

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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COUNCIL OF EUROPE COUNTER-TERRORISM COMMITTEE (CDCT)

BUREAU

5th Meeting

Teleconference, 16 September 2020

Abridged Report and List of Items Discussed and Decisions Taken

Secretariat of the Counter-Terrorism Division

Information Society and Action against Crime Directorate, DG I

www.coe.int/terrorism

The Bureau, meeting on 16 September 2020 under the Chairmanship of Ms Ileana VIȘOIU (Romania), decided to:

1. Opening of the meeting

- Take note of the welcoming remarks by the Chair, Ms Ileana VIȘOIU (Romania), and Mr Carlo CHIAROMONTE, Council of Europe Counter-Terrorism Coordinator and Secretary to the CDCT.

2. Adoption of the agenda

- Adopt the agenda.

3. Communication by the Chair and by the Secretariat

- Take note of the information provided by Mr CHIAROMONTE, that due to the current public health situation physical meetings of committees can, as a rule, not take place on the Council of Europe premises during September and October. It is furthermore unlikely, that any large-scale events involving physical gatherings of participants can be carried out in 2020.
- Hold an exchange on how this situation will impact the working methods of the CDCT, in particular as regards the next Plenary meeting.
- Take note that Mr CHIAROMONTE, participated as speaker in the OSCE-wide Counter-Terrorism Conference on *Effective Partnerships against Terrorism and Violent Extremism and Radicalization that Lead to Terrorism in the OSCE Area* held on 14-15 September 2020 in Vienna, Austria.
- Take note that Mr Derhan DOĞAN (Turkey) has resigned from the Bureau due to his taking up new duties in the Ministry of Foreign Affairs and express its thanks to him for his work for the CDCT.
- Propose to the CDCT to postpone the election of the replacement of Mr DOĞAN until the CDCT can meet in person, or the Committee of Ministers has issued guidelines to its steering committees on how to hold elections to the Bureau in the case of Plenary meetings by remote participation.

4. Council of Europe Counter-Terrorism Strategy – state of implementation

- Discuss the state of implementation of the activities under the Strategy.
- Propose to the Committee to take up Activity 3.2 of the Strategy (risk assessment of individuals indicted and convicted for terrorist offences) in addition to Activities 2.4 (mutual legal assistance in criminal matters, extradition and the use of joint investigative teams in relation to terrorism), and 3.6 (law enforcement and emergency service s responses during and in the immediate aftermath of terrorist attacks), which were proposed by a Delegation at the last Plenary meeting.

5. Definition of terrorism

- Take note of the comments received from Delegations concerning the issue of definition of terrorism, which will be used to substantiate further deliberations on the subject by the CDCT.
- Bearing in mind that the next Plenary meeting of the CDCT will be held by remote participation, and that it will be more appropriate to examine this legally complicated matter when meeting in

person, postpone the examination of the issue of “definition of terrorism” until the first Plenary meeting of 2021, in so far the public health conditions will allow this.

- Instruct the Secretariat to inform Delegations that the deadline for submitting comments concerning the issue of definition of terrorism will be prolonged until 1 March 2021.

6. Working Group of Experts on Terrorism and transnational organised crime (CDCT-TTOC) (Activity 2.5 of the Strategy)

- Take note of the information provided by the Secretariat, notably that on 30 April 2020, the CDCT-TTOC Working Group finalised and agreed on the draft Guidelines and that they received the explanatory report to the draft Guidelines for their consideration and possible comments.
- Make two additional amendments to the draft Guidelines: a) in Guideline n° 20, to mention the Council of Europe Recommendation Rec(2005)9 on protection of witnesses and collaborators of justice and b) in Guideline n° 30 to replace the words “a means of financing of terrorism” by “a means of financing of transnational organised crime”.
- Instruct the Secretariat to submit the amended Guidelines as well as the accompanying draft Explanatory Memorandum, following approval of the latter by the Working Group, to the CDCT for adoption at its next Plenary meeting and strongly invite the Plenary to be prepared for the final approval of this text at the next Plenary.
- Highlight the fact that this text has already been examined and discussed by the Plenaries of both the CDCT and of the CDPC in 2019, and that this file is under the CDCT’s consideration since 2018.

7. Working Group on the gathering of evidence from conflict zones for the purpose of criminal prosecution (CDCT-GE) (Activity 2.1 of the Strategy)

- Take note of the information provided by the two co-Chairs of the Working Group (Mr Mario JANEČEK, Bosnia and Herzegovina, and Mr Nicola PIACENTE, Italy). On the basis of the replies from Delegations to a questionnaire on the gathering of evidence from conflict zones, the two Co-Chairs together with the Secretariat have prepared a preliminary draft of the Recommendation on the Gathering of Evidence from Conflict Zones for the Purpose of Criminal Prosecution of Terrorist Offences. This draft was sent to the CDCT-GE for possible comments and observations. A second meeting of the CDCT-GE is planned to take place before the end of 2020. The draft Recommendation is expected to be submitted to the CDCT for approval in 2021.
- Instruct the Secretariat to submit the updated version of the document to the CDCT for further examination and deliberation at its next Plenary meeting.

