



Helsinki, 13 December 2023

CDCT(2023)14

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

## **11<sup>th</sup> Plenary Meeting**

11 – 13 December 2023

Helsinki, Finland  
Hotel Kämp, Pohjoisesplanadi 29

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### **LIST OF DECISIONS**

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Counter-Terrorism Secretariat

[DGI-CDCT@coe.int](mailto:DGI-CDCT@coe.int) / [www.coe.int/terrorism](http://www.coe.int/terrorism)

The Council of Europe Committee on Counter-Terrorism (CDCT) at its 11th Plenary meeting held on 11–13 December 2023, in Helsinki, Finland, under the Chairmanship of Ms Päivi KAIRAMO (Finland) decided to:

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

Open the meeting.

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

Adopt the agenda.

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

Take note of the information provided by its Chair, Ms Päivi KAIRAMO, who welcomed the CDCT Plenary to Helsinki on behalf of the Ministry of Foreign Affairs of Finland. She expressed her condolences to member States that recently experienced terrorist attacks, and expressed solidarity with the victims of these incidents. She informed the CDCT of the major events that took place since the last Plenary meeting in May 2023, notably the holding of the international Conference on “the abuse of livestreaming, gaming and virtual reality services and platforms by terrorist actors” (in November 2023), finalisation of the work on the draft Guidelines for public and private sector authorities on preparedness and emergency responses to the immediate aftermath of terrorist attacks, and the fourth meeting of the Working Group on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences. Ms KAIRAMO also informed the Plenary of the activities of the CDCT in the context of the United Nations Counter-Terrorism week and the organisation of a side event together with a number of CDCT members and partner organisations (Austria, Finland, UN Counter-terrorism Executive Directorate (CTED), UN Office on Drugs and Crime (UNODC) and the Organisation for Security and Cooperation in Europe (OSCE)) on 19 June 2023.

Take note of the information provided by Mr Carlo CHIAROMONTE, the Council of Europe Counter-Terrorism Coordinator, who warmly thanked the Ministry of Foreign Affairs of Finland and the Government of Finland for generously hosting this meeting in Helsinki and thanked Ms KAIRAMO for facilitating the organisation of this event. Mr CHIAROMONTE reflected in greater detail on the new budgetary situation at the Council of Europe, notably the decision to increase the financial resources available to the Council of Europe following the Reykjavik Declaration in May 2023, and the establishment of the Register of Damage for Ukraine. He also provided information on the new CDCT Terms of Reference (2024-2027), which were adopted on 24 November 2023, and the amendment made to deliverable 19 concerning the trafficking of firearms. Mr CHIAROMONTE also informed the CDCT of the outcomes of the Co-ordination Group meeting between the Council of Europe and the OSCE held on 3 November 2023 to discuss co-operation on counter-terrorism matters. He informed the CDCT of the status of ratification of the Convention on the Prevention of Terrorism (CETS 196) and its Additional Protocol (CETS 217), notably the transmission of the instrument of ratification by Norway (on 8 June 2023) and Ukraine (on 14 September 2023).

Take note of the remarks provided by the delegation of Spain, and in particular their activities during their Presidency of the Council of the European Union during the second half of 2023. Spain informed the CDCT that they chaired four EU working groups dealing with terrorism, where they led efforts to prepare the EU negotiating position for the second round of negotiations on the definition of terrorism (agenda item 5). Additionally, Spain noted their work with the EU Counter-Terrorism Coordinator, Mr Ilkka SALMI, and their role in adopting Council conclusions on the victims of terrorism and on individuals released from prisons. Furthermore, Spain informed the CDCT of EU action to add Hamas military leaders to the EU Terrorism List, i.e. the sanctions regime set out in Common Position 2001/931/CFSP, following the attacks launched by Hamas on October 7. Spain also informed the CDCT of updates to its 2019 National Counter-Terrorism Strategy in 2023.

Take note of the remarks delivered by Mr Irfan SAEED, Organisation for Security and Cooperation in Europe (OSCE), who expressed his appreciation for the excellent partnership between the Council of Europe and OSCE and thanked the Secretariat for welcoming OSCE speakers and experts at recent Council of Europe activities.

