



Strasbourg, 15 May 2019

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# **COUNCIL OF EUROPE COMMITTEE ON COUNTER-TERRORISM (CDCT)**

## **3<sup>rd</sup> Plenary Meeting**

Strasbourg (France), 14-15 Mai 2019

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### **Abridged Report and List of Items discussed and Decisions taken**

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

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The Council of Europe Counter-Terrorism Committee (CDCT) meeting in Strasbourg on 14-15 May 2019, under the Chairmanship of Mr Mario JANEČEK (Bosnia and Herzegovina), has decided to:

### **1. Opening of the meeting**

- Take note of the opening remarks by Director Jan KLEIJSEN (Information Society and Action against crime Directorate). Mr KLEIJSEN underlined the key role played by the CDCT in the global counter-terrorism architecture and the important contributions which the Committee has made – and continues to make – in terms of ensuring an efficient response in Europe to terrorism which is at the same time respectful of human rights and observing the rule of law. Mr KLEIJSEN further pointed to the challenges facing European States in terms of returning foreign terrorist fighters (FTF) and their families, emphasising the role of the CDCT in providing guidance on this difficult subject. In this connection, Mr KLEIJSEN also pointed to the importance of, where appropriate, consider involving relevant non-member States in the activities of the Committee, not least when it comes to the crucial 24/7 Network for the exchange of information on FTF. Similarly, the recent tragic attacks in New Zealand and Sri Lanka showed that terror can strike anyone anywhere, and hence it is important to look into improving States' ability to assist victims, including through the exchange of information about applicable domestic legislations pertaining to the legal standing of victims. Also this would obviously require cooperation beyond the borders of Europe. Finally, Mr KLEIJSEN also informed the CDCT about the current situation in the Council of Europe. If no solution is found to the issues related to the non-participation of the Russian Delegation in the Parliamentary Assembly, the contingency plans foresee cuts to the budget for the inter-governmental sector with up to 48%. Such drastic budgetary reductions would obviously severely affect the work of the CDCT.
- Express its gratitude to the Council of Europe Counter-Terrorism Coordinator, Mr Ivan KOEDJIKOV, for his excellent work in the counter-terrorism area and for the CDCT, by a round of applause. Mr KOEDJIKOV will soon retire after a successful career in the Council of Europe.

### **2. Adoption of the agenda**

- Adopt the agenda and the order of business.

### **3. Communication by the Chair and the Secretariat**

- Take note of the information provided by the Chair about the outcomes of the 3rd Bureau Meeting (Venice, 9 April 2019).
- Take note of the information provided by the Secretariat, as follows:
  - On 13 December 2018, the Secretary to the CDCT, Mr Carlo CHIAROMONTE, participated in the "Special meeting of the Counter-Terrorism Committee on "Security Council resolution 2396 (2017): review of the Madrid Guiding Principles" and made a presentation of the more recent activities and achievements by the CDCT. The purpose of the special meeting was accordingly to hear suggestions from various experts, global

and regional organisations and States concerning possible updates to the Madrid Guiding Principles in the light of the requirements of UNSCR 2396. The global and regional organisations were also asked to present their activities relevant for UNSCR 2178 and 2396.

- On 4 – 5 April, the Council of Europe was invited to participate in the “ASEAN Cross-Sectoral and Cross Pillar Meeting to Develop the Work Plan of the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalisation and Violent Extremism (2018 – 2025)”. The ASEAN region is in many ways facing the same challenges with regard to terrorism as Europe, including the return of FTF’s and their families from Daesh. Mr Kristian BARTHOLIN represented the Council of Europe at the meeting where he made a presentation on the Council of Europe Counter-Terrorism Strategy (2018 – 2022) underlining the priorities which the CDCT is currently working on, and the need for global and inter-regional cooperation to tackle terrorism.
- On 26 April a joint special meeting of the Counter-Terrorism Committee, the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da’esh) Al-Qaida and associated individuals, groups, undertakings and entities; and the Security Council Committee established pursuant to resolution 1988 (2011) on “The nexus between international terrorism and organized crime”, was held at United Nations Headquarters, New York. The Council of Europe, represented by Mr BARTHOLIN, was invited to brief the UN committees on the situation in Europe and contribute to the deliberations on the links between terrorism and organised crime, including by drawing on the findings from the Council of Europe’s current activities in this field.
- On 7 May Mr CHIAROMONTE attended the meeting of the Working Group on FTFs of the Global Coalition Against Daesh/ISIS in Ankara and also made a presentation on the work carried out by the CDCT on the issue of FTFs. During the meeting more than 50 countries were present and an interesting exchange of views on the very recent developments concerning FTFs was provided.

