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25th 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 Secretary General
of the Council of Europe*

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SUMMARY

The present report of the Secretary General of the Council of Europe presents developments relating to the Organisation's counter-terrorism activities. It deals, in particular, with the activities that the Council of Europe has undertaken since the last (24th) Conference of European Ministers of Justice (Moscow, October 2001) in response to Resolution No. 1 adopted by the participating Ministers.

The report has two parts covering the topics of the conference: International co-operation in the fight against international terrorism and implementation of the relevant instruments of the Council of Europe; and the Response of the justice system - civil and criminal - to terrorism.

The first part illustrates the response given to the above-mentioned Resolution by presenting developments relating to the international treaties and European conventions applicable to the fight against terrorism.

It then refers to the work of the Multidisciplinary Group on International Action against Terrorism (GMT) set up by the Committee of Ministers following the attacks of 11 September 2001, in pursuance of its decision of 21 November 2001. It sets out the mandate given to the GMT and the results achieved, namely: the elaboration of an Amending Protocol to the European Convention on the Suppression of Terrorism and the definition of priority counter-terrorism activities by the Council of Europe.

In respect of each of the priority counter-terrorism activities, the report presents the state of affairs and the areas which are the focus of the implementation of these activities.

The first part of the report closes with a reference to a new activity which should be implemented as a matter of priority by the Council of Europe, namely the elaboration of a comprehensive counter-terrorism convention.

The second part of the report examines the other Council of Europe activities relevant to the fight against terrorism under the heading of the response of the justice system – civil and criminal - to terrorism.

This part refers to the setting up of the European Commission for the Efficiency of Justice (CEPEJ) and its activities.

It then deals with criminal and civil justice activities of relevance to the fight against terrorism and highlights a number of issues that should be the focus of the Council of Europe action in the short and medium term.

Each part of the report is followed by conclusions and the report contains some final conclusions for the attention of the Ministers with a view to the adoption of a Conference resolution.

INTRODUCTION

1. The September 11 terrorist attacks in the United States have shaken the international community and questioned previously established international relations. As a response, the international community has mobilised all its forces and expertise to counter, as effectively as possible, terrorism throughout the globe.

2. At your 24th Conference in Moscow, 4-5 October 2001 you decided to amend your agenda in order to discuss this matter and as a result adopted a Resolution No. 1 *on combating international terrorism* (see Appendix I) condemning the attacks and reaffirming your determination to combat all forms of terrorism. This Resolution constitutes a clear expression of your will to play your part in States' efforts to reinforce the fight against terrorism and to increase the security of citizens, in a spirit of solidarity and on the basis of the common values to which the Council of Europe is firmly committed: Rule of Law, human rights and pluralist democracy. Moreover, it highlighted the need for a multidisciplinary approach to the problem of terrorism, involving all relevant legal aspects while involving and motivating the public.

3. Convinced of the urgent need for increased international co-operation you launched an appeal to member and observer States of the Council of Europe to take additional steps and you took a series of decisions to enhance the efforts

- a) of the international community and
- b) more specifically the role of the Council of Europe in this area.

4. Concerning the involvement of Council of Europe member States in the overall counter-terrorism efforts by the international community, in your Resolution you called upon member and observer States of the Council of Europe

- a. *to become Parties as soon as possible to the relevant international treaties relating to terrorism, in particular the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;*
- b. *to participate actively in the elaboration of the draft United Nations comprehensive Convention on International Terrorism; and*
- c. *to become Parties as soon as possible to the Statute of the International Criminal Court.*

5. Concerning more specifically the role of the Council of Europe in the fight against terrorism, in your Resolution you invited the Committee of Ministers urgently to adopt all normative measures considered necessary for assisting States to prevent, detect, prosecute and punish acts of terrorism, such as:

- a. *reviewing existing international instruments – conventions and recommendations, in particular the European Convention on the Suppression of Terrorism – and domestic law, with a view to improving and facilitating co-operation in the prosecution and punishment of acts of terrorism so that the perpetrators of such acts can speedily be brought to justice;*
- b. *drafting model laws in this field, and codes of conduct in particular for law enforcement agencies;*
- c. *reviewing existing or, where necessary, adopting new rules concerning:*

- i. *the prosecution and trial of crimes of an international character, with a view to avoiding and solving conflicts of jurisdiction and, in this context, facilitating States' co-operation with international criminal courts and tribunals;*
- ii. *the improvement and reinforcement of exchanges of information between law enforcement agencies;*
- iii. *the improvement of the protection of witnesses and other persons participating in proceedings involving persons accused of terrorist crimes;*
- iv. *the improvement of the protection, support and compensation of victims of terrorist acts and their families;*
- v. *the reinforcement of the prevention and punishment of acts of terrorism committed against or by means of computer and telecommunication systems ("cyber-terrorism");*
- d. *depriving terrorists of any financial resources which would allow them to commit acts of terrorism, including amendments to the law, in conformity with Security Council Resolution 1373 (2001);*
- e. *reinforcing, through adequate financial appropriation, the work of Council of Europe bodies involved in the fight against money laundering, in particular the Committee evaluating States' anti-money laundering measures (PC-R-EV)¹;*
- f. *facilitating the identification of persons by means of appropriate identity, civil status and other documents, as well as by other means, including the possibility of using genetic prints (DNA);*
- g. *ensuring the safety and control of dangerous or potentially dangerous substances.*

6. At your last conference you also decided to remain in close contact on these matters, in particular in order to review the steps taken to give effect to this Resolution, at the latest on the occasion of your next Conference.

7. This current 25th Conference provides me now with the opportunity to report to you on the developments concerning these and other related issues that have occurred since then and in addition to contribute to the two themes of the Conference.

8. This report will thus firstly deal with the implementation of the issues referred to under paragraph 5 above. I will also update you on developments concerning the issues of your Resolution mentioned under paragraph 4 above. Subsequently I will make my additional contribution to the topics you are discussing during this conference.

9. First of all, I am pleased to report that since your last conference significant developments have taken place regarding your call upon member and observer States of the Council of Europe *to become Parties as soon as possible to the relevant international treaties relating to terrorism, in particular the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999*. As per your

¹ This Committee has been renamed Select Committee of Experts on the evaluation of anti-money-laundering measures (MONEYVAL), European Committee on Crime Problems (CDPC), 52nd Plenary Session (27th meeting as a Steering Committee) (Strasbourg, 16-20 June 2003), decision by the Committee of Ministers at Deputies' level, 853 Meeting, 24 September 2003..

request and that of the Committee of Ministers I addressed a letter to the authorities of the member States and observer to the Council of Europe asking them to meet your request. As a result, the relevant international counter-terrorism treaties have been signed and/or ratified by several member States and observers, namely:

- 3 member States have become Parties to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (deposited with the Secretary-General of the UN)²;
- 5 member States have become Parties to the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (deposited with the Secretary-General of the UN)³;
- 19 member States and 4 observer States have acceded to the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 (deposited with the Secretary-General of the UN)⁴;
- 8 member States have signed the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (deposited with the Secretary-General of the UN) and 30 member States and 4 observer States have ratified it⁵;
- 1 member State has become Party to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (deposited with the Secretary-General of the International Civil Aviation Organization)⁶;
- 4 member States have become Parties to the Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (deposited with the Director-General of the International Atomic Energy Agency)⁷;
- 3 member States have become Parties to the Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America and with the Secretary-General of the International Civil Aviation Organization)⁸;
- 8 member States have become Parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (deposited with the Secretary-General of the International Maritime Organization)⁹;
- 8 member States have become Parties to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (deposited with the Secretary-General of the International Maritime Organization)¹⁰; and

² Source: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty7.asp consulted on 08/08/2003.

³ Source: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty5.asp consulted on 08/08/2003.

⁴ Source: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty9.asp consulted on 08/08/2003.

⁵ Source: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty11.asp consulted on 08/08/2003.

⁶ Source: <http://www.icao.int/icao/en/leb/Tokyo.htm> consulted on 08/08/2003.

⁷ Source: http://www.iaea.org/worldatom/Documents/Legal/cppn_status.pdf as of 11/06/2003.

⁸ Source: <http://www.icao.int/icao/en/leb/Via.htm> consulted on 08/08/2003.

⁹ Source: Depositary (Secretary-General of the International Maritime Organization) as of 09/08/2003.

¹⁰ Source: Depositary (Secretary-General of the International Maritime Organization) as of 09/08/2003.

- 7 member States have become Parties to the Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (deposited with the Secretary-General of the International Civil Aviation Organization)¹¹.

**Developments concerning international instruments relating
to the fight against terrorism since the
24th Conference of European Ministers of Justice**

CONVENTIONS	Member States	
	Signatures	Ratifications
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 14 December 1973		3
International Convention against the Taking of Hostages, 17 December 1979		5
International Convention for the Suppression of Terrorist Bombings, 15 December 1997		19
International Convention for the Suppression of the Financing of Terrorism, 9 December 1999	8	30
Convention on Offences and Certain Other Acts Committed on Board Aircraft, 14 September 1963		1
Convention on the Physical Protection of Nuclear Material, 3 March 1980		4
Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 24 February 1988		3
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 10 March 1988		8
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 10 March 1988		8
Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1 March 1991		7

10. There have been no new accessions by member or observer States to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970 (deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America) or the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America) because they were all Parties to them already¹².

11. As for your call to member and observer States *to participate actively in the elaboration of the draft United Nations comprehensive Convention on International Terrorism*, despite a strong commitment to ensuring the success of that negotiation by our member and observer States, this negotiation is confronted with difficulties to which I will refer later on in my report.

¹¹ Source: <http://www.icao.int/icao/en/leb/MEX.htm> consulted on 08/08/2003.

¹² Source, respectively: <http://www.icao.int/icao/en/leb/Hague.htm> and <http://www.icao.int/icao/en/leb/Mtl71.htm> both consulted on 08/08/2003.

12. Finally, regarding your call to member and observer States *to become Parties as soon as possible to the Statute of the International Criminal Court*, the Council of Europe has deployed significant efforts to ensuring the early entry into force of the Rome Statute including the organisation of several multilateral consultations, the last of which was held on 17 September 2003. These efforts have proven efficient and since your last conference 20 member States have become Parties to the Rome Statute¹³ for a total of 37 out of our 45 member States which are already Parties to the Rome Statute¹⁴ together with 1 observer State; while 4 other member States have signed it together with 2 observer States¹⁵. This 25th Conference of European Minister of Justice is a privileged forum to stress once more the commitment of our Organisation to the ICC.

¹³ Source: http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty5.asp consulted on 08/08/2003.

¹⁴ Idem.

¹⁵ Idem.

I. INTERNATIONAL CO-OPERATION IN THE FIGHT AGAINST INTERNATIONAL TERRORISM AND IMPLEMENTATION OF THE RELEVANT INSTRUMENTS OF THE COUNCIL OF EUROPE

13. Let me now turn to your request for enhanced Council of Europe action against terrorism. Less than two months after the terrorist attacks in the United States of America, the Committee of Ministers considered in detail how the Council of Europe could best contribute to international action against terrorism. It appeared that this contribution should be based on three cornerstones, namely: strengthening legal action against terrorism, safeguarding fundamental values and addressing the causes of terrorism. I am pleased to report to you that decisions in this area were adopted with the strong political commitment of the Committee of Ministers¹⁶ and the Parliamentary Assembly¹⁷.

¹⁶ Cf. Declaration of the Committee of Ministers of 12 September 2001 and the Decisions of the Committee of Ministers at Deputies' level of 21 September 2001 (765bis meeting), as well as the texts adopted at the 109th, (8 November 2001) 110th (3 May 2002) and 111th (7 November 2002) Ministerial Sessions of the Committee of Ministers and the follow-up decisions adopted by the Deputies.