Welcome the remarks provided by Mr Pekka PUUSTINEN, Undersecretary of State, Ministry of Foreign Affairs, Finland, who presented official remarks on behalf of the Ministry of Foreign Affairs and expressed Finland's satisfaction with hosting the 11<sup>th</sup> CDCT Plenary meeting in Helsinki. Mr PUUSTINEN informed the CDCT of recent foreign policy developments in Finland, including Finland's recent accession to NATO, the ongoing preparation of the Government's forthcoming white paper on Finland's foreign and security policy, and the planned reforms of the Ministry of Foreign Affairs. Mr PUUSTINEN also expressed his wishes to the CDCT for a good outcome with regards to the ongoing negotiations on the text of the pan-European definition of terrorism, and concluded by thanking the Chair of the CDCT, Ms Päivi KAIRAMO, for her excellent leadership of the CDCT over the past two years.

#### **4. Council of Europe Counter-Terrorism Strategy (2023 – 2027)**

Take note of the information provided by the Secretariat on the overall progress regarding the implementation of the Counter-Terrorism Strategy (2023 – 2027).

Concerning the implementation of the first activities under the Counter-Terrorism Strategy (2023 – 2027):

- Approve the completion of two actions, the International Conference on the abuse of livestreaming, gaming and virtual reality services and platforms by terrorist actors (Activity 1.5), and the Development of guidance for public and private sector authorities on preparedness and emergency responses to the immediate aftermath of terrorist attacks (Activity 3.6).

Postpone the beginning of Activity 1.8 of the Strategy (Revise or supplement terrorist offences under the Convention on the Prevention of Terrorism (CETS 196) and its Additional Protocol (CETS 217) to cover the changed terrorist modus operandi), which was originally scheduled to

be finalised by the end of 2024, until the work on issues related to the definition of terrorism is settled.

## **5. Definition of Terrorism**

Continue the formal negotiations on the definition of terrorism on the basis of the text of the proposed draft definition submitted by the European Commission, on behalf of the European Union, which builds upon the previous work done by the former CDCT Working Group, CDCT-DEF.

Examine and discuss the written comments provided by non-European Union delegations on the draft definition, notably in relation to topics such as the financing of terrorism, the nexus between terrorism offences and organised crime, acts causing serious destruction of natural resources and environmental damage, and the importance of safeguards and exemptions for humanitarian actors and other legitimate activities (see also Annexes I-III below).

Acknowledge that some of the proposed additions and amendments to the text of the definition could be considered in the future, for example through supplemental documentation or an updated Explanatory Report to the Convention (CETS No. 196).

Approve in principle the proposed wording of the text of the definition of terrorism without amendment, while recognising that one member State has suggested an additional element to subparagraphs g) and h) of the text of the definition.

Take note of the information provided by the Secretariat on the potential impact of the proposed draft definition on the existing Council of Europe counter-terrorism legal framework, and invite the Secretariat and Bureau to follow up on the potential legal implications, if any, of the proposed text for countries that have not ratified the international conventions that have subsequently entered into force, as identified by the CDCT-DEF Working Group.

## **6. International Conference on the abuse of livestreaming, gaming and virtual reality services and platforms by terrorist actors (Activity 1.5 of the 2023 – 2027 Strategy)**

Take note of the information provided by the Secretariat on the main themes and outcomes of the International Conference, held in Strasbourg, on 6 – 7 November 2023, and the Summary of Proceedings which is available on the CDCT [website](#).

## **7. Development of guidance for public and private sector authorities on preparedness and emergency responses to the immediate aftermath of terrorist attacks (Activity 3.6 of the 2023 – 2027 Strategy)**

Take note of the information provided by the Chair of the Working Group, Ms Ileana VIȘOIU, on the outcomes of the two meetings of the Working Group on Preparedness and Emergency Response (CDCT-PER), held on 20 June and 30-31 October, respectively, and the preparations of the draft *Guidelines for public and private sector authorities on preparedness and emergency responses to the immediate aftermath of terrorist attacks*.

Hold an exchange of views with the independent expert Dr Hugh DEEMING, who supported the preparation of the draft Guidelines, including on the main themes, guiding principles and key practical elements of the text.

Examine and approve the draft Guidelines, with minor additions, and instruct the Secretariat to transmit the document to the Committee of Ministers for their consideration with a view to adoption.

**8. Comparative practices on the effective use of information collected in conflict zones as evidence for the purpose of criminal prosecution of terrorist offences (Activity 2.1 of the 2023 – 2027 Strategy)**

Take note of the information provided by the Chair of the Working Group, Ms **Päivi** KAIRAMO (Finland), on the last meeting of the Working Group in October, the substantive aspects of the future publication, and expected next steps.

