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COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)



ABRIDGED REPORT LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN

30th Plenary Meeting

Strasbourg (France), 19 – 20 May 2016



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

codexter@coe.int - <http://www.coe.int/terrorism>

The Committee of Experts on Terrorism (CODEXTER), meeting in Strasbourg on 19 and 20 May 2016, under the Chairmanship of Mr Alexandros STAVROPOULOS (Greece), has decided to:

1. Opening of the meeting

- Take note of the opening remarks by Mr Philippe BOILLAT, Director General, DG I, notably about the important work carried out by the CODEXTER and its future activities. Mr BOILLAT underlined that the establishment of national points of contact, available 24 hours on 24, 7 days a week, will ensure the rapid exchange of all the relevant police information on persons travelling abroad for terrorism purposes and significantly reinforces international cooperation. Mr BOILLAT further welcomed the Committee's work in the field of terrorism and the Internet and its readiness to examine the feasibility to engage with major Internet companies to strengthen the Council of Europe's action against terrorism.

2. Adoption of the agenda

- Examine and adopt the agenda.

3. Communication by the Chair and by the Secretariat

- Take note of the information provided by the Chair, Mr Alexandros STAVROPOULOS, notably about the outcome of the 7th Meeting of the Bureau, and by Mr Carlo CHIAROMONTE, Secretary to the CODEXTER, about the decisions related to the CODEXTER's work adopted by the ministers at the ministerial session that took place the day before in Sofia;
- Take note of the Information provided by Mr CHIAROMONTE concerning the elaboration of a new convention on offences relating to cultural property;
- Take note of the information provided by the Secretariat about the thematic debate of the Committee of Ministers on "Rising extremism, radicalisation and xenophobia in the fight against terrorism: Building inclusive societies as a cure / The need for collective action", which was held on 15 March 2016, in particular the proposal by the Norwegian Ambassador to exchange information on national action plans in the field of counter-terrorism;
- Invite member States to make public, on voluntary basis, their national action plans on countering terrorism on the website of the CODEXTER, for instance next to the country profiles, and instruct the Secretariat to implement this decision;
- Take note of the information provided by Mr Jan KLEIJSEN, Director of the Directorate of Information Society and Action against Crime, concerning the Council of Europe participation in the OSCE-wide Counter-Terrorism Conference on "Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism (VERLT)" (Berlin, 31 May - 1 June 2016), and in particular the call for active participation in the side event on the 24/7 FTF Network to be organised by the Council of Europe.

4. Exchange of views with Mr Jean-Paul LABORDE, Assistant Secretary General and Executive Director of the UN Counter-Terrorism Executive Directorate

- Extend a warm welcome to Mr Jean-Paul LABORDE and thank him for attending this meeting of the CODEXTER;

- Take note of the remarks by Mr LABORDE, notably that efficient international cooperation on exchange of information in the area of counter-terrorism requires trust between States, and that he therefore welcomed the decision by the Committee of Ministers, meeting at Ministerial level in Sofia on 18 May 2016, to call for the expeditious designation of the 24/7 contact points to facilitate the timely exchange of information pending the entry into force of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217). Mr LABORDE further underlined that Da'esh mainly financed its activities through the oil trade, but that the terrorist group is increasingly shifting to other sources of financing, such as racketing and trafficking of women and drugs. Mr LABORDE also stressed that a closer cooperation and dialogue between Governments, civil society and the private sector is needed in order to counter the activities of Da'esh on the Internet and social media platforms;
- Express its support to the UN CTED and the various UN agencies for the excellent work carried out to assist States in preventing and suppressing terrorism globally;
- Acknowledge and underline the need for continued close cooperation and coordination between the Council of Europe and the United Nations on countering terrorism and radicalisation leading to terrorism in Europe and beyond.

5. Future work and activities of the CODEXTER

- Examine the Council of Europe Action Plan against violent extremism and radicalisation leading to terrorism;
- Take note of the information provided by the Secretariat on the state of play of the implementation of the Action Plan;
- Inform the Committee of Ministers that the CODEXTER, apart from fulfilling the tasks specifically given to it under the Action Plan, is ready to be involved in broader aspects of counter-terrorism activities of the Council of Europe in its capacity as the designated steering committee for counter-terrorism issues;
- Instruct the Secretariat to explore the possibility of holding joint meetings with the Bureaus of other relevant committees of the Council of Europe engaged in various aspects of counter-terrorism;
- Deal with the priority activities for 2016 – 2017 (agreed at the 29th Plenary Meeting of the Committee) in the following order: 30th Plenary Meeting (2016): Terrorism and the Internet; 31st Plenary Meeting (2016): Links between terrorism and organised crime; 32nd Plenary Meeting (2017): The application of International Humanitarian Law and criminal law with regard to acts of terrorism committed in the context of armed conflict; 33rd Plenary Meeting (2017): The definition of Terrorism.