¹⁷ Cf. the following texts adopted by the Parliamentary Assembly :

- Recommendation REC 1534 (2001) and Resolution RES 1258 (2001) Democracies facing terrorism, adopted at 2001 Session - fourth part
- Recommendation REC 1550 (2002) and Resolution RES 1271 (2002) - Combating terrorism and respect for human rights, adopted at 2002 Session - first part
- Recommendation REC 1549 (2002) - Air transport and terrorism: how to enhance security?, adopted at 2002 Session - first part
- Recommendation REC 1584 (2002) - The need for intensified international co-operation to neutralise funds for terrorist purposes, adopted at 2002 Session - November Standing Committee and before the attack of 11 September 2001, the following ones:
- Order DIR 555 (1999) - European democracies facing up to terrorism, adopted at 1999 Session - fourth part
- Recommendation REC 1426 (1999) - European democracies facing up to terrorism, adopted at 1999 Session - fourth part
- Resolution RES 1132 (1997) - Organisation of a parliamentary conference to reinforce democratic systems in Europe and co-operation in the fight against terrorism, adopted at 1997 Session - fourth
- Recommendation REC 1199 (1992) - Fight against international terrorism in Europe, adopted at Forty-fourth Session - fourth part
- Recommendation REC 1170 (1991) - Strengthening the European Convention on the Suppression of Terrorism, adopted at Forty-third Session - third part Resolution RES 863 (1986) - European response to international terrorism, adopted at Thirty-eighth Session - second part
- Recommendation REC 1024 (1986) - European response to international terrorism, adopted at Thirty-seventh Session - third part
- Recommendation REC 982 (1984) - Defence of democracy against terrorism in Europe, adopted at Thirty-sixth Session - first part
- Order DIR 408 (1982) - Defence of democracy against terrorism in Europe, adopted at Thirty-fourth Session - first part
- Recommendation REC 941 (1982) - Defence of democracy against terrorism in Europe, adopted at Thirty-fourth Session - first part
- Order DIR 396 (1981) - Defence of democracy against terrorism in Europe, adopted at Thirty-third Session - first part
- Recommendation REC 916 (1981) - Conference on "Defence of Democracy against Terrorism in Europe - Tasks and Problems" (Strasbourg, 12-14 November 1980)
- Order DIR 376 (1979) - Terrorism in Europe, adopted at Thirtieth Session - third part
- Recommendation REC 852 (1979) - Terrorism in Europe, adopted at Thirtieth Session - third part
- Resolution RES 648 (1977) - European Convention on the Suppression of Terrorism, adopted at Twenty-eighth Session - third part
- Order DIR 351 (1975) - Action against terrorism, adopted at Twenty-seventh Session - first part
- Recommendation REC 703 (1973) - International terrorism, adopted at Twenty-fifth Session - first part
- Recommendation REC 684 (1972) - International terrorism, adopted at Twenty-fourth Session - second part

14. In spite of significant efforts deployed by the international community, there have been further unfortunate developments since then, dramatically showing that terrorism remains a very serious threat. Circumstances may differ, but the use of radical forms of violence against civilians is regarded as an acceptable or legitimate weapon by well-organised groups operating on state peripheries. Indeed, whether we think in terms of active counter-measures, of the need to strike a balance between security and liberty, or of longer-term action aimed at the causes, the challenge to our societies seems even greater and more fundamental than ever.

15. The progress of the measures taken by the Council of Europe within the broader context of the international community's efforts as a whole should be assessed against this background.

16. Before I focus on the first pillar of our strategy, i. e. the strengthening of legal action against terrorism, I would like to recall immediately the extremely valuable work undertaken in relation to the two others.

17. ***Protecting fundamental values*** is, in fact, the *raison d'être* of the Council of Europe, which has acquired unique authority and expertise in this area, thanks to its standards and political monitoring procedures and structures, namely the European Court of Human Rights.

18. The fight against terrorism in all its forms must not disregard the requirements of democracy, human rights and the rule of law. These fundamental values are at the heart of any attempt to strike a balance between freedom and security, and we must be resolute in our determination to protect them and to prevent them from falling victim to the fight against terrorism. The terrorists would have won if they had obliged us to forego our principles and guarantees in order to better combat them.

19. Thus, the Council of Europe has drawn up the "Guidelines on Human Rights and the fight against terrorism", adopted by the Committee of Ministers on 11 July 2002. These guidelines, which are the first international legal text on human rights and the fight against terrorism, remind states of their duty to protect their populations against acts committed in violation of human rights. What may lead them to take special, even derogatory measures, provided that these are reasonable and proportionate, and strike a balance between the obligation to provide protection against terrorist acts and the obligation to safeguard human rights.

20. These guidelines specify further the limitations which states shall impose on themselves in their efforts to combat terrorism and which result from international texts and the case law of the European Court of Human Rights.

21. These guidelines have been sent to each of our member and observer States. We thought it important that this document should be widely circulated among all the authorities responsible for combating terrorism. It was very well received both in our European capitals and by international organisations such as the United Nations and the OSCE.

22. ***Addressing the causes of terrorism and investing in democracy for a more cohesive society***, the third cornerstone of the Council of Europe contribution to the

fight against terrorism, is a longer-term action. I underline once more my strong conviction that the Council of Europe's untiring efforts to develop democracies which are strong, respect diversity and aspire to greater social justice, help, in many ways, to weaken the factors which fuel terrorism, as our experience of cultural, religious and linguistic diversity has shown.

23. Let me now turn to the measures taken with a view to *strengthening legal action against terrorism*, which is, indeed, the core of my report and the first of the themes of your conference.

24. The Council of Europe's anti-terrorist action is based on prevention and law enforcement. These require a legal framework, which opens the way to substantial international co-operation between all authorities concerned - precisely the kind of framework which only the Council has established at pan-European level.

25. As you recommended at your 24th conference in Moscow on 4 and 5 October 2001, the first step must be to capitalise on this asset and take speedy action to improve the effectiveness of the European conventions on the suppression of terrorism, extradition, mutual assistance in criminal matters, compensation for victims of violence, money-laundering and cybercrime by ensuring that all the states concerned sign and ratify these texts, and reconsider their reservations to them.

26. Since then, there have been remarkable improvements in the direction of complementing the Council of Europe conventional network. Apart from the protocol of amendment to the European Convention on the Suppression of Terrorism, which will be discussed later in detail, other instruments with a bearing on the fight against terrorism and organised crime, such as the Convention on Cybercrime and its additional protocol, and the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters have been opened for signature.

27. However, its improvements go beyond the drafting of new instruments. They are also reflected in wider use of already existing legal instruments. Let me provide you with some concrete figures: the European Convention on the Suppression of Terrorism (European Treaty Series No. – ETS 90) has now been signed by all the 45 member states, and has been ratified by 40 member states, with 8 new signatures and 4 new ratifications since the last Conference (see state of signatures and ratifications in Appendix II) and its Amending Protocol (see below) (ETS 190) has been signed by 35 member States (see state of signatures and ratifications in Appendix III). The European Convention on Extradition (ETS 24) has been signed by 1 more state and ratified by 4 more states, including South Africa, for a total of 46 signatures and 45 ratifications (see state of signatures and ratifications in Appendix IV). The European Convention on Mutual Assistance in Criminal Matters (ETS 30) has been signed by 1 more state and ratified by 2 more states, for a total of 44 signatures and 42 ratifications (see state of signatures and ratifications in Appendix V). Its first additional protocol (ETS 99) has been signed by 3 more states and ratified by 3 more states, for a total of 41 signatures and 37 ratifications (see state of signatures and ratifications in Appendix VI). The European Convention on the Compensation of Victims of Violent Crimes (ETS 116) has been signed by 3 more states and ratified by 1 more state, for a total of 21 signatures and 15 ratifications (see state of signatures and ratifications in Appendix VII). The Convention on Laundering,

Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141) has been signed by 2 more states and ratified by 3 more states, for a total of 45 signatures and 41 ratifications (see state of signatures and ratifications in Appendix VIII).

**Developments concerning Council of Europe instruments
relating to the fight against terrorism since the
24th Conference of European Ministers of Justice**

CONVENTION	Member States	
	Signatures	Ratifications
European Convention on the Suppression of Terrorism (ETS n°: 090) 27 January 1977	5	40
Amending Protocol to the European Convention on the Suppression of Terrorism (ETS n°: 190) 15 May 2003	35	
European Convention on Extradition (ETS n°: 024) 13 December 1957	1	45
European Convention on Mutual Assistance in Criminal Matters (ETS n°: 030) 20 April 1959	1	43
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS n°: 99) 17 March 1978	3	38
European Convention on the Compensation of Victims of Violent Crimes (ETS n°: 116) 24 November 1983	6	15
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS n°: 141) 08 November 1990	3	42
Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS n°: 182) 08 November 2001	21	2
Convention on Cybercrime (ETS n°: 185) 23 November 2001	34	3
Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS n°: 189) 28 January 2003	17	

28. As to the instruments recently opened for signature, and not yet entered into force, the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 182) was opened for signature on 8 November 2001, and has since then been signed by 23 States and ratified by 2 states (see state of signatures and ratifications in Appendix IX). The Convention on Cybercrime (ETS 185) was opened for signature on 23 November 2001, and has since then been signed by 37 States, including Canada, Japan, South Africa and the United States, and ratified by 3 States (see state of signatures and ratifications in Appendix X). As you know, this convention requires 5 ratifications to enter into force. I therefore hope that this number will be reached shortly so as to allow the Convention to become the first international treaty in force in this area. Its Additional Protocol (ETS 189) was opened for signature on 28 January 2003, and 16 States have signed it since then (see state of signatures and ratifications in Appendix XI).

29. Since the end of 2001, the most significant developments in the legal area, which represents the first and most obvious cornerstone of the Council of Europe's action against terrorism, have all been connected with the work of the Multidisciplinary Group on International Action against Terrorism (GMT); created by the Committee of Ministers on 8 November 2001 "to take steps rapidly to increase the effectiveness of the existing international instruments within the Council of Europe on the fight against terrorism".

30. By the end of 2002, the GMT completed the main two tasks assigned to it by the Committee of Ministers, which were:

- to review the operation of, and to examine the possibility of updating, in particular, the European Convention on the Suppression of Terrorism; and
- to report to the Committee of Ministers on the action which the Council of Europe could usefully carry out in the field of the fight against terrorism, taking account of the work carried out in other international bodies.

Updating of the European Convention on the Suppression of Terrorism

31. The GMT completed the updating of the 1977 European Convention on the Suppression of Terrorism. An Amending Protocol (ETS 190) was adopted by the Committee of Ministers in February 2003 and opened for signature on 15 May 2003. On the occasion of the opening for signature, 30 States signed the Protocol of Amendment, which has now been signed by 34 States¹⁸ and will enter into force when all the States Parties to the European Convention on the Suppression of Terrorism have ratified it. I am confident that this number will increase rapidly so as to ensure an early entry into force of the Protocol (see state of signatures and ratifications in Appendix III).

32. As we know, the 1977 Convention sets out to "depoliticise" certain crimes and offences, for the purpose of extradition. The Protocol introduces a series of improvements to the Convention. First of all, the list of offences which may never be regarded as political or politically motivated has been substantially extended and now includes all the offences covered by the United Nations' anti-terrorist conventions. A simplified amendment procedure has also been introduced which will allow new offences to be added to the list in the future. The Convention has been opened to observer States, and the Committee of Ministers may decide to invite other non-member states to accede.

