

**ADDITIONAL PROTOCOL
TO THE COUNCIL OF EUROPE CONVENTION
ON THE PREVENTION OF TERRORISM**

Preamble

The member States of the Council of Europe and the other Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), signatory to this Protocol,

Considering that the aim of the Council of Europe is to achieve greater unity between its members;

Desiring to further strengthen the efforts to prevent and suppress terrorism in all its forms, both in Europe and globally, while respecting human rights and the rule of law;

Recalling human rights and fundamental freedoms enshrined, in particular, in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its Protocols, as well as in the International Covenant on Civil and Political Rights;

Expressing their grave concern about the threat posed by persons travelling abroad for the purpose of committing, contributing to or participating in terrorist offences, or the providing or receiving of training for terrorism in the territory of another State;

Having regard in this respect to Resolution 2178 (2014) adopted by the United Nations Security Council at its 7272nd meeting, on 24 September 2014, in particular paragraphs 4 to 6 thereof;

Considering it desirable to supplement the Council of Europe Convention on the Prevention of Terrorism in certain respects,

Have agreed as follows:

Article 1 – Purpose

The purpose of this Protocol is to supplement the provisions of the Council of Europe Convention on the Prevention of Terrorism, opened for signature in Warsaw on 16 May 2005 (hereinafter referred to as "the Convention") as regards the criminalisation of the acts described in Articles 2 to 6 of this Protocol, thereby enhancing the efforts of Parties in preventing terrorism and its negative effects on the full enjoyment of human rights, in particular the right to life, both by measures to be taken at national level and through international co-operation, with due regard to the existing applicable multilateral or bilateral treaties or agreements between the Parties.

Article 2 – Participating in an association or group for the purpose of terrorism

1 For the purpose of this Protocol, "participating in an association or group for the purpose of terrorism" means to participate in the activities of an association or group for the purpose of committing or contributing to the commission of one or more terrorist offences by the association or the group.

2 Each Party shall adopt such measures as may be necessary to establish "participating in an association or group for the purpose of terrorism", as defined in paragraph 1, when committed unlawfully and intentionally, as a criminal offence under its domestic law.

Article 3 – Receiving training for terrorism

1 For the purpose of this Protocol, "receiving training for terrorism" means to receive instruction, including obtaining knowledge or practical skills, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of carrying out or contributing to the commission of a terrorist offence.

**DODATNI PROTOKOL
H KONVENCIJI SVETA EVROPE
O PREPREČEVANJU TERORIZMA**

Preambula

Države članice Sveta Evrope in druge pogodbenice Konvencije Sveta Evrope o preprečevanju terorizma (CETS št. 196), ki so podpisnice tega protokola, so se

glede na to, da je cilj Sveta Evrope doseči večjo enotnost med njegovimi članicami;

v želji po nadaljnji krepliti prizadevanj za preprečevanje in zatiranje terorizma v vseh njegovih oblikah tako v Evropi kakor tudi v svetu ob spoštovanju človekovih pravic in vladavine prava;

ob sklicevanju na človekove pravice in temeljne svoboščine, poudarjene zlasti v Konvenciji o varstvu človekovih pravic in temeljnih svoboščin (ETS št. 5) in njenih protokolih kakor tudi v Mednarodnem paktu o državljanstvih in političnih pravicah;

izražajoč svojo veliko zaskrbljenost nad nevarnostjo, ki jo pomenijo osebe, ki potujejo v tujino z namenom storitve terorističnega kaznivega dejanja, prispevanja k takemu dejanju ali udeležbe pri njem, ali zagotavljanja usposabljanja ali lastnega usposabljanja za terorizem na ozemlju druge države;

ob upoštevanju v zvezi s tem Resolucije 2178 (2014), ki jo je Varnostni svet Organizacije združenih narodov sprejel na svojem 7272. zasedanju 24. septembra 2014, zlasti četrtega do šestega odstavka;

ker je zaželeno glede nekaterih vidikov dopolniti Konvencijo Sveta Evrope o preprečevanju terorizma;

sporazumele o naslednjem:

1. člen – namen

Namen tega protokola je dopolniti določbe Konvencije Sveta Evrope o preprečevanju terorizma, ki je bila dana na voljo za podpis v Varšavi 16. maja 2005 (v nadalnjem besedilu: konvencija), glede kaznivosti dejanj, navedenih v 2. do 6. členu tega protokola, ter s tem okrepliti prizadevanja pogodbenic pri preprečevanju terorizma in njegovih negativnih učinkov na polno uživanje človekovih pravic, zlasti pravice do življenja, z ukrepi, ki jih je treba sprejeti na državni ravni in z mednarodnim sodelovanjem ob upoštevanju veljavnih večstranskih ali dvostranskih mednarodnih pogodb ali sporazumov med pogodbenicami.

2. člen – sodelovanje v združbi ali skupini z namenom terorizma

1 V tem protokolu „sodelovanje v združbi ali skupini z namenom terorizma“ pomeni udeležbo pri delovanju združbe ali skupine z namenom storitve ali prispevanja k storitvi terorističnega kaznivega dejanja ali več terorističnih kaznivih dejanj s strani združbe ali skupine.

2 Vsaka pogodbenica sprejme potrebne ukrepe, da se „sodelovanje v združbi ali skupini z namenom terorizma“, kakor je opredeljeno v prvem odstavku, določi kot kaznivo dejanje po njenem notranjem pravu, kadar je storjeno protipravno in naklepno.

3. člen – lastno usposabljanje za terorizem

1 V tem protokolu „lastno usposabljanje za terorizem“ pomeni prejemanje usposabljanja od druge osebe, kar vključuje pridobivanje znanja ali praktičnih spremnosti, za izdelavo ali uporabo razstreliva, strelnega ali drugega orožja ali škodljivih ali nevarnih snovi, ali za uporabo drugih posebnih metod ali tehnik z namenom storitve ali prispevanja k storitvi terorističnega kaznivega dejanja.

2 Each Party shall adopt such measures as may be necessary to establish "receiving training for terrorism", as defined in paragraph 1, when committed unlawfully and intentionally, as a criminal offence under its domestic law.

Article 4 – Travelling abroad for the purpose of terrorism

1 For the purpose of this Protocol, "travelling abroad for the purpose of terrorism" means travelling to a State, which is not that of the traveller's nationality or residence, for the purpose of the commission of, contribution to or participation in a terrorist offence, or the providing or receiving of training for terrorism.

2 Each Party shall adopt such measures as may be necessary to establish "travelling abroad for the purpose of terrorism", as defined in paragraph 1, from its territory or by its nationals, when committed unlawfully and intentionally, as a criminal offence under its domestic law. In doing so, each Party may establish conditions required by and in line with its constitutional principles.

3 Each Party shall also adopt such measures as may be necessary to establish as a criminal offence under, and in accordance with, its domestic law the attempt to commit an offence as set forth in this article.

Article 5 – Funding travelling abroad for the purpose of terrorism

1 For the purpose of this Protocol, "funding travelling abroad for the purpose of terrorism" means providing or collecting, by any means, directly or indirectly, funds fully or partially enabling any person to travel abroad for the purpose of terrorism, as defined in Article 4, paragraph 1, of this Protocol, knowing that the funds are fully or partially intended to be used for this purpose.

2 Each Party shall adopt such measures as may be necessary to establish the "funding of travelling abroad for the purpose of terrorism", as defined in paragraph 1, when committed unlawfully and intentionally, as a criminal offence under its domestic law.

Article 6 – Organising or otherwise facilitating travelling abroad for the purpose of terrorism

1 For the purpose of this Protocol, "organising or otherwise facilitating travelling abroad for the purpose of terrorism" means any act of organisation or facilitation that assists any person in travelling abroad for the purpose of terrorism, as defined in Article 4, paragraph 1, of this Protocol, knowing that the assistance thus rendered is for the purpose of terrorism.