6. Terrorists acting alone

- Examine and adopt, as amended, the Terms of Reference for the Drafting Committee on Terrorists Acting Alone (appended);
- Include the Delegations of Austria, Belgium, Greece, Hungary, Italy, Romania and the Russian Federation as members of the Drafting Committee;
- Take note of the interest expressed by the Delegations of Bosnia and Herzegovina and Slovenia to be members of the Drafting Committee and invite the aforesaid member States and any other member State, which may wish to but has not yet done so, to confirm their willingness to be members of the Drafting Committee to the Secretariat by no later than Monday, 20 June 2016.

7. Amendments to the Recommendation on special investigation techniques

- Take note of the information provided by the Chair of the SIT Drafting Group, Mr Nicola PIACENTE (Italy) on the state of play of the revision of Recommendation Rec(2005) 10 on special investigation techniques;
- Take note that the draft amended recommendation will be submitted to the Committee for finalisation at the 31st Plenary Meeting;
- Instruct the Secretariat to submit the draft amended recommendation to the CDPC for their opinion after the second meeting of the SIT Drafting Group.

8. Terrorism and the Internet

- Welcome Mr Silvino SCHLICKMANN (Interpol) and Mr Eirik TRØNNES HANSEN (Norway), take note of their presentations on “terrorism and the Internet” and thank them for their important contributions to the deliberations of the Committee;
- Examine and hold an exchange of views on the Discussion paper on “terrorism and the Internet” and the findings and proposals contained therein;
- Continue to follow closely the subject of “terrorism and the Internet” in order to address the issue also when analysing other developments, such as foreign terrorist fighters, terrorist training, financing of terrorism and terrorists acting alone;
- Instruct the Secretariat to examine the feasibility of establishing a forum within the framework of the Council of Europe Internet strategy for interested Governments and major Internet companies to discuss problems related to the abuse of the Internet for terrorist purposes, in particular online radicalisation and recruitment, as well as the provision of online training for terrorism, and report back to the Committee at the 31st Plenary Meeting, and to liaise with other Organisations, as well as relevant committees of the Council of Europe with a view to exploiting synergies and avoiding possible overlaps.

9. Assessment of Council of Europe legal instruments in the area of counter-terrorism

- Take note of the two documents prepared by the Secretariat on the topics of “International Humanitarian Law and Criminal Law” and the “Definition of Terrorism” respectively and exchanged views thereon;
- Invite the Secretariat to provide more detailed information at one of the next meetings.

10. Links between terrorism and organised crime

- Take note of the document prepared by the Secretariat on the topic of “Links between Terrorism and Organised Crime” and exchanged views thereon;
- Take note of the information provided by the Secretariat, notably that two academic experts have been appointed to prepare a report on the topic, which will provide an overview of the problem, an analysis of the international legal framework and a catalogue of possible measures;
- Take note that a preliminary report will be prepared by the academic experts to serve as the basis for the deliberations of the Committee on the topic at the 31st Plenary Meeting of the Committee. The final report will be ready in April 2017;
- Endorse the proposal of the Secretariat to organise a follow-up conference to the Malaga Conference (2014) in 2017, where the final report can be presented.

11. CoE 24/7 Foreign Terrorist Fighters Network of Contact Points

- Take note of the information by the Secretariat concerning the setting up of the 24/7 network of contact points for the exchange of police information on “foreign terrorist fighters” provided for under Article 7 of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217);
- Take note of the call by the Committee of Ministers (Ministerial session, Sofia, Bulgaria, 18 May 2016) to expedite the setting up of the aforesaid network;
- Take note of the invitation by the Secretariat addressed to member States and the European Union to nominate contact points and allow for the activation of the 24/7 network prior to the formal entry into force of the Additional Protocol;
- Take note of the information provided by the Secretariat that it intends to hold a first meeting of the contact points of the network as soon as possible in order to familiarise them with the network and discuss the modalities of its functioning.

12. Monitoring of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)

- Take note of the information by the Chair of the Group of Parties, Mr Tobias KAPPELMANN (Germany) concerning the 10th Meeting of the Group of Parties (Strasbourg, 18 May 2016) and the assessment of the implementation of Article 13 of the Convention;
- Take note of the Summary of the Thematic Assessment Report on the implementation of Article 13 (“Protection, compensation and support for victims of terrorism”) of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196);
- Take note of the information provided by Mr KAPPELMANN and by the Secretariat concerning the future work of the Group of Parties and the possibility of replacing the Group of Parties with a more formalised structure as foreseen by the Convention;
- Revisit the issue of the future of the Group of Parties at the 31st Plenary Meeting of the Committee;
- Take note of the comprehensive presentation by Ms Paloma PEREZ CORTIJO (Spain) on “involvement of victims in counter-terrorism”.

13. Radicalisation in prisons

- Take note of the information provided by the Secretariat concerning the “Guidelines for the prison and probation services regarding radicalisation and violent extremism” and the draft “Council of Europe handbook for prison and probation services regarding radicalisation and violent extremism”.

