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COUNCIL OF EUROPE COMMITTEE ON COUNTER-TERRORISM (CDCT)

9th Plenary Meeting

Agora, Room G01 / 30 November - 2 December 2022

Abridged Report and List of Decisions

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The Council of Europe Committee on Counter-Terrorism (CDCT) at its 9th Plenary meeting held on 30 November - 2 December 2022, in Strasbourg, under the Chairmanship of Ms Päivi KAIRAMO (Finland) decided to:

1. Opening of the meeting

Take note of the opening remarks by Ambassador Petr VÁLEK (Czech Republic), Chair of the Group of Rapporteurs on Legal Cooperation of the Committee of Ministers of the Council of Europe (GR-J) and Focal Point on the Fight against Terrorism who expressed the continued support of the Committee of Ministers for the work of the CDCT and spoke of the key role of the CDCT as an intergovernmental body producing important outputs on counter-terrorism matters in the framework of the Council of Europe. Ambassador VÁLEK used this opportunity to also highlight the importance of the work on the new Counter-Terrorism Strategy for setting the future course of the Council of Europe in this area.

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 the Chair, who expressed deepest sympathy and support to Ukraine against the background of continued armed aggression by the Russian Federation, as well as to jurisdictions where terrorist attacks have recently occurred, including Belgium and Türkiye. The Chair noted that the 9th Plenary Meeting is the last one to be held within the framework of the Council of Europe Counter-Terrorism Strategy for 2018-2022. She further reflected on the major achievements of the CDCT during the last few years and thanked all those involved in the activities of the Committee. The Chair continued by informing the CDCT that the Report on Emerging Terrorist Threats was taken note of by the Committee of Ministers of the Council of Europe on 5 October 2022, and informed the CDCT of activities that took place since the last Plenary. Echoing the previous speaker, the Chair also highlighted the importance of the work on the next Council of Europe Counter-Terrorism Strategy (2023-2027) to be considered for adoption at this meeting. Finally, Ms KAIRAMO also informed the CDCT of the expected ratification by Finland of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217).

Take note of the information provided by Mr Carlo CHIAROMONTE, Council of Europe Counter-Terrorism Coordinator and Secretary to the CDCT on the updates since the last Plenary meeting of the CDCT on 23-25 May 2022, namely that:

- I. Andorra ratified the European Convention on the Suppression of Terrorism (ETS No. 90), the Protocol amending the European Convention on the Suppression of Terrorism (ETS No. 190), and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No.217) on 18 October 2022;
- II. The Convention on the Prevention of Terrorism now has forty-three (43) ratifications and five (5) signatures, and the Additional Protocol has twenty-six (26) ratifications and sixteen (16) signatures.
- III. Iceland took over the Chairmanship of the Committee of Ministers of the Council of Europe in early November. Furthermore, on 7 November the Committee of Ministers agreed to host the 4th Council of Europe Summit of Heads of State and Government which will take place in Reykjavik on 16 and 17 May 2023.

Take note of the information provided by Türkiye on the bomb attack that took place in Istanbul on 13 November which resulted in a number of casualties, as well as the missile attack that took place in Gaziantep on 21 November.

Take note of the information provided by Belgium on the process towards the ratification of the Additional Protocol.

Take note of the information provided by Ukraine regarding the ongoing process to ratify the Additional Protocol to the Convention on the Prevention of Terrorism (CETS No. 217), as well as Resolution 2463 (2022) of the Parliamentary Assembly of the Council of Europe (adopted 13 October 2022) which calls on member States of the Council of Europe to “declare the current Russian regime as a terrorist one” (para. 13.7), Resolution 476 of the NATO Parliamentary Assembly (adopted 21 November) which urges member governments and parliaments of the North Atlantic Alliance to state that the Russian Federation “acts as a state that supports and perpetrates terrorism and war crimes”, the European Parliament Joint Motion for a Resolution on recognising the Russian Federation as a state sponsor of terrorism (2022-2896(RSP)) (adopted 21 November 2022), and resolutions adopted by several national parliaments (including Estonia, Latvia, Lithuania and Poland) declaring the Russian Federation as a state sponsor of terrorism.