Encourage members of the CDCT who have not already done so, to provide the Secretariat with answers to the questionnaires distributed after the 10th Plenary meeting, and other resources that may be relevant to this matter.

**9. Analysis of emerging patterns of misuse of technology by terrorist actors (Activity 1.4 of the 2023 – 2027 Strategy)**

Take note of the information provided by the Secretariat on the progress with launching this activity and the initial steps taken to hire a suitably qualified consultant tasked with preparing the report.

Examine and approve the concept note prepared by the Secretariat on the main themes and process for the production of the analysis by the end of 2024.

**10. International Conference on prosecuting terrorists for serious crimes committed during armed conflict (Activity 2.3 of the 2023 – 2027 Strategy)**

Take note of the information provided by the Secretariat on the organisation of this Conference, which is planned to take place back-to-back with the CDCT Plenary in May 2024.

Examine and approve the concept note for the Conference.

**11. Guidance on strategies for the prosecution of violent extremism conducive to terrorism (Activity 2.5 of the 2023 – 2027 Strategy)**

Take note of the information provided by the Secretariat on the progress with the implementation of this activity, particularly with regards to the objective of the Working Group set up for this task, the CDCT-VE. Furthermore, 24 nominations have been received from CDCT members in advance of the first meeting of the CDCT-VE scheduled for 30 - 31 January 2024.

Invite CDCT members that have not nominated members to the Working Group to contact the Secretariat by 18 December 2023.

### **12. Analysis of the status and developments regarding foreign terrorist fighters (Activity 2.7 of the 2023 – 2027 Strategy)**

Decide to postpone this activity, with an aim to complete this report by the end of 2025.

### **13. Network of Single Contact Points for the exchange of procedural information regarding the legal standing of victims of terrorism**

Take note of the information provided by the Secretariat on the outcomes of the Network's first study visit, organised in collaboration with the Spanish Ministry of Interior, in Madrid, on 5-6 June 2023, and express gratitude to Spain for their generosity and hospitality in hosting the study visit. The sixth meeting of the Network will take place in 2024.

Take note of the information provided by Spain on their offer to host the first International Conference on victims of terrorism which is scheduled to take place in the second half of 2024, and which aims to follow up on the United Nations Global Congress of Victims of Terrorism held in 2022.

### **14. 24/7 Network of Contact Points on Foreign Terrorist Fighters**

Take note of the information provided by the Secretariat on the outcomes of the Network's 2023 Ping Test, which indicated that the network remains operational. The sixth meeting of the Network will take place in The Hague in 2024, in collaboration with EUROPOL.

### **15. The Consultation of the Parties to the Convention (CoP) 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 of the information provided by the Chair of the CoP, Mr Nicola PIACENTE (Italy), on the outcomes of the 8th meeting of the CoP, in particular on the thematic assessment of Article 2 of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217), and the discussion on the proposed update to the questionnaire in relation to the future assessment of Article 5 of the Convention (CETS No. 196) in 2024.

**Congratulate Ms Ileana VIȘOIU (Romania) on her election as the new Chair of the CoP.**

### **16. Elections**

Elect Mr Nicola PIACENTE (Italy) as Chair of the CDCT, and Ms Päivi KAIRAMO (Finland) as Vice-Chair of the CDCT, with a mandate starting from 1 January 2024.

Elect Dr Sarah ZINK (Germany) as a member of the CDCT Bureau, with a mandate starting from 1 January 2024.

Thank the outgoing member of the Bureau, Mr Mario JANEČEK (Bosnia and Herzegovina), for his excellent cooperation and contributions to the work of the CDCT.

Extend the mandates of the Bureau in accordance with the length of the new CDCT Terms of Reference starting in 2024, which will now last for four years instead of the previous two years.

### **17. Any other business**

Take note of the information provided by the Secretariat on the Country Profiles on counter-terrorism capacity and information on measures taken at national level against terrorism, in particular that the country profiles provided by Georgia and San Marino will be presented at the next CDCT Plenary meeting.

Take note of the suggestion by Greece to provide further information on developments with regards to the draft Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, and the implications this new instrument may have for counter-terrorism matters, at the next CDCT Plenary meeting.

### **18. Date and place of the 12<sup>th</sup> Plenary Meeting of the CDCT**

Hold its 12<sup>th</sup> Plenary meeting on 13-14 May 2024, at Council of Europe headquarters in Strasbourg, France, back-to-back with the International Conference on prosecuting terrorists for serious crimes committed during armed conflict which will take place over one and a half days on 15-16 May 2024.