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

- Examine and approve for publication on the website of the CODEXTER the updated country profiles provided by Croatia and France respectively;

- Call on all member States, which have not yet done so, to present or update their country profiles and to inform the Secretariat if they intend to submit new/updated country profiles by 20 June 2016;
- Invite member States to indicate to the Secretariat if their country profiles are still valid.

15. Exchange of information with the EU Presidency (the Netherlands) on the draft Directive on terrorism

- Take note of the information provided by Ms Lucia LING KET ON (the Netherlands) representing the EU Presidency on the state of play of the negotiations of the new Directive on terrorism;
- Take note of the information provided by the EU Presidency concerning a new report on the foreign fighters phenomenon in the EU http://icct.nl/wp-content/uploads/2016/03/ICCT-Report_Foreign-Fighters-Phenomenon-in-the-EU_1-April-2016_including-AnnexesLinks.pdf

16. Exchange of information with Mr Matthias KLOTH, Executive Secretary of MONEYVAL

- Take note of the information provided by Mr Matthias KLOTH on the work of MONEYVAL in the area of financing of terrorism and hold an exchange of views with him thereon;
- Continue to follow closely the subject of financing of terrorism and keep this item in the agenda of its future meetings.

17. Elections

- Elect Mr Daniil MOKIN (Russian Federation) as Member of the Bureau, replacing Mr Mats BENESTAD (Norway);
- Elect Ms Lucia LING KET ON (the Netherlands) as Vice-Chair of the Bureau;
- Thank Mr BENESTAD for his excellent work in the Committee and its Bureau and congratulate him on his new appointment.

18. Presentation of the new CODEXTER website and of the database on the case-law of the European Court of Human Rights relevant for counter-terrorism measures

- Take note of the presentation by the Secretariat of the new CODEXTER website;
- Take note of the presentation by the Secretariat of the database on the case-law of the European Court of Human Rights relevant for counter-terrorism measures. The database will gradually become fully operational in the coming months, as the remaining cases are being uploaded to it.

19. Information by the Gender Equality Rapporteur

- Take note of the information provided by the Gender Equality Rapporteur, Ms Tanja KIKEREKOVA (“the former Yugoslav Republic of Macedonia”) that she will prepare, in cooperation with the Secretariat, a background document on the roles of women in Da’esh for the 31st Plenary Meeting.

20. Date and place of the 31st Plenary Meeting of the CODEXTER

- Hold the 31st Plenary Meeting of the Committee in Strasbourg on 16 - 17 November 2016.

21. Adoption of the Abridged Report and List of Items discussed and Decisions taken

- Adopt the Abridged Report and List of Items discussed and Decisions taken.

Appendix 1

TERMS OF REFERENCE**DRAFTING COMMITTEE TO ELABORATE A DRAFT RECOMMENDATION OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON TERRORISTS ACTING ALONE**

The Committee of Experts on Terrorism (CODEXTER),

Having regard to the Council of Europe Action Plan “Fight against violent extremism and radicalisation leading to terrorism” adopted by the Committee of Ministers on 19 May 2015;

Having regard to its Terms of Reference for 2016 – 2017, in particular points (ii) and (v) of the “Specific Tasks” contained therein;

Having regard to Resolution Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, in particular Article 14 thereof;

Decides as follows:

To appoint a drafting committee consisting of members of the CODEXTER;

To task the drafting committee with the elaboration of a draft recommendation of the Committee of Ministers to the Member States on terrorists acting alone;

The drafting committee shall ensure that the draft recommendation deals, in particular, with the following issues:

- a) the early detection and prevention of attacks carried out by terrorists acting alone;
- b) the prevention of radicalisation leading to terrorism, in particular on the Internet, including on Internet based social media;
- c) international cooperation concerning the criminal investigation and prosecution of terrorists acting alone;
- d) any other issue which it deems to be of consequence for the prevention or criminal investigation of terrorists acting alone.

The drafting committee may have recourse to (a) consultant(s) within the limits of the budgetary appropriations for the CODEXTER.

The following Steering committees of the Council of Europe are invited to appoint one representative each to participate in the work of the drafting committee at their own expense:

- The European Committee of Crime Problems (CDPC);
- The Steering Committee on Media and Information Society (CDMSI);
- The Steering Committee for Human Rights (CDDH).

Intergovernmental and Supranational Organisations and States enjoying Observer Status with the Council of Europe and the CODEXTER may also appoint representatives to participate in the work of the drafting committee at their own expense.

The Global Counterterrorism Forum (GCTF) may also appoint a representative to participate in the work of the drafting committee at its own expense.

The drafting committee should complete its tasks within a maximum total of three meetings of two days each.

The drafting committee shall report on the progress of its work to the Bureau of the CODEXTER and to the CODEXTER itself and, as necessary, request and/or receive instructions from the Bureau and the CODEXTER concerning the fulfilment of its tasks as set out in this decision.

At the end of its work, the drafting committee shall submit a draft recommendation of the Committee of Ministers to Member States to the CODEXTER for finalisation by that Steering Committee.