8. Awareness-raising on radicalisation and other preventive measures among frontline practitioners, in particular in schools (Activity 1.4 of the Strategy)

- Take note of the information by the Secretariat, namely that a revised version of the preliminary draft of the Recommendation on Measures Aimed at Protecting Juveniles against Radicalisation for the Purpose of Terrorism has been elaborated by the independent expert, Mr Robert ÖRELL (Sweden), and the Secretariat and submitted to Delegations. The deadline for sending comments and drafting suggestions to the Secretariat is 18 September 2020. Some Delegations have already raised issues of a more horizontal character, which cannot be dealt with in the written procedure, but should be examined by the CDCT at the occasion of its next Plenary meeting. Once the basic elements of the preliminary draft recommendation have been agreed at the level of the CDCT, other relevant committees of the Council of Europe will be asked to contribute their comments and drafting suggestions.

- Examine the draft Recommendation and instruct the Secretariat to submit the updated version of the document to the CDCT for further examination and deliberation at its next Plenary meeting.

9. Identification of emerging terrorist threats (Activity 3.4 of the Strategy)

- Take note of the information by the Secretariat, that it is in the process of entering into a contract with an independent academic expert, who will draft a comprehensive study on emerging terrorist threats. The expert will be supported by a working group composed of experts nominated by member States. The study should be submitted to the CDCT during the first half of 2021.
- Instruct the Secretariat to invite member States to propose national experts for the aforesaid working group with a view to it being constituted as soon as possible, and preferably before the next Plenary meeting.

10. The roles of women and children in terrorism (Activity 3.5 of the Strategy)

- Take note of the information provided by the Secretariat regarding the feasibility of holding the International Conference on the Roles of Women and Children in Terrorism in Strasbourg on 3 and 4 December 2020, as previously decided by the Committee. The current public health situation makes it unlikely that the International Conference can take place as physical event this year. It would, however, be technically possible to replace the conference with an on-line event in a reduced format on the dates originally foreseen.
- Stressing the importance of the topic, postpone the International Conference on the Roles of Women and Children in Terrorism until it can be organised as a physical event in 2021, bearing in mind that the International Conference should not coincide with similar events on the same topic organised by other intergovernmental organisations.

11. Bioterrorism

- Express its support for the presentation of the subject to the Plenary while bearing in mind any already existing legal standards in this field.
- Examine the document prepared by the Secretariat on bioterrorism (doc. CDCT(2020)05) and hold a first exchange on how to proceed with this matter in the CDCT.
- Underline the importance of limiting the scope of possible Council of Europe actions related to bioterrorism to those instances involving illegal activities for the purpose of terrorism by non-state actors only.
- Instruct the Secretariat to submit the aforesaid document to the Committee for further examination and deliberation at the occasion of the next Plenary meeting.

12. Financing of terrorism (Activity 1.5 of the Strategy)

- Postpone further work on this activity until 2021.
- Instruct the Secretariat to prepare a letter from the Chair of CDCT to the Chair of MONEYVAL explaining the reasons why it is important for the two committees to further strengthen their collaboration in the area of financing of terrorism and inviting MONEYVAL to provide a written answer concerning how to proceed on the implementation of Activity 1.5 of the Strategy.

13. Items for information

- Take note of the information provided by the Secretariat, notably that as a follow-up to the last meeting of **the Council of Europe 24/7 Network of Contact Points on foreign terrorist fighters**, held in December 2019, the Secretariat prepared and submitted a questionnaire aiming at improving practical and technical issues related to the Network. Moreover, that INTERPOL has designated its Contact Point to the Network and that, considering the sensitive character of the information at stake, no meeting of the Network will be held remotely.
- Take note that **the Network of Single Contact Points for the exchange of procedural information regarding the legal standing of victims of terrorism** has held its first meeting (by remote participation) on 16 June 2020. The Network have agreed on creating a factsheet for each participating State containing information on the legal standing of foreign nationals who have become victims of a terrorist attack.
- As regards **the CDPC**, take note that the activities of this Committee are currently focusing on issues related to criminal law and the environment, criminal law and artificial intelligence and an update of treaties related to MLA.
- Take note that since the last meeting of the Bureau, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No 217) has entered into force for the following member States (in alphabetical order): Germany (01/12/2019), Russian Federation (01/05/2020) and Slovenia (01/03/2020). San Marino has signed the Additional Protocol (02/07/2020).

14. Preparation of the 5th CDCT Plenary meeting

- Examine and approve the draft agenda for the 5th CDCT Plenary meeting and instruct the Secretariat to distribute it to all Delegations.
- Hold the Plenary meeting by remote participation on 17 and 18 November 2020.

15. Any other business – information by the Chair and exchange of views with the members of the Bureau concerning the letter received from the SG private office regarding the four-year strategic framework of the Council of Europe

- Take note of the information provided by the Chair concerning the circular letter of 20 August 2020, from the Secretary General to all Chairs of steering committees and ad hoc committees containing a questionnaire on strategic priorities, governance and working methods and lessons learnt from the sanitary crisis. The Bureau will contribute to this exercise.

16. Date and place of the 6th CDCT Bureau meeting

- Hold its next Bureau meeting in the first half of 2021 (date and place to be confirmed).

17. 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.