### **19. Adoption of the List of Decisions**

Adopt the List of Decisions.

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## Annex I

### Statement by Liechtenstein

Liechtenstein submitted written comments with regard to the draft text of the European Union for a pan-European definition of terrorism ahead of the 11<sup>th</sup> plenary meeting of the CDCT. Following the explanations given by the European Commission during the CDCT meeting in Helsinki on 11-13 December 2023 and due to a general consensus to strictly follow the EU draft text, Liechtenstein, as other delegations, accepted to withdraw its proposals and joined the consensus.

However, Liechtenstein would like to point out two of its written comments which it will get back to when the explanatory report is drafted, and which should be taken up in an appropriate manner in the explanatory report:

“With regard to article 1(j) “threatening to commit any of the acts listed in points (a) to (i)” in Liechtenstein’s view careful consideration should be given if this definition of a terrorist act couldn’t risk to be used too widely and could conflict with human rights law. Negotiating parties could consider to limit it to “serious threats” or to explicitly explain the extent of the term in the explanatory report.

In addition Liechtenstein would like to propose that an exemption clause for legitimate activities or acts that are aimed at the exercise or protection of human rights and fundamental freedoms be added to article 1. “



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Annex II

Statement by Switzerland

13 December 2023

### Summary of the statement expressed by Switzerland

Switzerland had a number of comments on the act requirements of the proposed definition (proposing the deletion of “which are defined as an offense under national law” in Article 1, paragraph 1, the replacement of “may” with “in the ordinary course of events seriously damages” in the phrase “given their nature or context may seriously damage a country or an international organisation”, and also replacing “damage a country” with “damage a State institution”. Finally, Switzerland was skeptical regarding the inclusion of threats as a terrorist act, due to the risk of criminalising activities that may be protected under human rights law.

As to the terrorist motivation, in Article 2, Switzerland assesses the third possible aim in letter c) overly vague and hence again a challenge as regards the principle of legal certainty. In light of the powers attached to counter-terrorism legislation, Switzerland thinks that there is a risk of overcriminalization, arbitrary application and possibly abuse inherent in the use of language that is too broad. In the view of Switzerland, the first two aims are sufficient to capture terrorist behaviour.

Furthermore, Switzerland was supporting the proposal of ODIHR OSCE concerning the addition of an exception clause that safeguards legitimate activities (including at a minimum humanitarian organisations activities and possibly activities of human rights organisations, as well as the defense or exercise of human rights and fundamental freedoms) and excludes them from the scope of the definition.

Following the explanations given by the European Commission to justify the text proposed by the European Union and due to the absence of debate and a general consensus to strictly follow the draft proposed by the EU, Switzerland accepted to withdraw its proposals. Switzerland proposed that certain elements of the Swiss position can be explained and developed further in the explanatory report.

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## Annex III

### Statement by Türkiye

#### Interventions of Türkiye on Agenda Item 5

Türkiye appreciated the proposal on the definition of terrorism and made three-pronged counter-proposals regarding 1) the thresholds within the definition, 2) the inclusion of terrorist financing in the definition itself, and 3) the addition of further actus rei to the definition.

Türkiye argued that the thresholds “may seriously damage a country or an international organisation,” in paragraph 1, and “seriously” in paragraph 2 subparagraphs (a) and (c) led the definition to be vague and open to interpretation. Türkiye proposed the removal of these thresholds, as well as the criterion “the effect of which is to endanger human life” in paragraph 1 subparagraphs (g) and (h) to allow the definition to clearly cover terrorist attacks targeting the environment.

Türkiye also proposed the addition of terrorist financing as a subparagraph under paragraph 1 of the proposed definition. This way, the narrative against terrorist financing could have become stronger, and the act of financing terrorism, in and of itself, would clearly be regarded as terrorist.

Seeing that drugs manufacturing and trafficking, migrant smuggling, and human trafficking can be utilised by terrorists to destabilise countries as well as financing terrorist activities, Türkiye proposed their inclusion as subparagraphs under the first paragraph of the proposal and called on other Member States to include further actus rei within the definition to ensure a more comprehensive and contemporary definition of terrorism.

Since Member States can and may prescribe more precise thresholds and further actus rei as terrorist offences in their national legislation, Türkiye showed flexibility by joining the consensus in principle. Türkiye also proposed adding “or seriously cause destruction of natural resources, including flora and fauna” to the ends of subparagraphs (g) and (h) of the first paragraph to ensure the clearer coverage of terrorist acts against the environment within the definition.