

Strasbourg, 14 May 2024

CDCT(2024)06

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

**12<sup>th</sup> Plenary Meeting**

Monday, 13 May – Tuesday, 14 May 2024

Strasbourg, Council of Europe

**Palais de l'Europe, Room 9**

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**LIST OF DECISIONS**

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Counter-Terrorism Secretariat

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The Council of Europe Committee on Counter-Terrorism (CDCT) at its 12<sup>th</sup> Plenary meeting held on 13 -14 May 2024, in Strasbourg, under the Chairmanship of Mr Nicola PIACENTE (Italy) 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 information provided by its Chair, Mr Nicola PIACENTE, who welcomed delegations to Strasbourg for this 12<sup>th</sup> CDCT Plenary meeting. He highlighted the significance of some of the items on the agenda, particularly the *Comparative Practices on the effective use of information collected in conflict zones as evidence for the purpose of criminal prosecution of terrorist offences* to be adopted, and the historic work on the definition of terrorism and the vital importance that this new definition will have for all 46 member States of the Council of Europe and beyond.

Take note of information provided by Mr Carlo CHIAROMONTE, the Council of Europe Counter-Terrorism Coordinator, who warmly welcomed the CDCT Plenary to Strasbourg and informed about recent developments within the Council of Europe with relevance to the work of the CDCT, notably the adoption by the Committee of Ministers of the “Guidelines for public and private sector authorities on preparedness and emergency responses to the immediate aftermath of terrorist attacks” on 7 May 2024. He spoke on the 75<sup>th</sup> anniversary of the Council of Europe, which is being celebrated this week, as well as the upcoming elections for a new Secretary General in the coming months. He also mentioned that Azerbaijan adopted the Additional Protocol (CETS 217) on 12 April 2024 and that this brings the total number of ratifications of the Additional Protocol to 32, including the European Union. Finally, Mr CHIAROMONTE provided information about the upcoming *International Conference on the Investigation and Prosecution of Terrorist Offences Committed in the Context of Armed Conflict*, which will be held on 15-16 May 2024 in Strasbourg, and its aims.

Take note of the information provided by the delegation of Belgium on the main counter-terrorism themes within the context of their Presidency of the Council of the European Union from 1 January to June 2024, particularly their work on the European Database of Terrorist Offenders (EDT-Database), a review of means to exchange information between counter-terrorism authorities and immigration or asylum authorities, work to better understand the profile of potential terrorists or violent extremists, a review of measures to address the developments in online terrorism and violent extremist activity, and an examination of European resilience with respect to chemical, biological, radiological or nuclear (CBRN) terrorism threats. They also informed the CDCT of their work on topics related to terrorism and violent extremism, such as environmental issues, the

spread of disinformation and misinformation online, and the impact of several armed conflicts on Europe.

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

Take note of the information provided by the Secretariat on the current state of implementation of the Council of Europe Counter-Terrorism Strategy (2023 – 2027).

Concerning the proposals made by the CDCT Bureau following the meeting of 7 March 2024:

- Approve the initiation of Activity 1.2 to prepare a draft “Recommendation on combating the promotion of terrorism and radicalisation on the internet, including through social media”, and hold an open call for national experts to be nominated to a Working Group established for this purpose (see Agenda Item 8 below);
- Approve the initiation of Activity 1.1 on “Analysing the factors driving violent extremism leading to terrorism” by hiring a suitably qualified consultant to prepare a preliminary study in Autumn 2024 to serve as a basis for a Working Group composed of national experts to begin its work in early 2025;
- Approve the initiation of Activity 3.1 on the development of “Guidelines on disengagement and reintegration programmes for women with links to terrorism” and of “Activity 3.2 on the development of Guidelines on (re)integration programmes for children affected by terrorism”;
- Postpone Activity 1.7 on the “Analysis of good practices for deception and detection strategies in order to prevent an attack or traveling for the purposes of terrorism”, pending the completion of other priority activities under the Strategy.

Consider inviting the Council of Europe Network of Contact Points for the exchange of information regarding the legal standing of victims of terrorism to support the implementation of Activity 3.7 on preparing “Guidelines on supporting the victims of terrorism”.

#### **5. Definition of Terrorism**

Continue the discussions on how best to integrate the definition of terrorism into the Council of Europe counter-terrorism treaty system, following the approval of the proposed wording of the text of the definition of terrorism at the 11<sup>th</sup> CDCT Plenary in December 2023.

Endorse the proposal made by the CDCT Bureau that, after careful examination at its last meeting in March, expressed a clear preference for an Amending Protocol to adapt and update Convention No. 196, with due consideration given to the potential modalities for the entry into force of such an Amending Protocol.

Take note of the “*Definition of terrorism - Status Update*” (April 2024) document, which contains a draft text of an Amending Protocol in the Annex, as prepared by the CDCT Secretariat in consultation with the Directorate of Legal Advice and Public International Law (DLAPIL) of the Council of Europe.