33. The protocol covers the possibility of refusing to extradite offenders to countries where they risk being exposed to the death penalty, torture or life imprisonment without parole. Possibilities to refuse extradition on the basis of reservations to the Convention have been significantly reduced, since a reserving State will only be able to avail itself of its reservation on a case-by-case basis, through a duly motivated decision. Moreover, such refusal will be subject to a specific follow-up procedure, which will also apply to the follow-up to any obligation under the Convention as amended. This follow-up is ensured by a newly-established body, the COSTER, responsible for ensuring the effective use and operation of the Convention, examining reservations, exchanging information on developments pertaining to the fight against terrorism and elaborating proposals for additional measures to improve international co-operation in this area.

¹⁸ Source <http://conventions.coe.int> (ETS190), state of signatures and ratifications in Appendix III.

Priority counter-terrorism activities of the Council of Europe

34. The GMT submitted its final report of activities to the Committee of Ministers at its 111th session at ministerial level, in November 2002, following an interim report submitted in May 2002. In its report, the GMT indicated six priorities, unanimously selected from a larger number of proposals listed in its first progress report. The GMT further suggested the specific body and possible ways for implementing each of these action proposals. The Committee of Ministers subsequently endorsed these priorities, whose implementation started early in 2003 and cover the following fields:

- a. protection of witnesses and "*pentiti*"
- b. special investigation techniques
- c. action to cut terrorists off from funding sources
- d. questions of identity documents which arise in connection with terrorism.
- e. research on the concepts of "*apologie du terrorisme*" and "*incitement to terrorism*"
- f. international co-operation on law enforcement.

35. The implementation of these activities will be followed up by the Committee of Experts on Terrorism (CODEXTER) (see below) which, under the direct authority of the Committee of Ministers, has the responsibility of the overall co-ordination of Council counter-terrorist activities. The CODEXTER will be meeting 27-30 October 2003 so as to be able to take account of the outcome of your Conference.

a) Protection of Witnesses and Pentiti

36. The protection of witnesses and "*pentiti*" can help increase the effectiveness of the fight against terrorism. This fight is often based on the testimony of people who are closely connected to terrorist groups and who are more vulnerable than others to the use of intimidation against them or against people close to them. This may endanger the success of prosecutions often based on long and complicated investigations. It is therefore of the utmost importance for States to protect witnesses against such risk by providing them with specific measures of protection effectively ensuring their safety.

37. The Council of Europe has extensive experience in this area based on existing European conventions, the focus being on combating crime in areas such as corruption, organised crime and cybercrime. We must now focus on the particular features of "terrorism" and assess the need for special means and systems or to adapt existing ones.

38. Committee of Ministers Recommendation R(97)13 concerning the intimidation of witnesses and the rights of the defence contains indications which are essential to this activity. However, it is now important to define a comprehensive set of measures (procedural and non procedural) to protect witnesses and collaborators of justice. This could be achieved by developing this text in order to cover, for instance, those persons who are supporting terrorist activities without participating in the commission of criminal offences and who might decide to collaborate with the criminal justice system.

39. In addition, strengthening international co-operation in this field is a useful means to ensure the protection of witnesses and *pentiti* where their protection would prove difficult on a merely national basis, given the condition of the country where they are located.

40. Precisely for these reasons, the GMT recognised this as a top priority for counter-terrorism action by the Council of Europe. Accordingly, at the request of the European Committee on Crime Problems (CDPC), the Committee of Ministers decided to set up a new Committee of Experts on the protection of Witnesses and *Pentiti* (PC-PW) last February 2003.

41. According to its specific terms of reference, the PC-PW is studying the means for strengthening the protection of witnesses and *pentiti* in relation to acts of terrorism, including those at international level, and to make proposals as to the feasibility of preparing an appropriate instrument, bearing in mind the links with other related criminal activities.

42. The PC-PW held three meetings in April, July and September 2003 and adopted a final report on the possible elaboration of an appropriate international instrument. The conclusions of this report are set out in Appendix XII.

b) Special Investigation Techniques

43. Owing to its complex and secret nature, the investigation of terrorism activities raises serious difficulties. These difficulties are accentuated by the frequent links between terrorism and other forms of crime (e.g. money laundering, drug trafficking, the sale of illegal arms, organised crime, etc.) and by the difficult distinction between legal and illegal activities. This has led to the awareness that these matters can only be effectively and rapidly addressed by using special working methods (e.g. undercover agents, electronic surveillance, multidisciplinary approaches and inter-service co-operation). However, in doing so, it is essential to ensure that human rights guarantees, as enshrined in the relevant international legal instruments, are fully respected.

44. In this context, it is worth recalling Article 4 of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141), Article 23 of the Criminal Law Convention on Corruption (ETS 173), and Committee of Ministers Recommendation Rec(2001)11 on the fight against organised crime, which deal with the question of special investigative powers and techniques.

45. Following the GMT's indications and the request by the European Committee on Crime Problems (CDPC), the Committee of Ministers decided to set up a new Committee of Experts on special investigation techniques in relation to acts of terrorism (PC-TI), last February 2003.

46. According to its Specific Terms of Reference, the PC-TI is studying the use of special investigation techniques respective of European criminal justice and human rights standards, with a view to facilitating the prosecution of terrorist offences and

increasing the effectiveness of law enforcement, and to make proposals as to the feasibility of preparing an appropriate instrument in this field.

47. At its first meeting, held in Strasbourg, 14-16 April 2003, the Committee examined its Terms of Reference and agreed on its working methods. The PC-TI decided, in particular, to send out a questionnaire to all Council of Europe member States and to the observer States represented in the Committee, with a view to gathering relevant information on the regulation and use of Special Investigation Techniques.

48. Replies to this questionnaire were examined during the second meeting of the PC-TI, held in Strasbourg, 2-4 July 2003. The PC-TI agreed to focus on a series of aspects as set out in Appendix XIII with a view to the adoption of a final report on the possible elaboration of an appropriate international instrument.

49. Moreover, the Project Group on Data Protection (CJ-PD) instructed a group of experts to prepare a general report on the biometric techniques and their use and implications in different fields, with a view to the elaboration of an appropriate draft instrument. This report, which has implications on various disciplines, would be useful in particular with respect to the fight against terrorism and could be used by several committees, in particular the PC-TI, as a reference document.

c) Fight against the funding of terrorism

50. The Council of Europe's Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL – PC-R-EV) has more than five years of experience. It currently comprises 25 Council of Europe member States which are not members of the Financial Action task Force on Money Laundering (FATF).

51. Following the events of 11 September 2001, the FATF extended its mandate to formally include efforts to combat the financing of terrorism. The FATF also formulated Eight Special Recommendations which cover, *inter alia*, the mandatory requirements on states to act:

- to take immediate steps to ratify UN relevant instruments
- to criminalise the financing of terrorism
- to report suspicious transactions linked to terrorism
- to afford the widest measure of international co-operation in connection with enquiries into financing of terrorism.

52. These developments were quickly embraced by MONEYVAL and its member States. On 30 April 2002 the Committee of Ministers adopted revised terms of reference for MONEYVAL to include in its self- and mutual evaluation process the performance of MONEYVAL States in complying with the relevant standards of the Eight Special Recommendations. At the end of 2002 MONEYVAL took responsibility for analysing the self-assessments of its own member States in respect of the Eight Special Recommendations. This analysis is underway.

53. Moreover, at its last meeting, from 16 to 20 June 2003, the CDPC adopted Specific Terms of Reference for a new Committee of Experts on the revision of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (PC-RM), which will be submitted to the Committee of Ministers for approval. On the basis of the draft Specific Terms of Reference, this Committee shall, *inter alia*, report to the CDPC on the feasibility of including provisions on the funding of terrorism. In the light of this report, the CDPC will decide whether or not to extend the terms of reference of the PC-RM in order to incorporate measures against the financing of terrorism in the revision.

d) ID matters in relation to terrorism

54. Under the authority of the European Committee on Legal Co-operation (CDCJ) a Group of Specialists on Identity and Terrorism (CJ-S-ID) was instructed to draft a report to the CDCJ on whether legal or practical problems exist in the field of identity and identity documents, in the context of the fight against terrorism, and whether and how, the Council of Europe could make a useful contribution.

55. In the light of the report of the CJ-S-ID, the CDCJ at its last meeting, May 2003, proposed to the Committee of Ministers to grant new Specific Terms of Reference for a Group of Specialists on Identity Documents and Terrorism (CJ-S-ID), which will have the task of preparing provisions to be included in an international instrument to contribute to and strengthen the Council of Europe and its member States' action against terrorism, especially focusing on the following:

- strengthening document security and document issuing procedures, especially in order to verify the identity of applicants;
- facilitating access to document registers by national authorities to enable rapid, reliable and comprehensive identity checks to be carried out;
- facilitating the identification of persons who have changed their names or who have several names, nationalities, travel or identity documents;
- facilitating the notification and registration of events which have taken place in different countries and which concern the identity of a person;
- promoting the use of scientific identification in identity documentation.

56. This proposal for a new activity will be examined by the CODEXTER at its forthcoming meeting (see below).

e) "Apologie du Terrorisme" and incitement of terrorism

57. The international action against terrorism would certainly benefit from a clear and homogenous understanding, by all States, of certain concepts and definitions, which would facilitate the prosecution of terrorist acts, which, in most cases are of an international character.

58. In this respect, the concept of "*apologie du terrorisme*" and of "incitement to terrorism" need to be carefully studied with a view to identifying the proper balance between freedom of expression and the need to prevent terrorism. The aim of this activity, which will initially focus on the elaboration of a comparative study, is to provide a contribution to the elaboration of guidelines or of any other instrument. The

approach to this issue will necessarily be multi-disciplinary and the activity will be implemented under the overall co-ordination of the CODEXTER.

59. The first phase for the implementation of this activity consists of a survey of the legal situation in the member States of the Council of Europe. On the basis of information gathered on relevant legislation and case-law in Council of Europe member States, the case-law of the European Court of Human Rights and other appropriate sources of interest, a report has been commissioned to an international research institution addressing the following questions:

- Which member States define “apologie of” and/or “incitement to” terrorism as a specific criminal offence;
- How are these offences defined and what are the sanctions attached;
- Which member States provide for the possibility of sanctioning “apologie of” and/or “incitement to” terrorism under other (non specific) criminal offences;
- How are these offences defined and what are the sanctions attached;
- How are these provisions applied in practice and what are the limits for their application (relevant case-law).

60. The report will provide for a representative overview of the relevant legal provisions and case-law in Europe and proceed to a comparative analysis of the findings including where appropriate, suggestions to improve the situation.

61. The report will be submitted to the consideration of the CODEXTER at its forthcoming meeting (see below).

f) International Co-operation

62. It is clear that any effective fight against terrorism requires efficient international co-operation at all levels and, in particular, between the police, the judiciary and the prosecution services. In this context it should be noted that the G8 already has an action plan on enhancing co-operation against terrorism and the EU has also been working extensively in this area. Moreover, within the Council of Europe, the Committee of Experts on the Operation of European Conventions in the Penal Field (PC-OC) is considering the reservations to the European Convention on Mutual Assistance in Criminal Matters.

63. As regards, more particularly, international judicial co-operation in the fight against terrorism, it is important to promote and strengthen co-operation between prosecutors and judges in different countries. This should be done by making use of traditional mutual legal assistance systems and also by creating new ones. International police co-operation is also crucial in this context, as there are often significant obstacles to the collection and distribution at international level of reliable information on terrorism and terrorist groups or individuals. In addition, this information must be safeguarded. Efforts should be made to remove these obstacles, to promote regular sharing of information and to promote co-operation on joint activities as a key to preventing terrorist attacks.

64. Following the recommendation by the GMT, the Committee of Ministers invited the European Committee on Crime Problems (CDPC) (and, in particular, the

PC-OC) to examine these issues with a view to proposing, where necessary, measures for improvement and to develop measures (i) to intensify and accelerate exchanges of information, in particular concerning the actions and movements of terrorists and of terrorist groups and (ii) to improve mutual assistance in criminal matters in view also of the need for obtaining evidence.

