life, including protection of personal data, for these same citizens is a major challenge, as was pointed out at the recent meeting of the Freedom Online Coalition in Tallinn, Estonia, on 28 and 29 April 2014. Mr KLEIJSSSEN finally congratulated Azerbaijan on ratifying the Convention on the Prevention of Terrorism, thereby becoming the 31<sup>st</sup> State Party;

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

- adopt the agenda and decide on the order of business;

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

- take note of the information provided by the Chair, Mr Nicola PIACENTE, in particular that for the first time in its history CODEXTER has been granted the status of steering committee by the Committee of Ministers of the Council of Europe. In this respect, he underlined that CODEXTER has to take on its role and responsibilities as coordinating body for counter-terrorism policies and measures within the Council of Europe, which means that all activities undertaken by the Organisation – directly or indirectly – related to counter-terrorism matters has to be dealt with by this Committee. Finally, he reminded the Committee of the challenging tasks that CODEXTER has been given by the Committee of Ministers of the Council of Europe for the next two years and in particular the four priorities for its future work;
- take note of the information provided by the Chair about the outcome of the 4<sup>th</sup> meeting of the Bureau, Paris, 18 March 2014;
- take note of the information provided by the Secretary to the CODEXTER, Mr Carlo CHIAROMONTE, concerning the most recent developments in relation to issues of interest for CODEXTER since the last Plenary Meeting,

- instruct the Secretariat to prepare a document describing the rules governing access to documents of the Council of Europe and the options available to CODEXTER in terms of the classification of documents issued by the Committee, for further discussion at its next Plenary Meeting;

#### **4. Examination and discussion of the document prepared by the Sub-Group on Special Investigation Techniques**

- thank the members of the Sub-Group and its coordinators, Ms Yuliia LAPUTINA (Ukraine) for the work she has accomplished before leaving CODEXTER, and Mr Nicola PIACENTE (Italy) who took up this function, for their efforts in preparing the thematic discussion of this Plenary Meeting;
- take note of the presentation by Mr Kristian BARTHOLIN, Co-Secretary to the CODEXTER, of the Discussion Paper prepared by the Sub-Group on Special Investigation Techniques and examine it;
- hold an exchange on the need for amending “Recommendation Rec(2005)10 of the Committee of Ministers to Member States on “special investigation techniques“ in relation to serious crimes including acts of terrorism”, in the light of technological and other developments since 2005, instead of drafting a new Recommendation;
- discuss the proposals made by the Sub-Group with regard to possible next steps in the process of amending Recommendation Rec(2005)10;
- agree that certain amendments to Recommendation Rec(2005)10 are necessary, in particular as regards balancing the existing text by, on the one hand, further emphasising the need to adhere to human rights in the application of special investigation techniques, and, on the other hand, addressing the new technical capabilities developed since 2005 and the inclusion of financial investigation techniques among the special investigation techniques covered by the Recommendation;
- propose to the CDPC, MONEYVAL and CDMSI the establishment of a drafting group composed of members of the aforementioned Committees and CODEXTER for the purpose of elaborating a set of draft amendments to Recommendation Rec(2005)10 for examination and finalisation by the Plenaries of the four Committees in view of final adoption by the Committee of Ministers;
- take note of the suggestion made by the representative of the CDDH, Mr Rob LINHAM (UK), that the CDDH should be consulted once the draft amendments had been prepared;
- instruct the Bureau to take charge of this task and report any developments to the Plenary at its next meeting;
- instruct the Secretariat to inform the CDPC, MONEYVAL and CDMSI of the outcome of discussions in CODEXTER and report the positions of the aforementioned three Committees on the proposal of CODEXTER to the Bureau;

## **5. Exchange of views with Mr Jesper HJORTENBERG, Chair of the European Committee on Crime Problems (CDPC)**

- welcome the Chair of CDPC, Mr Jesper HJORTENBERG (Denmark), to the Plenary Meeting;
- take note of the information provided by Mr HJORTENBERG concerning the current and future work of CDPC and how it may impact the work of CODEXTER;
- hold an exchange of views with Mr HJORTENBERG on areas of common interest to the two Committees, in particular concerning the elaboration of amendments to Recommendation Rec(2005)10;

## **6. Issue of foreign fighters**

- welcome Mr H. (Dick) W. M. SCHOOF, National Coordinator for Security and Counterterrorism of the Netherlands;
- welcome Ms Alinde VERHAAG, Head of Case Analysis Unit, EUROJUST;
- take note of the presentation of Mr SCHOOF;
- take note of the presentation of Ms VERHAAG;
- express its gratitude to Mr SCHOOF and Ms VERHAAG for their excellent and very interesting presentations;
- revisit the issue of “foreign fighters” in connection with the discussions on radicalisation and the receiving of training for terrorism, including via the Internet at its next Plenary Meeting;