Examine and approve in principle the draft text of such an Amending Protocol, with one minor amendment (as Appended below).

Instruct the Secretariat to prepare an Explanatory Memorandum accompanying the draft Amending Protocol to provide information on the main considerations taken into account during the negotiation and the drafting process of the definition of terrorism, to be examined and approved at the next CDCT Plenary meeting.

#### **6. 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 CDCT-CZ Working Group, Ms Päivi KAIRAMO (Finland), on the outcome of the fifth and last meeting the CDCT-CZ held on 23 April 2024, in London. Ms KAIRAMO also thanked the Secretariats of the CDCT and the International Institute for Justice and the Rule of Law (IIJ) for their excellent cooperation in the production of this document and expressed her thanks to the United States of America for their generous support to its realisation.

Take note of the information provided by Mr Steven HILL, Executive Secretary of the International Institute for Justice and the Rule of Law (IIJ), and Mr Winthrop WELLS, Senior Manager for Programmes and Policy Planning, IIJ, on their collaboration with the CDCT Secretariat and the CDCT-CZ Working Group in the drafting process.

Examine and approve the “*Comparative Practices on the Use of Information Collected in Conflict Zones as Evidence in Criminal Proceedings*” document and instruct the Secretariat to submit it to the Committee of Ministers of the Council of Europe for their consideration.

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

Take note of the the information provided by the consultant, Mr David WELLS, on the Initial Outline of the Analysis and progress with regards to this activity.

Hold an exchange of views with Mr WELLS on particular issues related to terrorist abuse of new technologies, such as recent cases of violent extremism involving 3D printed weaponry, risk of young people being exposed to terrorist propaganda and recruitment, terrorist groups migrating to smaller online platforms with weaker content moderation, the changing image of terrorist actors as a result of technological innovation, trends in terrorist exploitation of artificial intelligence, and the changing conditions conducive to terrorist activity.

Invite CDCT members to inform the Secretariat by the end of July of their availability to suggest national experts to participate in online interviews with the consultant.

### **8. Recommendation on combating the promotion of terrorism and radicalisation on the internet, including through social media (Activity 1.2 of the 2023 – 2027 Strategy)**

Take note of the “*Concept Note for a CDCT Working Group on combating the promotion of terrorism and radicalisation on the internet (CDCT-RAD)*” document prepared by the Secretariat.

Approve the initiation of this activity and take note of the expressions of interest to nominate experts to this Working Group by CDCT members, including from Armenia, Cyprus, Estonia, France, Hungary, Italy, the Netherlands, Spain, Türkiye, United Kingdom, United States of America, and Ukraine, and invite other members to express their interest in nominating experts to the CDCT-RAD Working Group by 1 July 2024.

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

Take note on the information provided by the Chair of the CDCT-VE Working Group, Mr Nicola PIACENTE (Italy), on the outcomes of the first meeting held in Strasbourg on 30-31 January 2024, particularly that the Working Group discussed the way forward in the preparation of the *Guidelines on Strategies for the Prosecution of Violent Extremism Conducive to Terrorism* and examined the substantive areas to be covered in the scope of the document. The CDCT-VE also discussed the current range of national approaches to prosecuting violent extremism, challenges faced, and good practices that could be included in the guidance document. The Working Group also agreed to distribute a Questionnaire to gather inputs for the Guidelines, which was circulated to CDCT members on 7 February 2024.

Take note of the information provided by the Secretariat on the responses to the Questionnaire circulated following the meeting, notably that 22 replies have been received to date.

Allow members of the CDCT to still submit responses to the Questionnaire by 15 June 2024, if possible, in advance of the second meeting of the CDCT-VE Working Group tentatively scheduled for September 2024.

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

Take note of the information provided by the Secretariat on the outcomes of the 6<sup>th</sup> meeting of the Network, held on 5 March 2024 in Strasbourg.

Acknowledge that the meeting was dedicated to several thematic presentations of national structures by Cyprus, Finland, Switzerland and the United States of America for victims of terrorism, including good practices, challenges, and experiences in the provision of short-term, medium-, and long-term support. Also take note that the second part of the event was dedicated

to the commemoration and memorial efforts for the victims of terrorism and included presentations from representatives of the United Nations Office of Counter-Terrorism (UNOCT) Victims of Terrorism Unit, the Prefiguration Mission of the Memorial Museum of Terrorism (France), and the 9/11 Memorial Museum (USA).

#### **11. 24/7 Network of Contact Points on Foreign Terrorist Fighters**

Take note of the information provided by the Secretariat on the current status of the Network and the expected next steps.

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

Take note of the information provided by the representative of Georgia on their current approach and activities to counter terrorism and violent extremism.

Approve the country profile on national counter-terrorism capacities presented by Georgia.

#### **13. Any other business**

Hold an exchange of views with Mr Steven HILL, Executive Secretary of the International Institute for Justice and the Rule of Law (IJJ), based in Malta, particularly noting their activities to facilitate the exchange of good practices, produce foundational documents, and build capacity related to counter-terrorism in Africa, the Middle East, South East Asia and elsewhere, such as the European Union-funded CT-PHARE project working to improve the degree to which states' counterterrorism policies, legislation, and practices comply with internationally recognised human rights standards.