#### **4. Council of Europe Counter-Terrorism Strategy – Future work and activities of the CDCT**

- Hold an exchange on the current state of implementation of the Council of Europe Counter-Terrorism Strategy (2018 – 2022) and take note of progress made in this regard.
- Endorse the proposal by the Bureau to initiate activities 1.4, 1.5, and 3.4, of the Strategy in 2020.
- Concerning Activity 1.5, task Mr Nicola PIACENTE (Italy), with the assistance of an academic expert and the Secretariat, to prepare a report including possible proposals for new provisions to be included in the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on Financing of Terrorism (CETS No. 198) or in other Council of Europe instruments. This report should be presented first to the Bureau, and then to the 5th Plenary Meeting of the CDCT in 2020.
- Examine and discuss the proposals contained in the document on the possible establishment of a network of contact points for the exchange of procedural information regarding the legal standing of victims of terrorism in the jurisdictions

of member States of the Council of Europe, as well as other relevant States, prepared by the Secretariat.

- Establish the aforesaid network to become operational by 1 November 2019.
- Invite member States and other relevant and interested States to provide the Secretariat of the CDCT with the necessary contact information for their single contact points (name of authority, e-mail address and telephone number, office hours) by 1 October 2019. A letter explaining the procedure will be sent to all Delegations by the Secretariat.
- Instruct the Secretariat of the CDCT to draw up and maintain a list of single contact points and make it available at a restricted website of the Council of Europe, to which only the single contact points and the Secretariat of the CDCT have access.
- Instruct the Secretariat of the CDCT to take the necessary means, including the organisation of regular meetings for representatives of the single contact points, in order to facilitate the cooperation between the single contact points.
- Examine and approve the draft terms of reference of the CDCT for the years 2020 – 2021 in view of their final adoption by the Committee of Ministers later this year.

**5. Sub-Group for the purpose of examining the feasibility of elaborating a definition of terrorism (CDCT-DEF)**

- Take note of the information contained in the report of the 2nd meeting of the CDCT-DEF and provided by the Chair of the Sub-Group, Mr Nicola PIACENTE (Italy), notably that the Sub-Group has already reached the conclusion that, from its perspective, it is feasible to agree on a legal definition of terrorism to replace the current wording of Article 1 of the Convention on the Prevention of Terrorism (CETS No. 196). The final report, which will be submitted to the CDCT for its consideration at its 4th Plenary Meeting, will duly reflect the various possible approaches to a legal definition of terrorism identified by the Sub-Group and will serve as basis for further deliberations on the way ahead.
- Hold an exchange of views on the various aspects of how to elaborate a definition of terrorism for the purpose of improving the application of the Convention and its Additional Protocol.

**6. Working Group on the establishment of a set of indicators for assessing the risk that a terrorist attack may be carried out by radicalised individuals (CDCT-RI)**

- Take note of the information contained in the report of the 2nd meeting of the CDCT-RI and provided by the Chair of the Sub-Group, Mr Gábor HORVÁTH (Hungary), in particular that the experts discussed the preliminary draft of the Terrorists Acting Alone Risk Indicators Handbook prepared by the Secretariat following the instructions from the Working Group at its 1st meeting in Zagreb, Croatia, on October 29-30, 2018. During the preparatory phase of the 2nd meeting the Working Group received many useful proposals from the participating member States which were examined and reviewed paying attention to the sensitivity of the issue at hand. The section on risk indicators was divided into primary, secondary and protection indicators, their order of precedence under each of these clusters aims at reflecting an order of priority. The various

risk indicators under each of the clusters were discussed and debated in detail. The Secretariat was instructed to elaborate explanatory formulations for each of the risk indicators, as well as to prepare further text proposals for the remaining chapters of the Handbook. Delegations were requested to submit additional comments or proposals for the draft Handbook until 30 April 2019, and so far submissions from three delegations have been received. The 3rd and last, meeting of the CDCT-RI will be held on 1 – 2 October 2019 (venue to be confirmed).