2 Each Party shall adopt such measures as may be necessary to establish "organising or otherwise facilitating travelling abroad for the purpose of terrorism", as defined in paragraph 1, when committed unlawfully and intentionally, as a criminal offence under its domestic law.

Article 7 – Exchange of information

1 Without prejudice to Article 3, paragraph 2, sub-paragraph a, of the Convention and in accordance with its domestic law and existing international obligations, each Party shall take such measures as may be necessary in order to strengthen the timely exchange between Parties of any available relevant information concerning persons travelling abroad for the purpose of terrorism, as defined in Article 4. For that purpose, each Party shall designate a point of contact available on a 24-hour, seven-days-a-week basis.

2 A Party may choose to designate an already existing point of contact under paragraph 1.

3 A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis.

2 Vsaka pogodbenica sprejme potrebne ukrepe, da se „lastno usposabljanje za terorizem“, kakor je opredeljeno v prvem odstavku, določi kot kaznivo dejanje po njenem notranjem pravu, kadar je storjeno protipravno in naklepno.

4. člen – potovanje v tujino z namenom terorizma

1 V tem protokolu „potovanje v tujino z namenom terorizma“ pomeni potovanje v državo, ki ni država državljanstva ali prebivališča potnika, z namenom storitve terorističnega kaznivega dejanja, prispevanja k takemu dejanju ali udeležbe pri njem ali zagotavljanja usposabljanja ali lastnega usposabljanja za terorizem.

2 Vsaka pogodbenica sprejme potrebne ukrepe, da se „potovanje v tujino z namenom terorizma“, kakor je opredeljeno v prvem odstavku, z njenega ozemlja ali njenih državljanov določi kot kaznivo dejanje po njenem notranjem pravu, kadar je storjeno protipravno in naklepno. Pri tem pogodbenica lahko določi pogoje, ki se zahtevajo z njenimi ustavnimi načeli in so v skladu z njimi.

3 Vsaka pogodbenica prav tako sprejme potrebne ukrepe, da po njenem notranjem pravu in v skladu z njim kot kaznivo dejanje določi poskus storitve kaznivega dejanja iz tega člena.

5. člen – financiranje potovanja v tujino z namenom terorizma

1 V tem protokolu „financiranje potovanja v tujino z namenom terorizma“ pomeni kakršno koli neposredno ali posredno zagotavljanje ali zbiranje sredstev, ki v celoti ali delno omogočajo kateri koli osebi potovanje v tujino z namenom terorizma, kakor je opredeljeno v prvem odstavku 4. člena tega protokola, ob vedenju, da se sredstva v celoti ali delno nameravajo uporabiti za ta namen.

2 Vsaka pogodbenica sprejme potrebne ukrepe, da se „financiranje potovanja v tujino z namenom terorizma“, kakor je opredeljeno v prvem odstavku, določi kot kaznivo dejanje po njenem notranjem pravu, kadar je storjeno protipravno in naklepno.

6. člen – organiziranje ali drugačno omogočanje potovanja v tujino z namenom terorizma

1 V tem protokolu „organiziranje ali drugačno omogočanje potovanja v tujino z namenom terorizma“ pomeni katero koli dejanje organiziranja ali omogočanja, ki je v pomoč kateri koli osebi pri potovanju v tujino z namenom terorizma, kakor je opredeljeno v prvem odstavku 4. člena tega protokola, ob vedenju, da je pomoč zagotovljena z namenom terorizma.

2 Vsaka pogodbenica sprejme potrebne ukrepe, da se „organiziranje ali drugačno omogočanje potovanja v tujino z namenom terorizma“, kakor je opredeljeno v prvem odstavku, določi kot kaznivo dejanje po njenem notranjem pravu, kadar je storjeno protipravno in naklepno.