4. Council of Europe Counter-Terrorism Strategy: Completed, ongoing and future activities of the CDCT

Examine the state of implementation of the Council of Europe Counter-Terrorism Strategy (2018 – 2022), and note the finalisation of a great majority of listed activities.

Take note of the information provided by the Secretariat regarding the implementation of the remaining items in the current Strategy as well as on the preparation of a document reviewing the implementation of the Strategy which will be discussed at the next Plenary Meeting of the CDCT.

5. Preparing the next Council of Europe Counter-Terrorism Strategy

Take note of the information provided by the Secretariat on possible future projects to support the implementation of the next Council of Europe Counter-Terrorism Strategy through voluntary contributions provided by member States and observer States, as appropriate, and invited members of the CDCT to consider supporting these activities.

Take note of the information provided by Ms Päivi KAIRAMO, Chair of the Working Group to prepare a new Council of Europe Counter-Terrorism Strategy (CDCT-ST), on the outcomes of the 2nd and 3rd meetings of the CDCT-ST held on 30 June – 1 July and 3 - 4 October 2022, respectively.

Examine and approve the draft Strategy and its proposed activities and forward it to the Committee of Ministers for adoption.

Take note of the statements by Armenia and Ukraine concerning the draft Strategy (attached as Annex I and II, respectively).

6. Compilation of Best Practices with regards to Deradicalisation, Disengagement and Social Reintegration (Activity 3.1 of the Strategy)

Take note of the information provided by Mr Mario JANEČEK (Bosnia and Herzegovina), Chair of the Working Group on the collection of best practices with regards to deradicalisation, disengagement and

social reintegration (CDCT-DDR), on the current status of the Compilation of Good Practices and the hiring of a new consultant to support the drafting and preparation of this work in advance of the next Plenary Meeting of the CDCT in 2023.

7. Definition of Terrorism

Recall that the work of the Sub-Group set up by the CDCT in May 2018 to examine the feasibility of elaborating a definition of terrorism (CDCT-DEF) was completed in November 2019, but that discussions on this item had been stayed for two years as a result of the COVID-19 pandemic before resuming at the 8th Plenary Meeting of the CDCT in May 2022 where delegations were also invited to provide written comments on the elements of a possible future definition of terrorism.

Recall that the elements of a potential future definition of terrorism put forward are not to be considered a formal proposal, but are intended to serve as an illustration of the discussions for the consideration of the CDCT and as a preliminary attempt to identify and combine the characteristics and elements of a definition of terrorism, and that the suggested wording is in no way binding.

Instruct the Bureau of the CDCT to discuss at its next meeting the question of how a new definition of terrorism could or should be integrated into relevant Council of Europe counter-terrorism Conventions and prepare a document on this matter for consideration at the next CDCT Plenary Meeting in May 2023.

Agree that a new definition of terrorism is feasible and open formal negotiations on the text of the definition of terrorism at the next CDCT Plenary Meeting in May 2023.

Examine and discuss the comments and proposals provided by delegations on the definition of terrorism at the next Plenary.

8. Financing of Terrorism

Take note of the information provided by the Chair on the developments regarding the production of an opinion on the need to update the current Council of Europe financing of terrorism standards done jointly by MONEYVAL, Consultation of the Parties to Convention No. 198 (COP 198), and the CDCT in light of evolving international standards in this area.

Hold an exchange of views with the CDCT nominated member, Mr Martynas DOBROVOLSKIS (Lithuania), on the draft analysis and recommendations and to approve the findings presented in the draft analysis. The draft analysis and recommendations will be examined by MONEYVAL in December 2022, and once approved will be considered finally adopted by the three bodies.

Take note of the information provided by the representative of the MONEYVAL Secretariat on the outcomes of the joint session of the Conference of the Parties to CETS 198 and the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) during which an update of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198), expected to reflect also the findings of the MNV-CDCT-COP198 analysis, was agreed.

9. Follow-up to Recommendation CM/Rec(2022)8 on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences

Hold an exchange of views with the Chair of the CDCT on the potential means to follow-up to Recommendation CM/Rec(2022)8 on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences, notably for the Working Group to continue on this item with a view to collecting good practices in this area, including through a questionnaire.

