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## **25<sup>th</sup> CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE**

*Sofia (9-10 October 2003)*

- **INTERNATIONAL CO-OPERATION IN THE  
FIGHT AGAINST INTERNATIONAL  
TERRORISM AND IMPLEMENTATION OF  
THE RELEVANT INSTRUMENTS OF THE  
COUNCIL OF EUROPE**
  
- **THE RESPONSE OF THE JUSTICE SYSTEM  
- CIVIL AND CRIMINAL - TO TERRORISM**

*Report presented by the Minister of Justice of the*

**RUSSIAN FEDERATION**



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To ensure efficient fight against terrorism is one of the top priorities of not only external, but also internal policy of the Russian Federation.

Our country takes an active part in efforts to combat terrorism undertaken by the Council of Europe and other international organizations, in particular by the United Nations and its specialized agencies, the Group of Eight, the Financial Action Task Force, the Commonwealth of Independent States, the Shanghai Organization of Cooperation. By the present day Russia is a Party to almost all the international treaties of antiterrorist character.

In July 2002 the International Convention for the Suppression of the Financing of Terrorism, concluded in 1999 within the framework of the UN, came into force in relation to the Russian Federation. Now the preparations are under way for the ratification of the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection, the 1998 Rome Statute of the International Criminal Court, the 2000 UN Convention against the Transnational Organized Crime and two protocols supplementing it.

On May 15, 2003 Russia has signed the Protocol amending the European Convention on the Suppression of Terrorism aimed at improving mechanisms of extradition of terrorists and, that is not less important, opens a possibility to accede to it for the non-Member States of the Council of Europe.

The fundamental position of Russia is that the fight against terrorism should be carried out in compliance with the national laws and international law, including observance of the guarantees stipulated in the European Convention on Human Rights. In this relation it is necessary to mark the adoption of the Guidelines on Human Rights and the Fight against Terrorism on 11 July 2002.

To enforce the resolution of the UN Security Council 1373 (2001), and also to implement the provisions of the resolution N 1, adopted at the 24<sup>th</sup> Conference of the European Ministers of Justice in Moscow (4-5 October 2001) the Russian Federation has taken a set of measures to strengthen the legal and organizational potential of the Russian law-enforcement agencies and judicial authorities to counteract terrorism, including in the course of international cooperation.

In particular, some amendments to the 1996 Criminal Code of the Russian Federation has been made, providing for criminal responsibility for involving persons in committing of terrorist crimes, as well as for other forms of assistance to committing of such acts.

As a measure of facilitating prevention of terrorist acts, a release of a person from criminal liability has been provided for, when the person contributed to prevention of the accomplishment of terrorist act or to suppression of a terrorist-related crime.

Some important amendments were made to the 2001 Federal Law «On the suppression of legalization (laundering) of criminal assets, and the financing of terrorism». They are intended to create the efficient legal mechanisms to counteract the financing of terrorism, to detect and prevent related activities of physical or legal persons.

The particular attention in the new 2001 Code of Criminal Procedure is given to the mechanism of protection of the participants of criminal proceedings. Moreover, lately the

President of the Russian Federation submitted to the State Duma (Parliament) the draft law aimed at providing for the protection of witnesses and victims out of the framework of the criminal proceedings. That will allow, in the even greater degree, to foster cooperation with persons having some useful information concerning terrorist organizations' activities.

Terrorism is organically linked with both international and domestic political extremism. It is well known, that the political and religious extremist organizations prepare their members for being used by terrorist organizations, and ideologically support and propagandize the views of terrorists.

With the purpose of suppression of such negative phenomena, in July 2002 the Federal Law «On counteracting extremist activity» was adopted. It introduced a complex of effective measures aimed at fighting various manifestations of extremism. These measures, in their turn, were developed in the provisions of the Federal Law regulating activities of political parties and non-governmental associations.

In various international instruments the linkage between terrorism and other kinds of transnational criminality (illicit drug trafficking, trade in human beings, illegal migration, etc) was repeatedly noted. No secret, that while under prosecution or trial criminals frequently refer to political motives of actions incriminated to them. And this could lead to certain obstacles in getting extradition or legal assistance in criminal matters from abroad.

In this connection it seems advisable to spread the approach fixed in the 2003 Protocol amending the European Convention on the Suppression of Terrorism, to other crimes. This proposal means to add to the European Convention on Extradition and the European Convention on Mutual Assistance in Criminal Matters the rule providing that the requested Contracting State will not consider as political offences, offences connected with political offences or offences inspired by political motives, crimes stipulated in the international treaties on combating particular crimes, of which both the requested State and the requesting State are Parties.

As shows the experience of Russia and of a number of other States, to successfully counteract terrorism it is rather important to reach a common understanding of the substance and manifestations of the given criminal phenomenon and to reflect it as a legal definition in an international instrument, taking into account the necessity of elaborating proper mechanisms of joint anti-terrorist activities. In this regard it seems well-founded to support the idea of elaborating within the framework of the Council of Europe of a comprehensive convention against terrorism, opened for States-observers, with the purpose of facilitating UN efforts in this direction. Evidently, it is much easier to do this job in Europe, than within the whole international community.

No doubt that the European Commission for Efficiency of Justice set up by the Council of Europe on September 18, 2002, will also contribute to the Council of Europe activities in this field.

In combating international terrorism it is important to create a common European legal area in this sphere. It is also important, that States could use more actively experience of each other and of international organizations in the sphere of law-making and treaty-

making activity, and could promptly receive the information on appropriate legal provisions.

At the present time the Secretariat of the Council of Europe is going to study the Russian initiative of setting up under the aegis of the Council of Europe a European register of legal documents, as a database consisting of the legal acts of the Council of Europe Member States and European international organizations (both all-European and subregional) and allowing an access to it by means of modern information technologies.

Certainly, creation of such register is a complicated and rather ambitious task requiring significant organizational efforts and appropriate financing. In this regard at the given stage, it might be possible to start with considering an issue of setting up of a European legal database on fighting terrorism, taking into account the experience of the Council of Europe and its Member States, the European Union, as well as other international organizations.

The anti-terror database could be used both by the Council of Europe Member States, and third countries within the framework of the technical assistance with the view of strengthening their legal and organizational possibilities in combating terrorism, that would be in compliance with the relevant decisions of the Counter-Terrorism Committee of the UN Security Council.

The creating of this database may be considered as a pilot project, and after that it might be possible to elaborate various aspects related to the issue of forming a European register of legal documents. This would be an important step in the realization of an area of freedom, security and justice in the Greater Europe.