#### **14. Date and place of the 13<sup>th</sup> Plenary Meeting of the CDCT**

Hold its 13<sup>th</sup> Plenary meeting in Strasbourg on 13 -14 November 2024.

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

Adopt the List of Decisions taken.

**APPENDIX – Draft Amending Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) for the purposes of the 12<sup>th</sup> CDCT Plenary**

**Protocol amending the Council of Europe Convention on the Prevention of Terrorism (CETS 196)**

Strasbourg, \_\_\_\_\_/\_\_\_\_\_

**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)(hereinafter referred to as “the Convention”), signatories to this Protocol;

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

Recalling the need to strengthen the fight against terrorism in all its forms, in Europe and globally, and recognising the value of reinforcing co-operation in the field of counter-terrorism with the other Parties to the Convention and;

Recognising that terrorist offences and the offences set forth in the Convention and this Protocol, by whoever perpetrated, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature;

Reaffirming that all measures taken to prevent or suppress terrorist offences in this protocol should be in accordance with relevant human rights and fundamental freedoms, particularly those enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), as well as other obligations under international law, including, where applicable, international humanitarian law;

Recognising that new challenges in the fight against terrorism have emerged since the Convention and its Additional Protocol (CETS No. 217) were adopted, particularly related to the fact that many terrorists have changed their *modus operandi* through the commission of criminal acts with a terrorist aim beyond those included in the anti-terrorism treaties contained in the Appendix to the Convention;

Considering the need to adopt a wider and more suitable legal definition of terrorist offences in order to address contemporary and future counter-terrorism challenges;

Have agreed as follows:

**Article 1**

The text of Article 1 of the Convention shall be replaced by the following:

1. For the purposes of this Convention, "terrorist offence" means:

- any of the offences within the scope of and as defined in one of the treaties listed in the Appendix; or

- any of the following acts, which are defined as an offence under national law, and given their nature or context, may seriously damage a country or an international organisation, when committed intentionally and with one of the aims referred to in paragraph 2:

- (a) attacks upon a person's life which may cause death;
- (b) attacks upon the physical integrity of a person;
- (c) kidnapping;
- (d) causing extensive destruction of a government or public facility, a transport system, an infrastructure facility, a public place or private property likely to endanger human life or result in major economic loss;
- (e) seizure of means of public or goods transport, other than aircraft and ships;
- (f) manufacture, possession, acquisition, transport, supply or use of weapons, including chemical, biological, radiological or nuclear weapons, as well as research into, and development of, chemical, biological, radiological or nuclear weapons;
- (g) release of dangerous substances, or causing fires or floods, the effect of which is to endanger human life;
- (h) interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;
- (i) system or data interference that causes extensive damage to an information or computer system;
- (j) threatening to commit any of the acts listed in points (a) to (i).

2. The aims referred to in paragraph 1 are:

- (a) seriously intimidating a population;
- (b) unduly compelling a government or an international organisation to perform or abstain from performing any act;
- (c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.”

## **Article 2 – Signature and ratification**

This Protocol shall be open for signature by Parties to the Convention. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

## **Article 3 – Entry into force**

1. 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 on which all Parties to the Convention have expressed their consent to be bound by the Protocol, in accordance with the provisions of Article 2.



2. In the event this Protocol has not entered into force in accordance with paragraph 1, following the expiry of a period of three years after the date on which it has been open for signature, the Protocol shall enter into force in respect of those States which have expressed their consent to be bound by it in accordance with paragraph 1, provided that the Amending Protocol has been ratified by at least two thirds of the Parties to the Convention. As between the Parties to the Protocol, all provisions of the amended Convention shall have effect immediately upon entry into force.
3. Pending the entry into force of this Protocol and without prejudice to the provisions regarding the entry into force and the accession by non-member States, a Party to the Convention may, at the time of signature of this Protocol or at any later moment, declare that it will apply the provisions of this Protocol on a provisional basis. In such cases, the provisions of this Protocol shall apply only with respect to the other Parties to the Convention which have made a declaration to the same effect. Such a declaration shall take effect on the first day of the third month following the date of its receipt by the Secretary General of the Council of Europe.

#### **Article 4 – Declarations related to the Convention**

From the date of entry into force of this Protocol, with respect to a Party having entered one or more declarations in pursuance of Article 1 of the Convention, such declarations will lapse.

#### **Article 5 – Reservations**

No reservation may be made with respect to this Protocol.

#### **Article 6 – Notifications**

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any other Party to the Convention of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. the date of entry into force of this Protocol in accordance with Article 3;
- d. any other act, notification or communication relating to this Protocol.

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

Done at Strasbourg, this \_\_\_\_ th day of \_\_\_\_/\_\_\_\_, 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 other Parties to the Convention and any State invited to accede to the Convention.