10. International Conference on Countering Terrorist Communications, Recruitment and Training (Activities 1.1, 1.2 and 2.2 of the Strategy)

Take note of the information provided by the Secretariat on the organisation of this Conference (in a hybrid format) to be held on 31 January – 1 February 2023.

11. International Conference on the Transnational Terrorist Threats from Emerging and Re-Emerging Violent Extremist Movements

Take note of the information on the outcomes of the International Conference on the Transnational Terrorist Threats from Emerging and Re-Emerging Violent Extremist Movements co-organised with the German Federal Foreign Office in Strasbourg on 3 - 4 November 2022, the report of which will be circulated shortly to members of the CDCT and made available on the website.

12. Network of Contact Points for the exchange of information regarding the legal standing of victims of terrorism (Activity 3.3 of the Strategy)

Take note of the information provided by the Secretariat on the status of the Network and its next meeting, currently scheduled to take place in person in early 2023.

Encourage members who have not already done so to join the Network.

13. 24/7 Network of Contact Points on Foreign Terrorist Fighters

Take note of the information provided by the Secretariat on the status of the Network and its next meeting, which is currently scheduled to take place in-person in early 2023.

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

Consider and approve the updated country profiles for Armenia, Hungary and Türkiye.

15. The Consultation of the Parties to the 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 of the information provided by the Chair of COP196, Mr Nicola PIACENTE (Italy), on the outcomes of the Conference of the Parties to the 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), namely to:

- I. revise Rule 8 of the Rules of Procedure regarding voting;
- II. introduce Rule 2a on the restriction of participation of a Party and to apply this new rule limiting the participation of the delegation of the Russian Federation in meetings of the Consultation of the Parties with immediate effect;

- III. postpone the discussion on the findings of the partial assessment of Art. 2 of CETS No. 217 to the next meeting of the Consultation of the Parties in 2023.

16. Elections

Renew the mandate of the Chair, Ms Päivi KAIRAMO (Finland), and Vice-Chair, Mr Nicola PIACENTE (Italy), until the end of 2023.

Elect Ms Sophie ROUBERT (France) and Mr Antonios PAPAMATTHAIYOU (Greece) as members of the CDCT Bureau, with a mandate starting from 1 January 2023.

17. Any other business

N/A

18. Date and place of the 10th and 11th Plenary Meetings of the CDCT

Hold the first Plenary meeting on 23 – 25 May 2023 and the second Plenary on 22 – 24 November 2023.

19. Adoption of the Abridged Report and List of Decisions

Examine and adopt the Abridged Report and List of Decisions taken.

ANNEX I

Statement by the Republic of Armenia
on the adoption of Council of Europe Strategy on Counter Terrorism
with regards to the formulation of "ethno nationalist and separatist terrorism"

I take the floor to explain the position of the Delegation of Armenia on the expression of “ethno-nationalist and separatist terrorism” contained in the description of the subparagraph **a.** on "**Changing modus operandi**" under the chapter of the "**Areas of focus**".

The aim of the Council of Europe Strategy on Counter terrorism is to promote the implementation of the regional and global commitments in the field of counter-terrorism, whereas the new strategy is designed as a result of selective and inconsistent interpretations of the commitments undertaken in the field of the fights against terrorism. The narrative of the the subparagraph **a.** on "**Changing modus operandi**" under the chapter of the "**Areas of focus**" introduced a new wording, namely "ethno-nationalist and separatism terrorism" against the letter and objectives of the chapter and the strategy as a whole. The use of "ethno-nationalist and separatist terrorism" in the mentioned section of the strategy deviates the focus and goal of the subtitle and chapter without any contribution to the meaning and intention of the strategy.

Mindful of the fact that neither terrorism, nor separatism has ever received any unanimous definitions agreed by the international community, we highly regret that instead of recommitting to the existing obligations of the member states of the Council of Europe in the field of counter-terrorism, the new strategy creates loopholes, which may be used to commit and justify crimes, including war crimes, atrocities and other grave violations of the international and humanitarian law.