## **7. Work of the Sub-Groups of CODEXTER**

- take note of the information provided by the coordinator of the Sub-Group on radicalisation and the receiving of training for terrorism, including via the Internet, Mr Mats BENESTAD (Norway), notably that he, in cooperation with the Secretariat, is preparing a preliminary draft discussion paper, which will be submitted to the Sub-Group ultimo May/primo June. The Sub-Group will then be invited to make amendments to the draft document in a written procedure with a view to finalisation and adoption thereof in September. The adopted discussion paper will then be submitted to CODEXTER well in advance of its next Plenary Meeting;
- take note that in accordance with the decision of the Bureau on 18 March 2014, the issue of “foreign fighters” will be included in the aforesaid discussion paper;
- take note of the information provided by the coordinators of the two other Sub-Groups, Mr Alexandros STAVROPOULOS (Greece) and Mr Vladimir SALOV (Russian Federation), about the planned future work;

## **8. Monitoring of the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]**

- take note of the Summary of the Thematic Assessment Report prepared by the Group of Parties on the implementation of Article 6 of the Convention;
- take note of the information provided by the Chair of the Group of Parties, Ms Lucia LING KET ON (the Netherlands), on the state of play of the assessment of the implementation of Article 7 of the Convention, in particular that the Summary of the Thematic Assessment Report prepared by the Group of Parties on the implementation of Article 7 will be submitted to CODEXTER well in advance of its next Plenary Meeting;

## **9. Database on the case law of the European Court of Human Rights relevant for counter-terrorism measures**

- take note of the information provided by the Secretary to CODEXTER, Mr CHIAROMONTE, with regard to the state of play of the establishment of the database and the issues still to be dealt with by the Committee;

## **10. Conference on Terrorism and Other Forms of Organised Crime (25 – 26 September 2014, Malaga, Spain)**

- take note of the information provided by the Secretariat on the state of play of the preparations of the Conference on Terrorism and Other Forms of Organised Crime and welcome this important initiative, which will also contribute to the current discussions on the ongoing CODEXTER activities ;
- take note of and examine the preliminary draft concept paper prepared by the Secretariat for the Conference;
- approve the aforesaid preliminary draft concept paper;

## **11. Information by the Gender Equality Rapporteur of CODEXTER**

- take note of the concept paper on women and terrorism prepared by the Gender Equality Rapporteur, Ms Tanja KIKEREKOVA (“the former Yugoslav Republic of Macedonia”);
- invite Ms KIKEREKOVA, in cooperation with the Secretariat, to elaborate a proposal for one or two gender-related priorities to be taken up in the field of counter-terrorism for further examination and discussion by the Committee at its next Plenary Meeting;

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

- consider the updated country profiles on counter-terrorism capacity as submitted by the Delegations of Azerbaijan, Belgium, Bosnia and Herzegovina, Finland, Sweden and Switzerland respectively and authorise their publication on the website of CODEXTER;
- encourage Bosnia and Herzegovina to take all steps necessary to adopt a new law on the suppression of money laundering and financing of terrorism within the deadline set by MONEYVAL (31 May 2014);
- take note that Albania and Georgia intend to submit their updated country profiles at the next plenary meeting;

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

- take note of the following presentations concerning other relevant activities of the Council of Europe and work carried out in other international fora:

Presentations by Mr Nicola PIACENTE (Italy), Ms Lucia LING KET ON (the Netherlands), Mr Mats BENESTAD (Norway) of the Bureau, and by Mr Ivan KOEDJIKOV and Mr Kristian BARTHOLIN of the Secretariat

Presentation by Mr Anton M. AREFYEV, Deputy Head of Department, Anti-Terrorism Center of the Commonwealth of Independent States (CIS ATC)

Presentation by Ms Xenia BECK, Assistant Programme Officer, Action against Terrorism Unit, Transnational Threats Department, OSCE

Presentation by Mr Enrico BONINSEGNA, Human Rights Officer on Anti-Terrorism Issues, OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Presentation by Ms Maria LORENZO SOBRADO, Programme Officer, Terrorism Prevention Branch, United Nations Office on Drugs and Crime

Presentation by Mr Mykola MELENEVSKYI, Program Coordinator, GUAM (Organisation for Democracy And economic Development)

## **14. Election of one member of the Bureau**

- postpone the election of a Member of the Bureau to replace Ms Yuliia LAPUTINA (Ukraine) until the next CODEXTER plenary meeting in November 2014;
- thank Ms LAPUTINA for her excellent work in the Bureau;

## **15. Examination and adoption of the procedure for designation of representatives of CODEXTER in other meetings**

- examine and adopt the proposal for a procedure for designation of representatives of CODEXTER in other meetings;

**16. Date and place of the 27th Plenary Meeting of CODEXTER**

- hold its next meeting in Strasbourg on 13 and 14 November 2014;

**17. Adoption of the Summary Report and List of Items Discussed and Decisions Taken**

- adopt the Summary Report and List of Items Discussed and Decisions Taken.