

Strasbourg, 16 March 2017

CODEXTER-BU (2017) 04

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

## **9th Meeting of the Bureau**

Rome (Italy), 8 March 2017

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

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Information Society and Action against Crime Directorate, DG I

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The Bureau of the CODEXTER under the Chairmanship of Mr Alexandros STAVROPOULOS (Greece) held its 9<sup>th</sup> meeting in Rome (Italy) on 8 March 2017 and decided to:

- Thank the Italian Ministry of Justice for kindly hosting the meeting of the Bureau and that of the Drafting Committee on Terrorists Acting Alone at its premises in Rome.

#### **Communication by the Chair, Bureau Members and Secretariat**

- Take note of the information provided by the Secretary to the CODEXTER, Mr Carlo CHIAROMONTE, concerning the state of play regarding the negotiations of a new binding legal instrument (convention) on trafficking in cultural property in the framework of the CDPC, notably that the CDPC is expected to finalise its work on the draft convention at the upcoming extraordinary session of the Committee on 29-31 March 2017. The finalised draft convention will be adopted by the Committee of Ministers at the Ministerial Session in Nicosia (Cyprus) on 19 May 2017. An original proposal to include a reference to “terrorism” as an aggravating circumstance in the commission of the offences contained in the new convention has so far been rejected by the majority of Delegations participating in the negotiations. Mr Gábor HORVÁTH (Hungary) has been appointed to observe, on behalf of CODEXTER, the negotiations and will report on the outcome at the occasion of the 32<sup>nd</sup> Plenary Meeting of the Committee.

#### **Future work and activities of the CODEXTER**

- Bearing in mind the decision already taken by the Committee to, in general, seek to broaden its tasks to also cover other than legislative preventative measures, propose to the Committee to give special priority to the following items (among others) in the terms of reference of the Committee for the biennial period 2018-2019: The financing of terrorism, including the trafficking of cultural property, the juvenile justice response to terrorism, the role of women in preventing and suppressing terrorism, and the use of administrative measures to prevent terrorism;
- propose to the Committee to increase the number of days for CODEXTER plenary meetings in 2018 and 2019 to three or four days, as is the case for other steering committees, in order to facilitate the work of the Committee on legislative proposals and, in general, to enable more in-depth discussions of selected topics;
- take note of the information provided by the Secretariat concerning measures taken to improve the visibility of the CODEXTER, including through the elaboration of new promotional materials and the updating of the Committee’s website on the Council of Europe’s general website.

#### **Terrorists acting alone**

- Take note of the information provided by the Chair of the Drafting Committee on Terrorists Acting Alone, Mr Nicola PIACENTE (Italy), on the state of play regarding the elaboration of a new draft recommendation on terrorists acting alone, notably that the Drafting Committee held its second meeting on 6-7 March 2017 in Rome, and has so far managed to reach preliminary agreement on a definition of “terrorists acting alone” and general provisions on preventative measures, legal safeguards, the development of counter narratives and alternative messages and co-operation with the private sector and with civil society, as well as co-ordination within and between member States to prevent terrorism by lone actors. The third meeting (to take place on 27 and 28 June 2017) will focus in particular on “best practices on detection and interception (including prosecution) of terrorists acting alone”. In this context, the Secretariat has proposed to elaborate a confidential handbook for member States only on those best practices, which cannot be made public, to accompany the recommendation. The Chair and Secretariat considers that a fourth meeting will be necessary in order to finalise the work on the draft recommendation before submission to the CODEXTER at its second Plenary Meeting in 2017. This last meeting is foreseen to take place on 11 and 12 October 2017;

- Allow for all Members of the Bureau to participate in the last meeting of the Drafting Committee on Terrorists Acting Alone in order to facilitate the preparations of the finalisation by the CODEXTER of the draft at its second Plenary Meeting in 2017.

### **The application of international humanitarian law and criminal law in a counter-terrorism context**

- Examine the draft discussion paper prepared by the Secretariat and agree to its distribution to all Delegations in view of the 32<sup>nd</sup> Plenary Meeting of the CODEXTER.

### **Preparation of the next Plenary Meeting of the CODEXTER**

- Examine the draft agenda for the 32<sup>nd</sup> Plenary Meeting of the CODEXTER and agree to its distribution to all Delegations.

### **Amendments to the Recommendation on “special investigation techniques”**

- Examine the comments made by some Delegations of the CDDH on the draft revised recommendation on the use of “special investigation techniques”;
- taking into account the aforesaid comments, to amend paragraph 7 (Chapter II) of the draft revised recommendation as follows: “Member States should take appropriate legislative measures to ensure adequate periodical review of the implementation of special investigation techniques by judicial **or other competent authorities** through prior authorisation, supervision during the investigation or ex post facto review.”;
- not adopt any other proposals by the CDDH, as these have already been discussed in the framework of the CODEXTER and have not been adopted by it.

### **Links between terrorism and organised crime**

- Take note of the information provided by the Secretariat concerning the state of play of the planning of the international conference on the links between organised crime and terrorism (“Malaga II Conference”) to take place on 21 and 22 September 2017 in Malaga, Spain;
- instruct the Secretariat to prepare concrete and operational conclusions to be adopted by the conference with a view to identifying future tasks for the Council of Europe in relation to the topic and facilitate work thereon by the relevant committees.

### **Coe 24/7 Foreign Terrorist Fighters Network of Contact Points**

- Take note of the information provided by the Secretariat concerning the network, notably that it has been in operation since 1 December 2016 and that a first meeting of the contact points was held in October 2016. A second meeting of the contact points is foreseen for March 2017.

### **Terrorism and the internet**

- Take note of the information provided by the Secretariat on the ongoing discussions with representatives of the private sector on the establishment of a platform for exchange of views and, as appropriate, co-operation between member States and internet companies. A sub-platform dedicated to counter-terrorism issues is also foreseen. The Secretariat will continue its efforts to create a sub-platform, as mentioned above, focussing on a smaller number of topics of common interest to member States and the private sector.

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**Date and place of the 10<sup>th</sup> Meeting of the Bureau of the CODEXTER**

- Hold its next meeting, back-to-back with that of the Drafting Committee on Terrorists Acting Alone, on 13 October 2017 (place to be confirmed).

**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.