

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (74) 3

ON INTERNATIONAL TERRORISM

*(Adopted by the Committee of Ministers on 24 January 1974
at its 53rd Session)*

The Committee of Ministers,

Considering the recommendations of the Consultative Assembly on international terrorism and in particular Recommendation 703 (1973) ;

Aware of the growing concern caused by the multiplication of acts of international terrorism which jeopardise the safety of persons ;

Desirous that effective measures be taken in order that the authors of such acts do not escape punishment ;

Convinced that extradition is a particularly effective measure for achieving this result and that the political motive alleged by the authors of certain acts of terrorism should not have as a result that they are neither extradited nor punished,

Recommends that governments of member states be guided by the following principles :

1. When they receive a request for extradition concerning offences covered by the Conventions of The Hague for the suppression of unlawful seizure of aircraft and of Montreal for the suppression of unlawful acts against the safety of civil aviation, offences against diplomatic agents and other internationally protected persons, the taking of hostages or any terrorist act, they should, when applying international agreements or conventions on the subject, and especially the European Convention on Extradition, or when applying their domestic law, take into consideration the particularly serious nature of these acts, inter alia :

- when they create a collective danger to human life, liberty or safety ;
- when they affect innocent persons foreign to the motives behind them ;

- when cruel or vicious means are used in the commission of those acts.

2. If it refuses extradition in a case of the kind mentioned above and if its jurisdiction rules permit, the government of the requested state should submit the case to its competent authorities for the purpose of prosecution. Those authorities should take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that state.

3. The governments of member states in which such jurisdiction is lacking should envisage the possibility of establishing it.