65. At the 46th meeting of the PC-OC, held in Strasbourg from 3 to 5 March 2003, representatives and observers were invited to formulate for next meeting of the PC-OC, held in September 2003, proposals as to possible action to be taken in response to the request of the Committee of Ministers.

A new top priority: Elaboration of a Comprehensive Convention on Terrorism in the Council of Europe

66. As you know, for the last few years, the United Nations has been negotiating a comprehensive anti-terrorist convention. In spite of early progress, these negotiations came to a halt more than two years ago due to conflicting views, some of which are connected with the Middle East conflict.

67. In the course of the discussions in the GMT of the Council of Europe, which led to the preparation of the Protocol amending the European Convention for the Suppression of Terrorism (see above), the question of the drafting of a comprehensive anti-terrorist convention in the Council of Europe was raised several times, precisely in view of the difficulties faced by the UN in the negotiation of such an instrument. This proposal was consistently supported by a significant number of delegations. However, the GMT did not formally take a stand on whether such a comprehensive convention should be drafted within the Council of Europe because this was beyond the remit of the GMT's mandate which was restricted to reviewing the 1977 Convention on the Suppression of Terrorism. However, there was a general understanding that this possibility should be borne in mind and considered in due course in the light of developments within the UN.

68. In its Recommendation 1550 (2002) on Combating Terrorism and Respect for Human Rights, the Parliamentary Assembly (PA) of the Council of Europe recommended that the GMT should consider using the definition of terrorism adopted by the European Union¹⁹. Later on in its Opinion No. 242 (2003) concerning the draft Protocol amending the European Convention on the Suppression of Terrorism, the PA expressed its belief "that it would be appropriate, in due course, to consider the possibility of drawing up a general Council of Europe anti-terrorist convention, taking into account the work carried out by the United Nations" (paragraph 4) following the report of the Committee on Legal Affairs and Human Rights of the PA²⁰.

69. When the Committee of Ministers considered the draft protocol and the PA opinion (828th meeting, 13 February 2003) several delegations again supported the idea of a general convention drafted in the Council of Europe. However, this issue was not substantially discussed since the Chair considered it to be beyond the scope of the adoption of the Protocol.

¹⁹ Council Common Position of 7 December 2001 on the application of specific measures to combat terrorism (2001/931/CFSP).

²⁰ Document 9649 of 9 January 2003, paragraph 14, Rapporteur: Mrs Carmen Alvarez-Arenas.

70. Later on, at its 112th ministerial session (Strasbourg, 15 May 2003), the Committee of Ministers "stressed the necessity of reinforcing international co-operation in the fight against terrorism and supporting the efforts of the United Nations in this field. In this context [the Ministers for foreign affairs] noted with interest the proposal of the Parliamentary Assembly to draft a comprehensive convention against terrorism under the aegis of the Council of Europe."

71. At their 842nd meeting (Strasbourg, 5 June 2003), the Committee of Ministers at Deputies' level discussed the follow-up to be given to the above-mentioned ministerial session and "agreed to resume consideration of the Council of Europe contribution to the international action against terrorism, and in particular to return to the discussion on the initial proposal to prepare a general convention against terrorism under the auspices of the Council of Europe on the basis of the conclusions of the 25th Conference of European Ministers of Justice (Sofia, 8-10 October 2003) on the theme of the fight against Terrorism and of the proposals of the Committee of Experts on Terrorism (CODEXTER) which will meet end of October 2003".

72. At the High-level Tripartite Meeting Plus between the High representatives of the UN, the OSCE and the Council of Europe together with representatives from the European Union, Geneva, 13 February 2003, participants welcomed the initiative I referred to draft such a convention in the Council of Europe.

73. In addition, I addressed the Permanent Council of the OSCE at its 462nd meeting, Vienna, 24 July 2003 and on this occasion the representative of the Presidency of the EU stated that the "[EU was] interested in the idea of the Parliamentary Assembly of the Council of Europe to elaborate a comprehensive European Convention on Combating Terrorism which should be complementary to the work of the United Nations in this area".

74. Two recent developments should also be noted. First, the II Lisbon Meeting on the Prevention and Combating of Terrorism organised by the Portuguese Authorities, as members of the OSCE troika, in Lisbon 1-2 September 2003. At the close of this meeting, participants adopted conclusions welcoming the progress achieved by the Council of Europe in the fight against terrorism and stated *inter alia* that "The initiative aiming at drafting a comprehensive convention on terrorism within the Council of Europe should be seen as a contribution to the work of the United Nations".²¹

75. Second, the seminar organized by the Dutch Presidency of the OSCE and The Netherlands Helsinki Committee on Human Rights and Terrorism in The Hague on 18 September 2003. At the close of the meeting, among the *endorsements* in the Chairman's Statement, "Support was expressed for the idea to develop a comprehensive Council of Europe Convention on Terrorism, in support of worldwide efforts".²²

²¹ Conclusions of the II Lisbon Meeting on the Prevention and Combating of Terrorism, Lisbon 1-2 September 2003, paragraph 9 in fine.

²² Chairman's Statement Seminar on Human Rights and Terrorism, Endorsements, paragraph. 4 in fine.

76. We have been in close contact with our colleagues in the UN and we welcome their support for the drafting of such an instrument in the Council of Europe. We strongly believe that the negotiation of a comprehensive anti-terrorist convention at regional level would in fact contribute positively to the final objective of having a comprehensive universal anti-terrorist convention, provided that certain conditions are met, namely: (a) that negotiations conclude in the short term (2-3 years) since it is unlikely that the deadlock situation in the UN would be resolved during this time, (b) that it would be based on the *acquis* of the UN negotiations and would not deal with those issues which have directly led to the deadlock in the UN, in particular the question of liberation movements and (c) that it would be presented as a contribution to the work underway in the UN.

77. It is very likely that these conditions could be satisfied within the Council of Europe given its homogeneous membership, its Statute and the recent examples of treaty negotiations in the counter-terrorism field.

78. Moreover, it is worth noting that there are many examples showing that regional conventions have contributed to the furthering of UN objectives (e.g. in the fields of the fight against corruption, money-laundering, torture).

79. A regional convention in Europe should and would, therefore, not be seen as an obstacle to UN negotiations but rather as a contribution to promote UN objectives and ideals. Moreover, in so far as the negotiations and ultimately the resulting instrument would be open to non-member States of the Council of Europe it would represent a further contribution to the efforts of the global community in the context of our Organisation's contribution to the work of the UN in pursuance of UN Security Council Resolution 1373(2001).

80. Such a negotiation in the Council of Europe presents added value both at the legal and political level and it could deal *inter alia* with the following issues: definition of terms, scope of the convention and exclusions, definition of terrorist acts/action or offences, obligation to establish as criminal offences and provide an adequate sanction, aiding and abetting, funding of terrorism, obligation to prosecute or extradite, exclusion of the political offence exception, obligation to establish jurisdiction, articulation of this convention with other existing conventions (universal and regional, general and special) and bodies of international law including international humanitarian law, regulation of extradition procedures and grounds for refusal, regulation of mutual assistance and grounds for refusal, exchange of information, special investigation techniques, protection of witnesses, other forms of international co-operation, follow-up.

81. The time has now come to give a strong political support to this initiative, which is consistent with the call of the Parliamentary Assembly of the Council of Europe, the wish of a significant number of States and is named favourably by our fellow international organisations.

82. This is indeed one of my top priorities and should be of our Organisation which as a result will be able to pursue and consolidate its contribution to the efforts of the international community by putting at the disposal of our members a clear, well-defined legal framework to join their efforts against the evil of terrorism. The

Council of Europe is particularly well placed to carry it out given it has over half a century of experience in fighting against all forms of crime while ensuring the respect of the rule of law and civil liberties.

83. On the basis of your support to the opening of negotiations in the Council of Europe and the decisions already taken by the Committee of Ministers, the CODEXTER at its forthcoming meeting (see below) could define the modalities for conducting such negotiation and make appropriate proposals to the Committee of Ministers.

84. If the Committee of Ministers so decides, the CODEXTER could itself be given the task of conducting the negotiations of the new instrument building on the excellent example provided by its predecessor the GMT.

Follow-up: the Committee of Experts on Terrorism (CODEXTER)

85. In accordance with the final report submitted to the Committee of Ministers at its 111th session the GMT at its last meeting, in December 2002, approved draft terms of reference for a Committee of experts on Terrorism (CODEXTER) to be convened by the end of 2003 and decided to submit them to the Committee of Ministers for adoption.

86. The CODEXTER is in charge of reviewing at regular intervals the progress made and of making appropriate proposals to the Committee of Ministers. This will be made on the basis of a report on the implementation of the proposals contained in the final report of the GMT and on the remaining proposals contained in the Progress Report of the GMT as well as on the basis of the outcome of your Conference.

87. The CODEXTER will also have the possibility to propose new activities to intensify the Council of Europe's action in the field of the fight against terrorism, including preventive measures, while preserving and promoting human rights and fundamental freedoms. In this connection, the above-mentioned initiative is most relevant.

88. At its 828th meeting (Strasbourg, 13 February 2003), the Committee of Ministers at Deputies' level following the proposal of the GMT, adopted the Specific Terms of Reference of the CODEXTER (see Appendix XIV).

89. As it has been indicated above, the CODEXTER will be holding its first ordinary meeting 27-30 October 2003 and will have a key role in ensuring the coherence of the overall counter-terrorist action of our organization. It is therefore of the utmost importance that it is strongly supported by the States.

Conclusions

90. The Council of Europe has not remained passive in the new international situation, which emerged after the September 11 attacks. Far from it. A great deal has been accomplished since your last Conference as shown by the adoption of the Protocol amending the 1977 European Convention on the Suppression of Terrorism and the Guidelines on Human Rights and terrorism, by evaluating the measures taken

by States to combat the financing of terrorism thereby contributing to the implementation of the FATF recommendations in this area and by implementing the priority activities defined by the Committee of Ministers.

91. Despite these achievements, it is as important as ever that we pursue the efforts in the same direction.

92. The requests you made in Resolution No. 1 at your last Conference have been or are in the process of being met as shown in the first part of this report, namely (in paragraph 5): *a, c.ii and iii, d, e and f*; the remaining ones, with the exception of *b* which has been integrated in the implementation of our co-operation activities with individual States, could be suitably met in the context of the elaboration of the above-referred comprehensive convention on terrorism in the Council of Europe.

93. Therefore, it is crucial that strong political impetus be provided regarding the principle of opening the negotiation of a Comprehensive convention on terrorism in the Council of Europe which will be the key challenge of the counter-terrorism efforts of our Organisation for the coming years.

II. THE RESPONSE OF THE JUSTICE SYSTEM – CIVIL AND CRIMINAL TO TERRORISM

94. In my contribution to the first theme of this Conference, I have dealt with the international co-operation in the fight against international terrorism and the implementation of the relevant instruments of the Council of Europe. This has given me the opportunity to present the “state of affairs” of the Council of Europe’s action against terrorism, to assess the efforts so far engaged by our Organisation and make suggestions for possible future actions in this field.

95. Let me now turn briefly to the second theme of the conference which concern a subject dear to the Council of Europe and intrinsically linked to the rule of law and which has been covered by our host.

96. The nations of the Council of Europe are committed to building peace, stability and security throughout the Continent and beyond. We all care about true peace, which is "not the absence of violence but the presence of justice". That is why a second line of contribution by the Council of Europe should stem from this consideration and attempts to highlight the possible responses of the justice system – civil and criminal – to terrorism, in addition to the activities already undertaken by the Council of Europe.