## **7. Terrorism and transnational organised crime (CDCT-TTOC)**

- Take note of the information provided by the Secretariat concerning the state of play of the work of the CDCT-TTOC.
- Hold a discussion on the preliminary draft guidelines, prepared by the Secretariat on the basis of the deliberations of the CDCT-TTOC, and provide comments and guidance to be considered by the Sub-Group when finalising the text.
- Instruct the Secretariat to convey its observations to the CDCT-TTOC.

## **8. Working Group on the gathering of evidence from conflict zones for the purpose of criminal prosecution**

- Hold an exchange of views on the Terms of Reference for the Working Group on the gathering of evidence from conflict zones for the purpose of criminal prosecution (Activity 2.1 of the Council of Europe Counter-Terrorism Strategy).
- Amend the Terms of Reference for the Working Group, whose consolidated version is appended to the Abridged Report, List of Items discussed and Decisions taken as Appendix 1.
- Appoint Mr Nicola PIACENTE (Italy) and Mr Mario JANEČEK (Bosnia and Herzegovina) as Co-Chairs of the Working Group.
- Instruct the Secretariat to hold the first meeting of the Working Group as soon as possible in the second half of 2019, on a date and venue to be confirmed.
- Invite interested States to provide the Working Group with any documents they deem relevant for the fulfilment of its tasks.

## **9. 24/7 Network of Contact Points on Foreign Terrorist Fighters**

- Take note of the oral information provided by the Secretariat on the 24/7 Network, notably that the next meeting of the Network will be held in the second half of 2019.
- On the proposal by the Bureau and in agreement with the opinion expressed by the contact points, enlarge the 24/7 Network to interested and relevant non-member States and international organisations and instruct the Secretariat to find ways of involving them in the Network in order to ensure the most efficient cooperation for disseminating warnings about the movements of foreign terrorist fighters.
- On the proposal by the Bureau, instruct the Secretariat to gather information from the contact points in order to better assess the efficiency of the 24/7 Network.

**10. Workshop on the conduct of criminal trials against, and the prosecution of, foreign terrorist fighters, including returnees and relocators, Madrid, 11 – 12 June**

- Take note of the information provided by Ms María Eugenia HERNÁNDEZ FERNÁNDEZ (Spain) regarding the preparation of a workshop for judges and prosecutors, organised by the CDCT, the Ministry of Justice of Spain and the Ministry of Foreign Affairs, European Union and Co-operation of Spain, on the Conduct of Criminal Trials against, and the prosecution of, Foreign Terrorist Fighters, including Returnees and Relocators (Activity 2.3 of the Council of Europe Counter-Terrorism Strategy) for 11-12 June 2019.
- Call on delegations, which have not yet done so, to nominate representatives to this event.

**11. Conference on the roles of women and children in terrorism**

- Take note of the updated Concept Paper on the Counter-Terrorism Conference on the Roles of Women and Children Returnees Involved in Terrorism-related Offences prepared by the Secretariat.
- Instruct the Secretariat to continue the preparations for the Conference with the new Gender Equality Rapporteur, to be nominated at the occasion of the next Plenary Meeting, and report thereon to the CDCT.

**12. The Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)**

- Take note that the total number of ratifications for the Convention is 40 and the corresponding number for the Additional Protocol is 16.
- Call on all member States, which have not yet done so, to sign and ratify the Convention and its Additional Protocol as soon as possible.

**13. Addressing radicalisation in prisons – cooperation projects in the area of radicalisation in prisons**

- Take note of the presentation by Mr Donche BOSHKOWSKI, Criminal Law Cooperation Unit.
- Follow the work done by the Criminal Law Cooperation Unit in the field of counter-terrorism on a regular basis.

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

- Consider the updated country profile on counter-terrorism capacity as submitted by the Delegation of Portugal and authorise its publication on the website of the CDCT.
- Take note that Estonia intends to submit an update of its country profile in time for the 4th Plenary Meeting of the CDCT.
- Invite all other member States to update or submit their country profiles on a regular basis.