7. člen – izmenjava informacij

1 Brez poseganja v pododstavek a drugega odstavka 3. člena konvencije in v skladu s svojim notranjim pravom in veljavnimi mednarodnimi obveznostmi vsaka pogodbenica sprejme vse potrebne ukrepe, da se med pogodbenicami okrepi pravočasna izmenjava vseh pomembnih informacij, ki so na voljo o osebah, ki potujejo v tujino z namenom terorizma, kakor je opredeljeno v 4. členu. V ta namen vsaka pogodbenica določi kontaktno točko, ki je na voljo 24 ur na dan in sedem dni v tednu.

2 Pogodbenica lahko za namene iz prvega odstavka določi že obstoječo kontaktno točko.

3 Kontaktna točka pogodbenice mora imeti zmogljivosti za hitro komunikacijo s kontaktno točko druge pogodbenice.

Article 8 – Conditions and safeguards

1 Each Party shall ensure that the implementation of this Protocol, including the establishment, implementation and application of the criminalisation under Articles 2 to 6, is carried out while respecting human rights obligations, in particular the right to freedom of movement, freedom of expression, freedom of association and freedom of religion, as set forth in, where applicable to that Party, the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and other obligations under international law.

2 The establishment, implementation and application of the criminalisation under Articles 2 to 6 of this Protocol should furthermore be subject to the principle of proportionality, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discriminatory or racist treatment.

Article 9 – Relation between this Protocol and the Convention

The words and expressions used in this Protocol shall be interpreted within the meaning of the Convention. As between the Parties, all the provisions of the Convention shall apply accordingly, with the exception of Article 9.

Article 10 – Signature and entry into force

1 This Protocol shall be open for signature by Signatories to the Convention. It shall be subject to ratification, acceptance or approval. A Signatory may not ratify, accept or approve this Protocol unless it has previously ratified, accepted or approved the Convention, or does so simultaneously. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the deposit of the sixth instrument of ratification, acceptance or approval, including at least four member States of the Council of Europe.

3 In respect of any Signatory which subsequently deposits its instrument of ratification, acceptance or approval, this Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 11 – Accession to the Protocol

1 After the entry into force of this Protocol, any State, which has acceded to the Convention, may also accede to this Protocol or do so simultaneously.

2 In respect of any State acceding to the Protocol under paragraph 1 above, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 12 – Territorial application

1 Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Protocol shall apply.

2 Any Party may, at any later time, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of the declaration by the Secretary General.

8. člen – pogoji in jamstva

1 Vsaka pogodbenica zagotovi, da se pri izvajaju tega protokola, vključno z določitvijo, uveljavljivijo in uporabo inkriminacij iz 2. do 6. člena, spoštujejo obveznosti glede človekovih pravic, zlasti pravice do svobode gibanja, svobode izražanja, svobode združevanja in svobode veroizpovedi, kakor so opredeljene v Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, v Mednarodnem paktu o državljanskih in političnih pravicah in v okviru drugih obveznosti po mednarodnem pravu, kadar se nanašajo na to pogodbenico.

2 Določitev, uveljavitev in uporaba inkriminacij iz 2. do 6. člena tega protokola bi morale poleg tega temeljiti na načelu sorazmernosti ob upoštevanju prizadevanja za legitimne cilje in njihove nujnosti v demokratični družbi ter izključevati kakšno koli obliko samovolje ali diskriminacijskega ali rasističnega obravnavanja.

9. člen – razmerje med tem protokolom in konvencijo

Besede in izrazi, ki so uporabljeni v tem protokolu, se razlagajo v skladu s pomenom iz konvencije. Pogodbenice temu ustrezno uporabljajo vse določbe konvencije, razen 9. člena.