97. It is clear that **criminal justice** plays a major role in the fight against terrorism, both nationally and internationally.

98. Notwithstanding the activities already underway, more could and should be done to strengthen the tools at the disposal of the criminal justice systems to ensure that those responsible for planning, financing, directly supporting, and engaging in terrorist violence are held accountable.

99. Actions should be pursued both at a national and international level to achieve this aim.

100. At a national level, the following areas should be the focus of our attention:

- a. Training of professionals;
- b. Length of arrest and detention on remand;
- c. Lawyers’ role and rights of the defence;
- d. Sentencing issues; and
- e. Victims’ rights and interest, with a particular focus on proper implementation and consideration of the possible updating of the 1983 Council of Europe Convention on the compensation of victims of violent crimes (ETS 116).

101. While at an international level, our focus should be on International co-operation, an area where the role of the Committee of Experts on the Operation of European Conventions in the Penal Field (PC-OC) should be emphasised, and on Cyber-terrorism, with special focus on questions such as trans-border network searches, which were left out of the text of the Convention on Cybercrime (ETS 185).

102. Criminal justice is indeed a crucial aspect in our struggle against terrorism. However, in view of the scope of the problems posed by the recent acts of terrorism, a sectorial approach would not be conducive to achieving adequate and prompt results. To counter the challenge effectively and expediently, a comprehensive approach, dealing not only with criminal justice issues, but also, with **civil justice**, is needed. In this context, we should focus on the issues of: compensation²³, investment and services²⁴ and on civil status and identity issues²⁵.

Conclusions and Recommendations: The Role of the European Commission for the Efficiency of Justice (CEPEJ)

103. The above-mentioned issues show that there is a need for increased and co-ordinated efforts to bring terrorists to justice in the various national jurisdictions and that it is important to assess the effectiveness of national judicial systems in their responses to terrorism. This should be done by assessing national public policies against terrorism, increasing co-operation, sharing experiences, best practices and expertises amongst States, with a view to finding common and effective solutions to this common threat.

104. Such a co-ordinated effort should be based on an objective and comparable assessment of the effectiveness of the different judicial systems in their response to terrorism, in order to clearly define the problems and areas for possible improvements.

105. This assessment should focus in particular on the following questions: pre-trial investigation and Human Rights guarantees, specialisation, training and resources of the professionals (particularly judges, prosecutors and police) involved in the fight against terrorism, the lawyers' role and the respect of the right of the defence, effective and proportionate sentences, the protection of victims' rights and interests, and the role of charities. This work will be complementary to the ongoing and possible future work of the Council of Europe against terrorism referred to in Part I.

106. Therefore, one of the recommendations of the European Ministers of Justice could be to invite the Committee of Ministers to entrust the CEPEJ with the task of (i) preparing such an assessment in 2004, on the basis in particular of the (qualitative and quantitative) indicators it is currently elaborating to measure the effectiveness of justice systems throughout Europe and (ii) on this basis, making recommendations to States on how justice systems could best respond to terrorism.

²³ In this connection, in addition to the European Convention on the Compensation of Victims of Violent crimes (ETS 116), the provisions of the Civil Law Convention on Corruption (ETS 174) concerning compensation for victims of corruption could be considered when examining means to compensate victims of terrorism. Account could also be taken of liability and compensation for activities dangerous to the environment (see the Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment (ETS 150)) and for products (see European Convention on Products Liability in regard to Personal Injury and Death (ETS 091)).

²⁴ Cf. Resolutions (72) 28 on investment funds, Resolution (72) 50 on foreign institutions for collective investments, Convention on Mutual Administrative Assistance in Tax Matters (ETS 127), and Convention on information and legal co-operation concerning "Information Society Services" (ETS 180).

²⁵ Cf. for identity cards - Resolution No (77) 26, for nationality, in particular the conditions for acquisition - European Convention on nationality (ETS 166), for the use of DNA analysis - Recommendation No R(92)1 and for medical-legal autopsy rules - Recommendation No R (99)3.

107. Such an assessment will constitute an added value for both States and the international community as a whole in order to strengthen the responses of both criminal and civil justice systems of States to terrorism.

CONCLUSION

108. The Council of Europe has made a major contribution to the international action against terrorism, particularly by adopting the Guidelines on Human Rights and terrorism and a Protocol amending and updating the 1977 European Convention on the Suppression of Terrorism, by evaluating the measures taken by States to combat the financing of terrorism thereby contributing to the implementation of the Financial Action Task Force (FATF) recommendations in this area, by promoting inter-religious and inter-cultural dialogue, thereby addressing the roots and causes of terrorism.

109. Significant measures are under way and should cast results in the short-term.

110. Most importantly, an additional effort is necessary so as to open without delay negotiations for a Council of Europe comprehensive Convention against terrorism, which will contribute to the work of the UN.

111. The underlying message of the Council of Europe action has been, is and shall continue to be that the fight against terrorism should be carried out while protecting and promoting the values the Council of Europe stands for: Human Rights, Rule of Law and pluralist democracy. Thus, the Council of Europe will fulfil its mission.

APPENDIX I

Resolution No 1 on *Combating International Terrorism* adopted at the 24th Conference of European Ministers of Justice, Moscow (4-5 October 2001)

THE MINISTERS participating in the 24th Conference of European Ministers of Justice (Moscow, October 2001),

Condemning the heinous terrorist attacks in the United States of America on 11 September 2001;

Deploring the loss of life and the injuries suffered by thousands of innocent people as a result of these attacks as well as those in other regions of the world;

Expressing their deeply felt sympathy with the victims and their families;

Reaffirming their determination to combat all forms of terrorism;

Welcoming the declarations and decisions of international organisations condemning terrorism, in particular the Declaration adopted by the Committee of Ministers on 12 September 2001 and the Decision taken on 21 September 2001, and expressing their full support for the measures envisaged in this Decision;

Bearing in mind Parliamentary Assembly Recommendation 1534 (2001) on democracies facing terrorism;

Convinced of the need for a multidisciplinary approach to the problem of terrorism, involving all relevant legal aspects;

Resolved to play their part in States' efforts to reinforce the fight against terrorism and to increase the security of citizens, in a spirit of solidarity and on the basis of the common values to which the Council of Europe is firmly committed: Rule of Law, human rights and pluralist democracy;

Recognising the need to involve and motivate the public in this fight, including relevant organisational, social and educational measures;

Convinced of the urgent need for increased international co-operation,

CALL UPON member and observer States of the Council of Europe

- a. to become Parties as soon as possible to the relevant international treaties relating to terrorism, in particular the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;
- a. to participate actively in the elaboration of the draft United Nations comprehensive Convention on International Terrorism; and

- b. to become Parties as soon as possible to the Statute of the International Criminal Court;

INVITE the Committee of Ministers urgently to adopt all normative measures considered necessary for assisting States to prevent, detect, prosecute and punish acts of terrorism, such as:

- a. reviewing existing international instruments – conventions and recommendations, in particular the European Convention on the Suppression of Terrorism – and domestic law, with a view to improving and facilitating co-operation in the prosecution and punishment of acts of terrorism so that the perpetrators of such acts can speedily be brought to justice;
- b. drafting model laws in this field, and codes of conduct in particular for law enforcement agencies;
- c. reviewing existing or, where necessary, adopting new rules concerning:
 - i. the prosecution and trial of crimes of an international character, with a view to avoiding and solving conflicts of jurisdiction and, in this context, facilitating States' co-operation with international criminal courts and tribunals;
 - ii. the improvement and reinforcement of exchanges of information between law enforcement agencies;
 - iii. the improvement of the protection of witnesses and other persons participating in proceedings involving persons accused of terrorist crimes;
 - iv. the improvement of the protection, support and compensation of victims of terrorist acts and their families;
 - v. the reinforcement of the prevention and punishment of acts of terrorism committed against or by means of computer and telecommunication systems ("cyber-terrorism");
 - vi. depriving terrorists of any financial resources which would allow them to commit acts of terrorism, including amendments to the law, in conformity with Security Council Resolution 1373 (2001);
- e. reinforcing, through adequate financial appropriation, the work of Council of Europe bodies involved in the fight against money laundering, in particular the Committee evaluating States' anti-money laundering measures (PC-R-EV);
- f. facilitating the identification of persons by means of appropriate identity, civil status and other documents, as well as by other means, including the possibility of using genetic prints (DNA);
- g. ensuring the safety and control of dangerous or potentially dangerous substances;

DECIDE to remain in close contact on these matters, in particular in order to review the steps taken to give effect to this Resolution, at the latest on the occasion of their next Conference.

APPENDIX II

State of signatures and ratifications of the European Convention on the Suppression of Terrorism (ETS n°: 090)

Treaty open for signature by the member States of the Council of Europe

Status as of 30/07/03

Opening for signature :

Place : Strasbourg

Date : 27/01/77

Entry into force :

Conditions : 3 Ratifications.

Date : 04/08/78

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	04/04/00	21/09/00	22/12/00							
Andorra	08/11/01									
Armenia	08/11/01									
Austria	27/01/77	11/08/77	04/08/78							
Azerbaijan	07/11/01									
Belgium	27/01/77	31/10/85	01/02/86		X					
Bosnia and Herzegovina	17/03/03									
Bulgaria	11/09/97	17/02/98	18/05/98		X					
Croatia	07/11/01	15/01/03	16/04/03		X					
Cyprus	27/01/77	26/02/79	27/05/79		X	X				
Czech Republic	13/02/92	15/04/92	01/01/93	17						
Denmark	27/01/77	27/06/78	28/09/78		X			X		
Estonia	03/05/96	27/03/97	28/06/97		X					
Finland	16/11/89	09/02/90	10/05/90		X					
France	27/01/77	21/09/87	22/12/87		X	X		X		
Georgia	11/05/00	14/12/00	15/03/01			X				
Germany	27/01/77	03/05/78	04/08/78					X		
Greece	27/01/77	04/08/88	05/11/88		X					
Hungary	03/05/96	06/05/97	07/08/97		X					
Iceland	27/01/77	11/07/80	12/10/80		X					
Ireland	24/02/86	21/02/89	22/05/89							
Italy	27/01/77	28/02/86	01/06/86		X					
Latvia	08/09/98	20/04/99	21/07/99							

Liechtenstein	22/01/79	13/06/79	14/09/79							
Lithuania	07/06/96	07/02/97	08/05/97							
Luxembourg	27/01/77	11/09/81	12/12/81							
Malta	05/11/86	19/03/96	20/06/96		X					
Moldova	04/05/98	23/09/99	24/12/99							
Netherlands	27/01/77	18/04/85	19/07/85		X			X		
Norway	27/01/77	10/01/80	11/04/80		X					
Poland	13/09/95	30/01/96	01/05/96							
Portugal	27/01/77	14/12/81	15/03/82		X					
Romania	30/06/95	02/05/97	03/08/97							
Russia	07/05/99	04/11/00	05/02/01			X				
San Marino	08/11/01	17/04/02	18/07/02		X					
Serbia and Montenegro	15/05/03	15/05/03	16/08/03		X					
Slovakia	13/02/92	15/04/92	01/01/93	17						
Slovenia	28/03/00	29/11/00	01/03/01							
Spain	27/04/78	20/05/80	21/08/80							
Sweden	27/01/77	15/09/77	04/08/78		X					
Switzerland	27/01/77	19/05/83	20/08/83		X					
the former Yugoslav Republic of Macedonia	08/11/01									
Turkey	27/01/77	19/05/81	20/08/81							
Ukraine	08/06/00	13/03/02	14/06/02							
United Kingdom	27/01/77	24/07/78	25/10/78					X		

Total number of signatures not followed by ratifications :	5
Total number of ratifications/accessions :	40