The international legal regime on counter-terrorism underlines the need to delineate the fight against terrorism from the race, ethnicity, nationality and religion. It is our deep conviction that terrorism should not be associated with any particular civilization, religion, nationality or ethnic group. Unfortunately, the wording of "the ethno-nationalist and separatist terrorism" will legitimize terrorism and criminality under the guise of the fight against "ethno-nationalist and separatist terrorism".

Terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and any acts of terrorism are criminal and unjustifiable regardless of their geography and motivations. The response to terrorism should be united, timely and adequate to address all various aspects of terrorism.

The use of “ethno-nationalist and separatism terrorism” is driven not by the aim to contribute to the legal standards of the Council of Europe in counter-terrorism, but by the sole purpose to propagate the narratives of some member states.

In light of the above the Delegation of Armenia would like to register its reservation and disassociation from the interpretations reflected in the subparagraph **a.** on "**Changing modus operandi**" under the chapter of the "**Areas of focus**".

I request that this position is duly reflected in the records of the plenary meeting. Thank you.

ANNEX II

Ukraine's statement on the draft Counter-Terrorism Strategy for 2023-2027

At the 8th plenary meeting of the CDCT in May 2022 the Ukrainian delegation proposed to include in the Counter-Terrorism Strategy for 2023-2027 two matters.

The first issue is the elaboration of the definition of a state as a sponsor of terrorism and one that supports and commits terrorism.

The second issue is the recognition of Russia as a state sponsor of terrorism and one that supports and commits terrorism.

Unfortunately these proposals were ignored in the draft Strategy.

Ukrainian delegation would like to emphasize that when making a proposal, notably, about Russia as a terrorist state, we take into account not only its crimes of terrorism in Ukraine.

We unequivocally state:

- President Putin and the Russian government continue to promote acts of international terrorism against political opponents and nation states;
- under the orders of Putin, the Russian government engaged in a campaign of terror, utilizing brutal force targeting civilians during the Second Chechen War, left countless innocent men, women, and children dead or wounded;
- since 2015 Russia has targeted innocent civilians in Syria with attacks on civilian markets, medical facilities, and schools;
- Russia spreads terror throughout the world through private military networks of mercenaries, such as the Wagner Group, in an effort to “project power cheaply and undeniably”;
- Russian Federation has for years supported and financed terrorist regimes and terrorist organizations, including being the main supplier of weapons to the Assad regime and supporting terrorists in the Middle East and Latin America, organizing acts of international terrorism, including the poisoning of the Skripal family in the UK, the downing of a civilian Malaysian airliner MH17 and other acts of terrorism.

Regarding Ukraine, we understand that this is an armed conflict. And we are not talking about the situation on the line of hostilities, where military operations are taking place.

We are talking about massive missile strikes on critical and civilian infrastructure hundreds of kilometers away of the line of hostilities. As a result, hundreds of civilians die.

When we turn to the ideas that we discussed in the context of the pan-European definition of "terrorism", we will see that the current actions of the Rushist regime in Ukraine fall under the concept of terrorism. The only difference is that we define the subjects of these crimes as individuals and groups, not states.

Therefore, our proposal is to seriously change the approach in this matter in accordance with new challenges and threats.

Ukrainian delegation wanted the Committee to understand the connection and lack of distinction between lone terrorists, their groups, and the Kremlin leaders who organize and give criminal orders to commit acts of terrorism.

We have to note that the European Parliament in its Resolution on November 23, 2022 “Recognising the Russian Federation as state sponsor of terrorism” called on the EU and its member states to develop a legal framework for identifying states as sponsors of terrorism and states that use means of terrorism.

It seems very strange that the issue of the state as a sponsor of terrorism and the recognition of Russia as such a state are dealt with by respectable European institutions but was overlooked by the portfolio Committee - CDCT.

Taking into account the above, the Ukrainian delegation, unfortunately, must state that the draft Strategy is detached from new challenges and threats in Europe due to Russian aggression in Ukraine.

In this version this draft Strategy is unacceptable for Ukraine, therefore we are forced to refrain from supporting it.

The delegation kindly requests the Secretariat to distribute this statement within the Committee and reflect it in the Abridged Report of the 9th CDCT plenary meeting.