10. člen – podpis in začetek veljavnosti

1 Protokol je na voljo za podpis podpisnicam konvencije. Protokol se ratificira, sprejme ali odobri. Podpisnice lahko ta protokol ratificirajo, sprejmejo ali odobrijajo samo, če so predhodno ratificirale, sprejele ali odobrile konvencijo ali če to storijo hkrati. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

2 Protokol začne veljati prvi dan meseca po poteku treh mesecev od dneva deponiranja šeste listine o ratifikaciji, sprejetju ali odobritvi, pri čemer so vsaj štiri deponirale države članice Sveta Evrope.

3 Za vsako podpisnico, ki deponira listino o ratifikaciji, sprejetju ali odobritvi pozneje, začne protokol veljati prvi dan meseca po poteku treh mesecev od dneva deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

11. člen – pristop k protokolu

1 Po začetku veljavnosti tega protokola lahko vsaka država, ki je pristopila h konvenciji, pristopi tudi k temu protokolu, ali pa pristopi h konvenciji in protokolu hkrati.

2 Za države, ki pristopijo k protokolu v skladu s prvim odstavkom tega člena, začne protokol veljati prvi dan meseca po poteku treh mesecev od dneva deponiranja listine o pristopu pri generalnem sekretarju Sveta Evrope.

12. člen – ozemeljska uporaba

1 Država ali Evropska unija lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu določi ozemlje ali ozemlja, na katerem ali na katerih se uporablja ta protokol.

2 Pogodbenica lahko kadar koli pozneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, razširi uporabo tega protokola na katero koli drugo ozemlje, določeno v izjavi. Za tako ozemlje začne protokol veljati prvi dan meseca po poteku treh mesecev od dneva, ko je generalni sekretar prejel izjavo.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 13 – Denunciation

1 Any Party may, at any time, denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General of the Council of Europe.

3 Denunciation of the Convention automatically entails denunciation of this Protocol.

Article 14 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the European Union, the non-member States which have participated in the elaboration of this Protocol as well as any State which has acceded to, or has been invited to accede to, this Protocol of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Protocol in accordance with Articles 10 and 11;
- d any other act, declaration, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done Riga, this 22nd day of October 2015, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each Member State of the Council of Europe, to the European Union, to the non-member States which have participated in the elaboration of this Protocol, and to any State invited to accede to it.

3 Izjava, dana po prejšnjih dveh odstavkih, se lahko umakne za katero koli ozemlje, določeno v izjavi, z uradnim obvestilom generalnemu sekretarju Sveta Evrope. Umik začne veljati prvi dan meseca po poteku treh mesecev od dneva, ko je generalni sekretar prejel uradno obvestilo.

13. člen – odpoved

1 Pogodbenica lahko kadar koli odpove ta protokol z uradnim obvestilom generalnemu sekretarju Sveta Evrope.

2 Odpoved začne veljati prvi dan meseca po poteku treh mesecev od dneva, ko je generalni sekretar Sveta Evrope prejel uradno obvestilo.

3 Odpoved konvencije pomeni tudi odpoved tega protokola.

14. člen – uradna obvestila

Generalni sekretar Sveta Evrope države članice Sveta Evrope, Evropsko unijo, države nečlanice, ki so sodelovale pri pripravi tega protokola, kakor tudi vsako državo, ki je pristopila ali je bila povabljena k pristopu k protokolu, uradno obvesti o:

- a vsakem podpisu;
- b deponiraju vsake listine o ratifikaciji, sprejetju, odobritvi ali pristopu;
- c vsakem dnevu začetka veljavnosti tega protokola v skladu z 10. in 11. členom;
- d vsakem drugem dejanju, izjavi, uradnem obvestilu ali sporočilu v zvezi s tem protokolom.

V potrditev tega so podpisani, ki so za to pravilno pooblaščeni, podpisali ta protokol.

Sestavljen v Rigi 22. oktobra 2015 v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni, v enem izvodu, ki se shrani v arhiv Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene izvode vsem državam članicam Sveta Evrope, Evropski uniji, državam nečlanicam, ki so sodelovale pri pripravi tega protokola, in vsem državam, ki so bile povabljene k pristopu k protokolu.