Notes :

(17) Dates of signature and ratification by the former Czech and Slovak Federal Republic.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX III

State of signatures and ratifications of the Protocol amending the European Convention on the Suppression of Terrorism (ETS n°: 190)

Treaty open for signature by the member States signatories to Treaty ETS 90

Status as of 19/09/03

Opening for signature :

Place : Strasbourg

Date : 15/05/03

Entry into force :

Conditions : Ratification by Parties to
treaty ETS 90

Date :

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania				13						
Andorra	15/05/03									
Armenia	15/05/03									
Austria	15/05/03			13						
Azerbaijan										
Belgium	15/05/03			13						
Bosnia and Herzegovina										
Bulgaria	15/05/03			13						
Croatia	17/09/03			13						
Cyprus	15/05/03			13						
Czech Republic				13						
Denmark	15/05/03			13						
Estonia	15/05/03			13						
Finland	15/05/03			13						
France	15/05/03			13						
Georgia	15/05/03			13						
Germany	15/05/03			13						
Greece	15/05/03			13	X					
Hungary	15/05/03			13						
Iceland	15/05/03			13						
Ireland	15/05/03			13						
Italy	15/05/03			13						

Latvia				13							
Liechtenstein	15/05/03			13							
Lithuania				13							
Luxembourg	11/06/03			13							
Malta				13							
Moldova	15/05/03			13							
Netherlands	15/07/03			13							
Norway				13							
Poland	15/05/03			13							
Portugal	15/05/03			13							
Romania	15/05/03			13							
Russia	15/05/03			13							
San Marino	15/05/03			13							
Serbia and Montenegro	15/05/03			13							
Slovakia				13							
Slovenia	15/07/03			13							
Spain				13							
Sweden	15/05/03			13							
Switzerland	15/05/03			13							
the former Yugoslav Republic of Macedonia	15/05/03										
Turkey	15/07/03			13							
Ukraine	15/05/03			13							
United Kingdom	15/05/03			13							

Total number of signatures not followed by ratifications :	35
Total number of ratifications/accessions :	

Notes :

(13) State whose ratification is necessary for the entry into force of the Protocol.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX IV

State of signatures and ratifications of the European Convention on Extradition (ETS n° : 024)

Treaty open for signature by the member States and for accession by non-member States

Status as of 31/07/03

Opening for signature :

Place : Paris

Date : 13/12/57

Entry into force :

Conditions : 3 Ratifications.

Date : 18/04/60

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	19/05/98	19/05/98	17/08/98		X	X				
Andorra	11/05/00	13/10/00	11/01/01		X	X				
Armenia	11/05/01	25/01/02	25/04/02		X	X				
Austria	13/12/57	21/05/69	19/08/69		X	X				X
Azerbaijan	07/11/01	28/06/02	26/09/02		X	X				
Belgium	13/12/57	29/08/97	27/11/97		X	X				
Bosnia and Herzegovina										
Bulgaria	30/09/93	17/06/94	15/09/94		X	X				
Croatia		25/01/95 a	25/04/95			X				
Cyprus	18/09/70	22/01/71	22/04/71			X				
Czech Republic	13/02/92	15/04/92	01/01/93	17		X				
Denmark	13/12/57	13/09/62	12/12/62		X	X				
Estonia	04/11/93	28/04/97	27/07/97			X				
Finland		12/05/71 a	10/08/71		X	X				
France	13/12/57	10/02/86	11/05/86		X	X		X		
Georgia	22/03/00	15/06/01	13/09/01		X	X				
Germany	13/12/57	02/10/76	01/01/77		X	X		X		X
Greece	13/12/57	29/05/61	27/08/61		X	X				
Hungary	19/11/91	13/07/93	11/10/93		X	X				
Iceland	27/09/82	20/06/84	18/09/84		X	X				
Ireland	02/05/66	02/05/66	31/07/66		X	X				
Italy	13/12/57	06/08/63	04/11/63		X	X				
Latvia	30/10/96	02/05/97	31/07/97			X				
Liechtenstein		28/10/69 a	26/01/70		X	X				
Lithuania	09/11/94	20/06/95	18/09/95		X	X				

Luxembourg	13/12/57	18/11/76	16/02/77		X	X				
Malta	19/03/96	19/03/96	17/06/96		X					
Moldova	02/05/96	02/10/97	31/12/97		X	X				
Netherlands	21/01/65	14/02/69	15/05/69		X	X		X	X	
Norway	13/12/57	19/01/60	18/04/60		X	X				
Poland	19/02/93	15/06/93	13/09/93		X					
Portugal	27/04/77	25/01/90	25/04/90		X	X				
Romania	30/06/95	10/09/97	09/12/97		X	X				
Russia	07/11/96	10/12/99	09/03/00		X	X				X
San Marino	29/09/00									
Serbia and Montenegro		30/09/02 a	29/12/02			X				
Slovakia	13/02/92	15/04/92	01/01/93	17		X				
Slovenia	31/03/94	16/02/95	17/05/95							
Spain	24/07/79	07/05/82	05/08/82		X	X				
Sweden	13/12/57	22/01/59	18/04/60		X	X				
Switzerland	29/11/65	20/12/66	20/03/67		X	X				X
the former Yugoslav Republic of Macedonia	28/07/99	28/07/99	26/10/99		X	X				
Turkey	13/12/57	07/01/60	18/04/60		X					X
Ukraine	29/05/97	11/03/98	09/06/98		X	X				
United Kingdom	21/12/90	13/02/91	14/05/91		X	X		X		

Non-member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Israel		27/09/67 a	26/12/67		X	X				
South Africa		12/02/03 a	13/05/03							

Total number of signatures not followed by ratifications :	1
Total number of ratifications/accessions :	45

Notes :

(17) Dates of signature and ratification by the former Czech and Slovak Republic.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX V

State of signatures and ratifications of the European Convention on Mutual Assistance in Criminal Matters (ETS n°: 030)

Treaty open for signature by member States and for accession by non-member States

Status as of 31/07/03

Opening for signature :

Place : Strasbourg

Date : 20/04/59

Entry into force :

Conditions : 3 Ratifications.

Date : 12/06/62

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	19/05/98	04/04/00	03/07/00		X	X				
Andorra										
Armenia	11/05/01	25/01/02	25/04/02		X	X	X			
Austria	20/04/59	02/10/68	31/12/68		X	X	X			
Azerbaijan	07/11/01	04/07/03	02/10/03		X	X	X			
Belgium	20/04/59	13/08/75	11/11/75		X	X	X			
Bosnia and Herzegovina										
Bulgaria	30/09/93	17/06/94	15/09/94		X	X	X			
Croatia	07/05/99	07/05/99	05/08/99			X	X			
Cyprus	27/03/96	24/02/00	24/05/00		X	X				
Czech Republic	13/02/92	15/04/92	01/01/93	17		X	X			
Denmark	20/04/59	13/09/62	12/12/62		X	X	X			
Estonia	04/11/93	28/04/97	27/07/97		X	X	X			
Finland		29/01/81 a	29/04/81		X	X	X			
France	28/04/61	23/05/67	21/08/67		X	X	X	X		
Georgia	27/04/99	13/10/99	11/01/00		X	X	X			
Germany	20/04/59	02/10/76	01/01/77			X	X	X		
Greece	20/04/59	23/02/62	12/06/62		X					
Hungary	19/11/91	13/07/93	11/10/93		X	X	X			
Iceland	27/09/82	20/06/84	18/09/84		X	X	X			
Ireland	15/10/96	28/11/96	26/02/97		X	X	X			
Italy	20/04/59	23/08/61	12/06/62			X	X			
Latvia	30/10/96	02/06/97	31/08/97			X	X			
Liechtenstein		28/10/69 a	26/01/70		X					
Lithuania	09/11/94	17/04/97	16/07/97		X	X	X			

Luxembourg	20/04/59	18/11/76	16/02/77		X	X	X			
Malta	06/09/93	03/03/94	01/06/94		X	X	X			
Moldova	02/05/96	04/02/98	05/05/98		X	X	X			
Netherlands	21/01/65	14/02/69	15/05/69		X	X	X	X		
Norway	21/04/61	14/03/62	12/06/62		X	X	X			
Poland	09/05/94	19/03/96	17/06/96			X	X			
Portugal	10/05/79	27/09/94	26/12/94			X	X		X	
Romania	30/06/95	17/03/99	15/06/99			X	X			
Russia	07/11/96	10/12/99	09/03/00		X	X	X			
San Marino	29/09/00									
Serbia and Montenegro		30/09/02 a	29/12/02		X	X	X			
Slovakia	13/02/92	15/04/92	01/01/93	17		X	X			
Slovenia	26/02/99	19/07/01	17/10/01			X	X			
Spain	24/07/79	18/08/82	16/11/82		X	X	X			
Sweden	20/04/59	01/02/68	01/05/68		X	X	X			
Switzerland	29/11/65	20/12/66	20/03/67		X	X	X			
the former Yugoslav Republic of Macedonia	28/07/99	28/07/99	26/10/99							
Turkey	23/10/59	24/06/69	22/09/69			X				
Ukraine	29/05/97	11/03/98	09/06/98		X	X	X			
United Kingdom	21/06/91	29/08/91	27/11/91		X	X	X			

Non-member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Israel		27/09/67 a	26/12/67		X	X	X			

Total number of signatures not followed by ratifications :	1
Total number of ratifications/accessions :	43

Notes :

(17) Dates of signature and ratification by the former Czech and Slovak Republic.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX VI

State of signatures and ratifications of the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS n°: 99)

Treaty open for signature by the member States signatories to Treaty ETS 30 and for
accession by the non-member States which have acceded to Treaty ETS 30

Status as of 31/07/03

Opening for signature :

Place : Strasbourg

Date : 17/03/78

Entry into force :

Conditions : 3 Ratifications.

Date : 12/04/82

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	19/05/98	04/04/00	03/07/00							
Andorra										
Armenia	08/11/01									
Austria	17/03/78	02/05/83	31/07/83			X				
Azerbaijan	07/11/01	04/07/03	02/10/03		X	X				
Belgium	11/07/78	28/02/02	29/05/02							
Bosnia and Herzegovina										
Bulgaria	30/09/93	17/06/94	15/09/94		X					
Croatia	15/09/99	15/09/99	14/12/99							
Cyprus	27/03/96	24/02/00	24/05/00							
Czech Republic	18/12/95	19/11/96	17/02/97				X			
Denmark	25/10/82	07/03/83	05/06/83							
Estonia	03/05/96	28/04/97	27/07/97							
Finland		30/01/85 a	30/04/85							
France	28/03/90	01/02/91	02/05/91					X		
Georgia	07/11/01	22/05/03	20/08/03		X	X				
Germany	08/11/85	08/03/91	06/06/91		X	X				
Greece	18/06/80	24/07/81	12/04/82							
Hungary	19/11/91	13/07/93	11/10/93							
Iceland	27/09/82	20/06/84	18/09/84							
Ireland	28/11/96	28/11/96	26/02/97		X					
Italy	30/10/80	26/11/85	24/02/86				X			
Latvia	30/10/96	02/06/97	31/08/97							
Liechtenstein										
Lithuania	09/11/94	17/04/97	16/07/97							

Luxembourg	09/12/94	02/10/00	31/12/00		X	X				
Malta	20/11/00									
Moldova	26/06/98	27/06/01	25/09/01							
Netherlands	13/07/79	12/01/82	12/04/82		X	X		X		
Norway	11/12/86	11/12/86	11/03/87							
Poland	09/05/94	19/03/96	17/06/96							
Portugal	12/08/80	27/01/95	27/04/95							
Romania	15/02/96	17/03/99	15/06/99							
Russia	07/11/96	10/12/99	09/03/00							
San Marino										
Serbia and Montenegro		23/06/03 a	21/09/03							
Slovakia	14/02/96	23/09/96	22/12/96							
Slovenia	04/03/99	19/07/01	17/10/01							
Spain	12/04/85	13/06/91	11/09/91		X					
Sweden	06/04/79	13/06/79	12/04/82							
Switzerland	17/11/81				X					
the former Yugoslav Republic of Macedonia	28/07/99	28/07/99	26/10/99							
Turkey	04/02/86	29/03/90	27/06/90							
Ukraine	29/05/97	11/03/98	09/06/98							
United Kingdom	21/06/91	29/08/91	27/11/91		X					

Non-member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Israel										

Total number of signatures not followed by ratifications :	3
Total number of ratifications/accessions :	38

Notes :

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".
R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX VII

State of signatures and ratifications of the European Convention on the Compensation of Victims of Violent Crimes (ETS n° : 116)

Treaty open for signature by the member States and for accession by non-member States

Status as of 31/07/03

Opening for signature :

Place : Strasbourg

Date : 24/11/83

Entry into force :

Conditions : 3 Ratifications.