**15. Opinion on PACE recommendation 2145 (2019)**

- Examine Parliamentary Assembly Recommendation 2145 (2019) "Withdrawing nationality as a measure to combat terrorism: a human rights-compatible approach?".
- Adopt an opinion on the proposals contained in the aforesaid Recommendation and instruct the Secretariat to transmit it to the Committee of Ministers.

**16. Items for information**

- Take note of the information provided by the Secretariat on the outcomes of the 76th Plenary Meeting of the European Committee on Crime Problems (CDPC).

**17. Any other business**

- Take note that no issues were raised under this agenda item.

**18. Date and place of the 4<sup>th</sup> Plenary Meeting of the CDCT**

- Hold the 4th Plenary Meeting of the CDCT in Strasbourg on 19-21 November 2019.

**19. 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

*Strasbourg, Wednesday, 15 May 2019*

**COUNCIL OF EUROPE COMMITTEE ON COUNTER-TERRORISM (CDCT)**

**Terms of Reference**

**for the Working Group on the Gathering of Evidence**

**from Conflict Zones for the Purpose of Criminal Prosecution**

**Tasks:**

In line with the Council of Europe Counter-Terrorism Strategy (2018-2022), the Working Group on the Gathering of Evidence from Conflict Zones for the Purpose of Criminal Prosecution shall exchange information and identify best practices for the purposes of preparing and elaborate a recommendation or, alternatively, guidelines.

The final legal document shall provide guidance as to how to gather evidence – where possible – in situ, and present it in court during a criminal trial in accordance with the principle of the rule of law, with a special focus on how to prosecute foreign terrorist fighters, including returnees and relocators, and hold them accountable for terrorist offences. It should also assist competent national authorities tasked with the investigation and prosecution of terrorism-related cases in identifying best practices concerning the application of procedures for properly gathering and handling forensic and other types of evidence of terrorist offences during or after combat situations.

The Working Group should further reflect on and establish best practices as to how the evidence collected by intelligence and military services can be legally integrated in judicial proceedings.

**Working methods:**

The Working Group shall base its work on applicable international treaties, in particular the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, relevant United Nations Security Council Resolutions, and national legislations. The Working Group shall take into due account the previous and current work carried out by other relevant organisations and fora, including the Counter-Terrorism Committee Executive Directorate (CTED), the Global Counterterrorism Forum (GCTF), in particular the Abuja Recommendations on the Collection, Use and Sharing of Evidence for Purposes of Criminal Prosecution of Terrorist Suspects, and the International Institute for Justice and the Rule of Law (IIJ). In addition, the Working Group should, where appropriate, consider any relevant national guidelines or similar policy documents concerning the gathering of evidence from conflict zones for the purpose of criminal prosecution.



The Working Group shall take into due account the final observations to the “Workshop on the conduct of criminal trials against, and the prosecution of, foreign terrorist fighters, including returnees and relocators” that the CDCT, the Ministry of Justice of Spain and the Ministry of Foreign Affairs, European Union and Co-operation of Spain are organising on 11 and 12 June 2019.

The Working Group shall report, on a regular basis, on the progress of its work to the CDCT and its Bureau, which may provide guidance to the Working Group, as necessary.

**Composition:**

*Members*

The Working Group shall be composed of specialised experts, including investigators, police officers and prosecutors in counter-terrorism cases, as well as representatives of military and intelligence services. A Delegation may appoint additional members at its own costs. The Chair, or the Co-Chairs, of the Working Group shall be proposed and appointed by the Plenary of the CDCT.

Representatives from other international and regional organisations, and relevant non-member States of the Council of Europe, notably States which have been granted observer status with the Organisation and States with which the Council of Europe has a Neighbourhood Policy, shall be invited to participate in the Working Group.

The administrative budget of the CDCT will bear the travelling and subsistence expenses of 15 representatives of member States (one per Delegation to the CDCT). Other Delegations of the CDCT may participate at their own costs.

The Working Group may avail itself of the assistance of external consultants and academic experts.

**Duration of Terms of Reference:**

These Terms of Reference shall be valid until 31 December 2020, or until the Working Group has performed its tasks. They may be renewed as necessary.