

Strasbourg, 17 March 2016

CODEXTER BU (2016)10

COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)

LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN

7th MEETING OF THE BUREAU

Venice (Italy), 16 – 17 March 2016

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

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The Bureau meeting under the Chairmanship of Mr Alexandros STAVROPOULOS (Greece) held its 7th meeting in Venice (Italy) on 16 and 17 March 2016 and decided to:

1. Information from the Chair, Bureau Members and Secretariat

- Take note of the following information from the Secretariat:
- a) the follow-up to the Additional Protocol (24 States and the EU have signed the instrument and on 23 March, Lithuania will also sign);
- b) on 1 March, the Secretariat has attended a High Level Conference organised by the EU Presidency on FTF, at the occasion of which Director Jan KLEIJSEN spoke about the importance of setting up the 24/7 network as soon as possible and the need for States to engage with the industry in countering radicalisation via the Internet and on the gathering of electronic evidence for the criminal prosecution of terrorists;
- c) on 2 March, the Secretariat (Kristian BARTHOLIN) participated in a seminar organised in the European Parliament entitled “Counter-terrorism, Security and Human Rights”, where he spoke about the recent initiatives of the Council of Europe in the field of counter-terrorism;
- d) on 10 March, the Secretariat (Head of the Counter-Terrorism Division, Carlo CHIAROMONTE and Giulia LUCCHESI) met with representatives of Europol in The Hague to discuss, inter alia, the possible role of Europol in the 24/7 network for exchange of police information on foreign terrorist fighters, which is to be set up under the Additional Protocol.
- Take note of the oral information provided by Ms Lucia LING KET ON (the Netherlands) on the state of play of the negotiations of the proposal for a “Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism”. The Council of the European Union has on 11 March agreed on the so-called “general approach”, thereby enabling the negotiations with the European Parliament to begin. The ambition is to have the directive adopted before the end of the EU Presidency of the Netherlands.
- Take note of the request from Norway, made during the thematic debate in the Committee of Ministers on 15 March 2016 (“Rising extremism, radicalization and xenophobia in the fight against terrorism: building inclusive societies as a cure/The need for collective action”), for the CODEXTER to explore the possibility of establishing a platform for the exchange of information on national counter-terrorism action plans and instruct the Secretariat to submit the Norwegian request to the CODEXTER for further discussion.
- Propose to the CODEXTER that such an initiative could proceed on a voluntary basis.

2. Future work and activities of the CODEXTER and its role in the implementation of the Action Plan

- Hold an exchange of views on the state of the implementation of the Action Plan.
- Propose to the CODEXTER the establishment of a drafting committee to prepare a draft recommendation on terrorists acting alone.
- Agree that the Secretariat with the assistance of external consultants prepare a discussion paper on “Terrorism and the Internet”, which will be the thematic focus of the next Plenary Meeting in May.
- Propose to the CODEXTER to examine and discuss the following priority topics in the order indicated:
 - 1) terrorism and the Internet (30th Plenary Meeting);
 - 2) links between terrorism and organised crime (31st Plenary Meeting);
 - 3) the delineation between the application of criminal law and international humanitarian law as regards terrorist acts committed in the context of an armed conflict (32nd Plenary Meeting) and 4) the definition of terrorism (33rd Plenary Meeting).
- Instruct the Secretariat to prepare a background document containing a brief outline of what could be discussed under priority topics 2) – 4) and possible deliverables for the 30th Plenary Meeting of the CODEXTER.

- Propose to the CODEXTER to only have coordinators appointed from among the members of the Bureau to work with the Secretariat on the preparation of discussion papers on the aforesaid four priority topics.
- Invite the Chair of MONEYVAL to attend the 30th Plenary Meeting of the Committee in order to hold an exchange of views with him on the subject of “financing of terrorism” (including for FTF purposes), which the Bureau considers an extremely important issue when dealing with the prevention of and combatting against terrorism.

3. Terrorists acting alone

- Examine and approve the draft Terms of Reference for a drafting committee tasked with the elaboration of a recommendation on terrorists acting alone, as amended by the Bureau.
- Submit the draft Terms of Reference to the CODEXTER for adoption.