Date : 01/02/88

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania										
Andorra										
Armenia	08/11/01									
Austria										
Azerbaijan		28/03/00 a	01/07/00				X			
Belgium	19/02/98									
Bosnia and Herzegovina										
Bulgaria										
Croatia										
Cyprus	09/01/91	17/01/01	01/05/01			X	X			
Czech Republic	15/10/99	08/09/00	01/01/01		X		X			
Denmark	24/11/83	09/10/87	01/02/88				X	X		
Estonia										
Finland	11/09/90	15/11/90	01/03/91				X			
France	24/11/83	01/02/90	01/06/90			X	X			
Georgia										
Germany	24/11/83	27/11/96	01/03/97			X	X			
Greece	24/11/83									
Hungary	08/11/01									
Iceland	30/11/01									
Ireland										
Italy										
Latvia										
Liechtenstein										
Lithuania										

Luxembourg	24/11/83	21/05/85	01/02/88				X			
Malta										
Moldova										
Netherlands	24/11/83	16/07/84	01/02/88				X	X		
Norway	24/11/83	22/06/92	01/10/92				X			
Poland										
Portugal	06/03/97	13/08/01	01/12/01				X			
Romania										
Russia										
San Marino										
Serbia and Montenegro										
Slovakia										
Slovenia										
Spain	08/06/00	31/10/01	01/02/02				X			
Sweden	24/11/83	30/09/88	01/01/89				X			
Switzerland	15/05/90	07/09/92	01/01/93				X			
the former Yugoslav Republic of Macedonia										
Turkey	24/04/85									
Ukraine										
United Kingdom	24/11/83	07/02/90	01/06/90				X	X		

Non-member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
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Total number of signatures not followed by ratifications :	6
Total number of ratifications/accessions :	15

Notes :

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".
R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX VIII

State of signatures and ratifications of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS n°: 141)

Treaty open for signature by the member States and the non-member States which
have participated in its elaboration and for accession by other non-member States

Status as of 31/07/03

Opening for signature :

Place : Strasbourg

Date : 08/11/90

Entry into force :

Conditions : 3 Ratifications.

Date : 01/09/93

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	04/04/00	31/10/01	01/02/02				X			
Andorra	07/05/99	28/07/99	01/11/99		X	X	X			
Armenia	11/05/01									
Austria	10/07/91	07/07/97	01/11/97		X		X			
Azerbaijan	07/11/01	04/07/03	01/11/03		X	X	X			
Belgium	08/11/90	28/01/98	01/05/98				X			
Bosnia and Herzegovina										
Bulgaria	28/09/92	02/06/93	01/10/93		X	X				
Croatia	06/11/96	11/10/97	01/02/98				X			
Cyprus	08/11/90	15/11/96	01/03/97		X		X			
Czech Republic	18/12/95	19/11/96	01/03/97				X			
Denmark	08/11/90	19/11/96	01/03/97		X		X	X		
Estonia	25/06/99	10/05/00	01/09/00		X		X			
Finland	25/09/91	09/03/94	01/07/94		X		X			
France	05/07/91	08/10/96	01/02/97				X	X		
Georgia	30/04/02									
Germany	08/11/90	16/09/98	01/01/99		X		X			
Greece	28/09/92	22/06/99	01/10/99		X		X		X	
Hungary	06/11/97	02/03/00	01/07/00		X		X			
Iceland	08/11/90	21/10/97	01/02/98				X			
Ireland	15/10/96	28/11/96	01/03/97		X		X			
Italy	08/11/90	20/01/94	01/05/94		X		X			
Latvia	11/03/98	01/12/98	01/04/99		X		X			
Liechtenstein	29/06/95	09/11/00	01/03/01		X		X			
Lithuania	03/06/94	20/06/95	01/10/95		X		X			

Luxembourg	28/09/92	12/09/01	01/01/02		X		X			
Malta	05/11/98	19/11/99	01/03/00		X		X			
Moldova	06/05/97	30/05/02	01/09/02			X	X			
Netherlands	08/11/90	10/05/93	01/09/93		X		X	X		
Norway	08/11/90	16/11/94	01/03/95		X		X			
Poland	05/11/98	20/12/00	01/04/01		X	X	X			
Portugal	08/11/90	19/10/98	01/02/99		X		X			
Romania	18/03/97	06/08/02	01/12/02		X	X				
Russia	07/05/99	02/08/01	01/12/01		X		X			
San Marino	16/11/95	12/10/00	01/02/01		X		X			
Serbia and Montenegro										
Slovakia	08/09/99	07/05/01	01/09/01		X	X	X			
Slovenia	23/11/93	23/04/98	01/08/98		X		X			
Spain	08/11/90	06/08/98	01/12/98		X		X			
Sweden	08/11/90	15/07/96	01/11/96		X		X			
Switzerland	23/08/91	11/05/93	01/09/93		X		X			
the former Yugoslav Republic of Macedonia	14/12/99	19/05/00	01/09/00				X			
Turkey	27/09/01									
Ukraine	29/05/97	26/01/98	01/05/98		X		X			
United Kingdom	08/11/90	28/09/92	01/09/93		X	X	X	X		

Non-member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Australia	28/09/92	31/07/97	01/11/97		X		X			
Canada										
Monaco		10/05/02 a	01/09/02		X	X				
United States										

Total number of signatures not followed by ratifications :	3
Total number of ratifications/accessions :	42

Notes :

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".
R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX IX

State of signatures and ratifications of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS n°: 182)

Treaty open for signature by the member States signatories to Treaty ETS 30 and for accession by the non-member States which have acceded to Treaty ETS 30

Status as of 31/07/03

Opening for signature :

Place : Strasbourg

Date : 08/11/01

Entry into force :

Conditions : 3 Ratifications.

Date :

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	13/11/01	20/06/02								
Andorra										
Armenia										
Austria										
Azerbaijan										
Belgium	08/11/01									
Bosnia and Herzegovina										
Bulgaria	08/11/01									
Croatia										
Cyprus	08/11/01									
Czech Republic										
Denmark	08/11/01	15/01/03			X	X				
Estonia	26/11/02									
Finland										
France	08/11/01									
Georgia										
Germany	08/11/01									
Greece	08/11/01									
Hungary	15/01/03									
Iceland	08/11/01									
Ireland	08/11/01									
Italy										
Latvia										
Liechtenstein										

Lithuania										
Luxembourg										
Malta	18/09/02									
Moldova										
Netherlands	08/11/01									
Norway	08/11/01					X	X			
Poland	11/09/02									
Portugal	08/11/01									
Romania	08/11/01									
Russia										
San Marino										
Serbia and Montenegro										
Slovakia										
Slovenia										
Spain										
Sweden	08/11/01									
Switzerland	15/02/02									
the former Yugoslav Republic of Macedonia	08/11/01									
Turkey										
Ukraine	08/11/01									
United Kingdom	08/11/01									

Non-member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Israel										

Total number of signatures not followed by ratifications :	21
Total number of ratifications/accessions :	2

Notes :

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".
R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX X

State of signatures and ratifications of the Convention on Cybercrime (ETS n°: 185)

Treaty open for signature by the member States and the non-member States which have participated in its elaboration and for accession by other non-member States

Status as of 31/07/03

Opening for signature :

Place : Budapest

Date : 23/11/01

Entry into force :

Conditions : 5 Ratifications including at least
3 member States of the Council of Europe

Date :

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	23/11/01	20/06/02								
Andorra										
Armenia	23/11/01									
Austria	23/11/01									
Azerbaijan										
Belgium	23/11/01									
Bosnia and Herzegovina										
Bulgaria	23/11/01									
Croatia	23/11/01	17/10/02								
Cyprus	23/11/01									
Czech Republic										
Denmark	22/04/03									
Estonia	23/11/01	12/05/03					X			
Finland	23/11/01									
France	23/11/01									
Georgia										
Germany	23/11/01									
Greece	23/11/01									
Hungary	23/11/01									
Iceland	30/11/01									
Ireland	28/02/02									
Italy	23/11/01									
Latvia										
Liechtenstein										
Lithuania	23/06/03									
Luxembourg	28/01/03									
Malta	17/01/02									

Moldova	23/11/01										
Netherlands	23/11/01										
Norway	23/11/01										
Poland	23/11/01										
Portugal	23/11/01										
Romania	23/11/01										
Russia											
San Marino											
Serbia and Montenegro											
Slovakia											
Slovenia	24/07/02										
Spain	23/11/01 r										
Sweden	23/11/01										
Switzerland	23/11/01										
the former Yugoslav Republic of Macedonia	23/11/01										
Turkey											
Ukraine	23/11/01										
United Kingdom	23/11/01										

Non-member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada	23/11/01									
Japan	23/11/01									
South Africa	23/11/01									
United States	23/11/01									

Total number of signatures not followed by ratifications :	34
Total number of ratifications/accessions :	3

Notes :

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX XI

State of signatures and ratifications of the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS n°: 189)

Treaty open for signature by the States which have signed the Treaty ETS 185.

Status as of 31/07/03

Opening for signature :

Place : Strasbourg

Date : 28/01/03

Entry into force :

Conditions : 5 Ratifications.