4. Recommendation on special investigation techniques

- Take note of the information provided by the Chair of the drafting Committee, Mr Nicola PIACENTE (Italy), and by the Secretariat concerning the state of play of the work on amending Recommendation Rec(2005)10 of the Committee of Ministers to Member States on “special investigation techniques” in relation to serious crimes including acts of terrorism.
- Examine the preliminary draft prepared by the drafting committee as it stands after the first meeting (Rome, 18 February 2016) and propose some amendments to it.
- Congratulate the members of the drafting committee for the work carried out so far.
- Instruct the Secretariat to inform the drafting committee about the amendments proposed by the Bureau, which the drafting committee is invited to take into account.
- Include this draft text as a working document for the next CODEXTER Plenary Meeting for information and any possible preliminary comments by delegations.

5. Terrorism and the Internet

- Take note with great interest of the information provided by the Secretariat on the creation of a platform for cooperation between member States and private industry on Internet related issue contained in the Council of Europe Internet Governance Strategy 2016 -2019, shortly to be adopted by the Committee of Ministers
- Invite the Secretariat to provide more in-depth information on the platform at the occasion of the 30th Plenary Meeting of the CODEXTER.
- Examine the background document prepared by the Secretariat on the possible content and scope of the discussion paper on terrorism and the Internet to be prepared for the 30th plenary meeting of the CODEXTER.
- Propose that the Discussion Paper to be prepared by the Secretariat with the assistance of external consultants for the next Plenary Meeting will be focused on countering terrorist content on the Internet rather than on cyber security. In addition the Discussion Paper should also deal with jurisdiction issues on the Internet and with the problems related to encryption of devices and data.
- Appoint Mr Mario JANECEK (Bosnia and Herzegovina) as Coordinator for this priority topic.
- Note that the Secretariat will invite a number of experts to make presentations on issues related to terrorism and the Internet at the 30th Plenary Meeting of the Committee.

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

- Take note of the information provided by the Secretariat on the discussion paper on the establishment of the 24/7 network of contact points and hold an exchange of views thereon.

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

- Take note of the information provided by the Secretariat on its preparations for the deliberations of the CODEXTER on the two legal subjects to be dealt with by the Committee under the heading of “assessment of Council of Europe legal instruments in the area of counter-terrorism, namely “the definition of terrorism” and “the delineation between the application of criminal law and international humanitarian law as regards terrorist acts committed in the context of an armed conflict”.

8. Links between terrorism and organised crime

- Take note of the information provided by the Secretariat concerning the possibility of elaborating a joint CDPC-CODEXTER study on the links between terrorism and organised crime. The joint study will be prepared by academic experts chosen by the Secretariat and will focus on the mapping out of links between organised crime and terrorist organisations in Europe, the implication of terrorist organisations in organised crime and a series of proposals for legal and practical measures to efficiently suppress such organised criminal activities.
- In so far as possible use the aforesaid study as a basis for the deliberations of the Committee on the topic.

9. Radicalisation in prisons

- Note that the Committee of the Ministers has recently adopted (2 March) Council of Europe Guidelines for the prison and probation services regarding radicalisation and violent extremism, and take note of the information provided by the Secretariat, in particular regarding the work to prepare a handbook for prison and probation services containing practical advice and more concrete examples of how member States are dealing with radicalisation in prisons.
- Invite the Chair of the PC-CP to attend one of the next Plenary Meetings in order to hold an exchange of views on the work carried out by the PC-CP on radicalisation in prisons.

10. Gender equality issues

- Hold an exchange of views on how to proceed with the work on gender equality aspects of the work of the CODEXTER.
- Instruct the Gender Equality Rapporteur of the Committee, Ms Tanja KIKEREKOVA (the former Yugoslav Republic of Macedonia), to prepare a background document on the roles of women in Da'esh (both as participants in the terrorist group and as citizens in areas controlled by Da'esh) for the 31st Plenary Meeting of the CODEXTER.

11. Preliminary draft agenda for the 30th plenary meeting of the CODEXTER

- Examine and approve the preliminary draft agenda for the 30th Plenary Meeting of the CODEXTER (19 – 20 May 2016).
- Instruct the Secretariat to disseminate the approved draft agenda to Delegations.

12. Any other business

None

13. Dates and place of the next Bureau meeting and provisional dates for the 31st plenary meeting of the CODEXTER

- Hold its next meeting at the end of September 2016 in Paris.