Date :

Member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	26/05/03									
Andorra										
Armenia	28/01/03									
Austria	30/01/03									
Azerbaijan										
Belgium	28/01/03									
Bosnia and Herzegovina										
Bulgaria										
Croatia	26/03/03									
Cyprus										
Czech Republic										
Denmark										
Estonia	28/01/03									
Finland	28/01/03									
France	28/01/03									
Georgia										
Germany	28/01/03									
Greece	28/01/03									
Hungary										
Iceland										
Ireland										
Italy										
Latvia										
Liechtenstein										
Lithuania										
Luxembourg	28/01/03									
Malta	28/01/03									

Moldova	25/04/03																			
Netherlands	28/01/03																			
Norway																				
Poland	21/07/03																			
Portugal	17/03/03																			
Romania																				
Russia																				
San Marino																				
Serbia and Montenegro																				
Slovakia																				
Slovenia																				
Spain																				
Sweden	28/01/03																			
Switzerland																				
the former Yugoslav Republic of Macedonia																				
Turkey																				
Ukraine																				
United Kingdom																				

Non-member States of the Council of Europe:

States	Date of signature	Date of ratification	Date of entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada										
Japan										
South Africa										
United States										

Total number of signatures not followed by ratifications :	17
Total number of ratifications/accessions :	

Notes :

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

APPENDIX XII

Conclusions of the report of the Committee of Experts on the Protection of Witnesses and *Penitii* in relation to acts of Terrorism (PC-PW)

1. The PC-PW considers that criminal organisations, including terrorist organisations, are operational almost all over the world and that fighting these organisations has become a priority. A great contribution to this fight can be made by witnesses and collaborators of justice who decide to co-operate with the judiciary. Such contribution can be ensured only if persons who can provide useful information and evidence enjoy adequate protection and support that allows them to deal with all the risks and implications related to the decision to co-operate with justice.
2. The replies received to the questionnaire addressed to the States and the analyses by the scientific experts, as well as the contribution provided by the representatives of the ICTY and of Europol, show the need to develop a coherent common international framework for the effective protection of witnesses and collaborators of justice. Given the essentially trans-national nature of serious crimes – such as organised crime and terrorism – and violations of international humanitarian law, improved and effective international co-operation seems to be particularly important. The PC-PW considers that from a technical point of view it is necessary to move a step forward with respect to the existing Recommendation R(97)13 concerning the intimidation of witnesses and the rights of the defence in order to define a comprehensive set of measures to increase the protection of witnesses and collaborators of justice, especially with respect to the fight against terrorism, and in particular to the need to strengthen international co-operation.
3. The protection of witnesses and collaborators of justice giving evidence in terrorism-related cases is crucial in order to achieve successful results in the fight against terrorism and terrorist organisations, as was also recalled in Resolution No.1 on Combating International Terrorism approved at the 24th Conference of European Ministers of Justice in Moscow. Witness protection is especially important in the fight against organised crime and terrorism because the closed nature of criminal and terrorist groups makes it very difficult to use traditional investigative methods successfully. Testimony obtained in this way can provide useful information about a whole criminal group, which is capable, by intimidating, harming or bribing witnesses, of obstructing investigations and justice.
4. The PC-PW considers, therefore, that it would be technically feasible and advisable to establish an international legal framework for international co-operation in matters related to the protection of witnesses and collaborators of justice.
5. The framework might consist of a combination of different complementary instruments:

- a) The core of this framework should be a Conventional instrument, which could take the form of a new independent Convention or of an additional instrument to existing conventions.

Such an instrument should aim, in particular, at facilitating international co-operation on issues such as mutual recognition of decisions, mutual assistance, exchanges of information, use of advanced technical (tele-) communication means, relocation and other practical matters concerning the effective protection of witnesses and collaborators of justice, including security and confidentiality aspects.

It may also be necessary to recommend that terrorism-related crimes always be included in the offences for which specific witness protection measures/programmes/mechanisms are envisaged. The PC-PW recognises the need to ensure that protective measures for witnesses and collaborators of justice involved in terrorism-related crimes are adopted in all countries and are the subject of international agreements facilitating international co-operation. Such an important issue could be part of an international instrument specifically aimed at the protection of witnesses and collaborators of justice, as well as of a possible comprehensive international instrument related to the fight against terrorism.

Finally, such an instrument should set common criteria aiming at preserving an acceptable balance between the protection measures and the human rights and fundamental freedoms of all the parties involved (witnesses/collaborators of justice, defendants, victims).

- b) The framework should be completed by elements of “soft law”, like a Recommendation to member States, with the purpose of enhancing the compatibility of national criminal justice systems in relation to the other aspects of the protection of witnesses and collaborators of justice. For this purpose, it could be recommended to proceed to a revision of Recommendation R(97)13 concerning the intimidation of witnesses and the rights of the defence. This revision should be aimed at extending its scope on the basis of the additional experience and information acquired since the adoption of this Recommendation. Moreover, this new instrument could be supplemented by practical suggestions, such as models of regulatory texts.
6. Considering the work of the GMT in the field of the fight against terrorism and the work undertaken, in the past and recently, in the fight against organised crime, the Council of Europe would have the necessary expertise to develop an international instrument in this field. The development of international common standards would also facilitate and reinforce the activity of international legal institutions. The existence of a regional or international instrument for the protection of witnesses and collaborators of justice would, for instance, provide a stronger legal basis to the agreements currently concluded between the ICTY and some States, and facilitate the work of the witness protection service at the International Criminal Court.

APPENDIX XIII

Target areas of the work of the Committee of Experts on the use of special investigation techniques in relation to acts of Terrorism (PC-TI)

Introduction

- Terms of reference of the PC-TI and its background
- Composition and work of the Committee

Chapter 1: definition and structure of SIT

1. Need to define the concept of SIT in general on the basis of certain common characteristics and to proceed to their classification on the basis of their nature.
2. The interest in structuring SIT (e.g. by a “tree-structure” or by the degree of the intrusiveness) is to facilitate the way in which one could establish the principles applicable to the use of these techniques (e.g. bogus purchase only in the framework of an infiltration).
3. SIT are useful in the fight against terrorism but their usefulness is also obvious in the more general framework of serious crime.

Chapter 2: SIT and the judicial context

4. The Committee concluded from its terms of reference that the use of SIT must be apprehended in relation to proactive or reactive investigations in a judicial context²⁶.
5. It is underlined in this context that it could be useful to consider that the use of SIT should be linked to the existence of sufficient grounds to suspect that a crime has been committed, prepared or planned in order to avoid using SIT in case of fishing expeditions.
6. Although it does not seem to fall within the mandate of the Committee, the PC-TI has underlined that the use of SIT on the basis of other grounds (like state security) also raises questions, in particular with regard to respect for human rights.

Chapter 3: SIT and bodies involved in investigation and prosecution

7. The use of SIT must be subject to a certain form of control:
 - prior authorisation,
 - supervision, or
 - control ex-post.

²⁶ The concept of judicial context will need further consideration both as to the extent to which it includes prevention as well as repression of crime and how it will apply in systems in which law enforcement investigations generally take place without direct judicial involvement.

8. These types of control, in a broad sense, may or must be cumulative depending on the degree of intrusiveness of the SIT.
9. In general, these types of control (in particular supervision, and control ex-post) are undertaken by a body which is independent from the persons who implement the SIT.
10. The type of control, in a broad sense, may be different depending on whether it applies to prevention or to repression of crime.
11. A person who is subject to a SIT should always have a possibility of acceding to a control ex-post either by a judicial authority or by an independent oversight.

<i>Chapter 4: SIT and human rights</i>
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12. The use of SIT presupposes the respect of the rights enshrined in the European Convention on Human Rights (reference to the Guidelines on human rights and the fight against terrorism, in particular GL III, VI, IX and XV). An infringement in the exercise of fundamental freedoms by the use of SIT is only allowed when this use serves a legitimate purpose.
13. Principles to be respected when using SIT
 - Article 8 ECHR (GL III and VI)
 - i. legality principle (in particular by the adoption of a specific law although this is not obligatory)
 - ii. proportionality principle (eg with regard to the duration of use)
 - iii. necessity (subsidiarity) principle
 - Article 6 ECHR
 - iv. principles related to the right to a fair trial (GL IX)
 - Article 13 ECHR
 - v. right to an effective remedy
(existence of different forms of effective remedy on national level: judicial or independent administrative bodies, or ombudsman).

<i>Chapter 5: usefulness to develop the framework of international co-operation</i>

14. As far as the use of SIT in the framework of mutual legal assistance in criminal matters is concerned, two approaches emerge from the replies submitted:
 - Either the law of the requested State authorises the use of some or all of the special investigation techniques referred to in the foreword to the

questionnaire. In that case, the requested State will provide international legal assistance in conformity with its law.

- Or, the use of special investigation techniques does not come under the heading of mutual legal assistance. This is a loophole that needs to be remedied.

15. Further thought should be given to this issue bearing in mind in particular the various relevant conventions developed by the Council of Europe and the fundamental changes of the mutual legal assistance emerging in the European Union (e.g. joint investigation teams in the EU, the introduction of the European Arrest Warrant, the EU Convention on mutual legal assistance of 29 May 2000)

Consideration should notably be given to:

- the optimisation of mutual assistance related to SIT,
- the possibility of using joint investigation teams and transborder operations,
- the promotion of training possibilities and technical assistance at international level,
- the development of a network of contacts between law enforcement agencies and the judiciary in member States as well as with relevant international bodies such as Interpol, Europol and Eurojust.

CONCLUSIONS

Appendix I: questionnaire

Appendix II: replies to the questionnaire

APPENDIX XIV

Specific Terms of reference of the Committee of experts on terrorism (CODEXTER)

1. Name of Committee: Committee of experts on terrorism (CODEXTER)
2. Type of committee: Ad hoc Committee of experts
3. Source of terms of reference: Committee of Ministers
4. Terms of reference:

Taking into account:

- the standards of the Council of Europe in the fields of Human Rights and the Rule of Law;
- the Declaration adopted by the Committee of Ministers on 12 September 2001 and its Decision of 21 September 2001;
- Resolution 1258 (2001) and Recommendation 1534 (2001), adopted by the Parliamentary Assembly on 26 September 2001;
- Resolution N° 1 adopted by the European Ministers of Justice at their 24th Conference (Moscow, 4-5 October 2001);
- the Final Declaration of the Inter-parliamentary forum on combating terrorism held in St Petersburg on 28 March 2002;
- Parliamentary Assembly Recommendation 1550 (2002) on Combating terrorism and respect for Human Rights;
- the Declaration and the conclusions and the final communiqué adopted by the Committee of Ministers respectively at its 110th and 111th Session (Vilnius, 3 May 2002 and Strasbourg, 7 November 2002);
- the Guidelines on Human Rights and the fight against Terrorism adopted by the Committee of Ministers on 11 July 2002;
- the reports of the Multidisciplinary Group on International Action against Terrorism (GMT);
- the work of the European Committee on Legal Co-operation (CDCJ), the European Committee on Crime Problems (CDPC) and the Steering Committee on Human Rights (CDDH) and in co-ordination with these Committees;
- the work of other international institutions active in this field including the European Union, the OSCE and the United Nations,

the Committee is called upon to make appropriate proposals to the Committee of Ministers, on the basis of a report on the implementation of the proposals contained in document CM(2002)148 and on the remaining proposals contained in the Progress Report (document CM(2002)57), for any new activities to intensify to Council of Europe's action in the field of the fight against terrorism, including preventive measures, while preserving and promoting Human Rights and fundamental freedoms.

5. Membership of the Committee:

- a. States whose governments are entitled to appoint members: all member States. Desirable qualifications of persons serving on the Committee: experts with a detailed knowledge of legal or financial questions concerning terrorism.
- b. One representative of each of the following: European Committee on Legal Co-operation (CDCJ), European Committee on Crime Problems (CDPC), Steering Committee for Human Rights (CDDH) and the Committee of Experts on the Operation of European Conventions in the Penal Field (PC-OC).
- c. The Council of Europe budget will bear the travelling and subsistence expenses of one participant from each member State and the representatives from the CDCJ, the CDPC, the CDDH and the PC-OC.
- d. The European Commission and Secretariat General of the Council of the European Union may send representatives to the meetings of the Committee without the right to vote or defrayal of expenses.
- e. The Observer States to the Council of Europe and applicant States for Council of Europe membership may send representatives to the meetings of the Committee without the right to vote or defrayal of expenses.
- f. The following international organisations and bodies may send representatives to the meetings of the Committee without the right to vote or defrayal of expenses: OECD, UN, ICPO-Interpol, Europol, EBRD, OSCE, FATF, European Conference of Civil Aviation (ECAC)²⁷.

6. Structures and working methods:

The CODEXTER shall hold one ordinary meeting. In addition, it may be convened on an extraordinary basis at the Secretary General's request.

In all cases, the CODEXTER will cease to exist in any event once the Amending Protocol to the Convention on the Suppression of Terrorism will enter into force.

7. Duration of terms of reference: 31 December 2003

²⁷ The ECAC was admitted as observer to the CODEXTER by the Committee of Ministers at Deputies' level on 3 September 2003.

