

# AUSTRIA



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## NATIONAL POLICY

The fight against terrorism forms a main part of the Austrian security policy. By means of a continuous optimisation of the legal framework, conditions should be created on a permanent basis to enable individuals to develop freely within a guaranteed legal system without being the object of arbitrariness, crime or political extremism and terrorism. The Austrian security policy is based on social freedom, on a holistic security strategy, on modern and efficient administrative structures, having a committed and well-trained staff at their disposal, and on a legal framework which is well adapted to the social, economic and technical developments as well as on appropriate enforcement powers.

Since threat has increased in diversity and threat situations have become increasingly determined by a global general framework, a modern, flexible and interconnected security policy on a national and international level is required. A globalised world makes national borders as well as borders between the internal and external security disappear. Europe, and therefore Austria, faces an interconnected threat today which is characterised by transnational terrorism, dissemination of weapons of mass destruction, cyber-attacks and a globalisation of regional conflicts. This interconnection which is pushed further by the Internet and other communication technologies has also an impact on security.

Since the end of the Cold War, the likelihood of the national territory facing an attack has decreased constantly, and at the same time the internal stability and social coexistence within Europe have improved. However, this open society offers also a target to polarisation tendencies within various demographic groups, to ideological and religious radicalisation and to the development of extremism.

The phenomenon of the internationalisation of local or national events in connection with Islamism and Islamist Extremism, which was increasingly observed

during the past years shows how the borders between internal and external security have blurred. Anti-Islamic activities or statements as well as activities or statements merely critical of Islam on a local or national level may cause reactions on an international level which may range from virtual threats, demonstrations and material damage to acts of violence. In this context especially "hate preachers" play a central role in the ideological interpretation of global political events and the radicalisation of individuals. Their polarising and inflammatory statements may not only be understood in the context of international political events as an incitement of persons to commit a crime but may also initiate and accelerate the radicalisation process. Moreover, their activities may induce suitable and indoctrinated persons to attend a terrorist training camp and to prepare and launch terrorist attacks afterwards.

In 2012, Austria has reacted to these growing fields of threat by means of appropriate legal measures such as reducing the hate preachers' room for manoeuvre and making it a criminal offence to attend a terrorist training camp.

The phenomenon of politically motivated single and solo perpetrators (so-called "lone wolves") poses a challenge to internal security in the 21st century. Even though extremist/terrorist groups and their activities are still of great priority to the security authorities, recently committed terrorist attacks, as well as attempted ones which failed or were thwarted especially in Europe, illustrate a growing threat by politically motivated and radicalised single and solo perpetrators who are very difficult to detect by the security authorities prior to an attack.

Repressive security policy measures do not seem to be an appropriate means to counter the growing tendency of radicalisation of politically motivated single and solo perpetrators. Sustainable security requires especially preventive approaches to counter the development of extremism. Therefore, Austria has reinforced the preventive aspect in view of potential single perpetrators in 2012 by introducing the preventive measure of "identification of potential threats". Austria also implemented several other

preventive measures on a strategical level. In order to ensure that national synergies are created in the fields of extremism prevention and deradicalisation the National Network for Extremism Prevention and Deradicalisation was established in 2017.

The Austrian security policy also focuses on fighting threats from and within the cyberspace. In this respect, the growing vulnerability of critical infrastructures through Internet attacks has become an important issue, since in times of modern methods of production a longer lasting breakdown would induce significant economic damage. The national Austrian Cyber Security Strategy and the Network and Information System Security Act address these issues and established a national cyber crisis management as well as a permanent inter-ministerial coordination structure, bringing together experts from the fields of cyber security, law enforcement, intelligence, military, foreign affairs, and national cyber strategy to ensure close collaboration in countering the threats from and within cyberspace.

Interconnected threats of the 21st century currently face a growing interconnected security policy which is characterised by international co-operation between security authorities and further development and reorganisation of security alliances and partnerships. In this context, Austria welcomes European Union initiatives such as the European Security Strategy and the partial strategies and action plans based on it.

Despite the fact that fewer "Jihad travellers" (Foreign Terrorist Fighters, FTF) than expected have returned to Austria so far, this group poses a grave danger to internal security that is difficult to predict. This does not only concern Jihadists with battle experience, but also their wives and children who pose a security risk due to their hate induced and violent socialisation.

Aside from the immediate danger posed by violent Islamists or "Jihad travellers" (Foreign Terrorist Fighters) and their relatives, special attention must be paid to the radicalised environment as well as to Islamist indoctrination, financing and infiltration of public institutions by Islamist actors. The establishment of Islamist networks and the influence of Islamic states on Muslims living in Austria pose a growing threat in the medium and long run.

Moreover, there are other current phenomena relevant to state protection, including right-wing extremism, left-wing extremism and anti-Semitism. The right-wing extremist players' extensive use of the internet (which acts as their most important communication tool) mainly serves to create a strong counter-public to what they call the "lying media" and "dictatorship of opinion" - i.e. to obtain "sovereignty of interpretation

and opinion" over socio-political developments. This is manifested in hate postings and agitation, both in extremist and non-extremist discussion forums.

Left-wing extremism includes several movements relevant to state protection in Austria. Austrian state protection authorities keep a close eye on left-wing extremist positions who are known for accepting and endorsing violence and whose members deliberately factor in violations of the law for the purpose of enforcing their ideologies and when in dispute with different political worldviews.

## LEGAL FRAMEWORK

### General Information

Austrian legal provisions are accessible on the internet ([www.ris.bka.gv.at](http://www.ris.bka.gv.at)), where both the Federal Law Gazette (hereafter: FLG) and the text of the legal provisions itself may be obtained.

With regard to penal law, Austria has broadened the scope of the core provisions combating terrorism since 2002. Criminal legislation in Austria, in particular for the fight against terrorism, was introduced or amended by implementing Framework Decision (FD) 2002/475/JHA on Combating Terrorism, the Council of Europe Convention on the Prevention of Terrorism, and FD 2008/919/JHA amending the 2002 FD, as well as by implementing the recommendations of the FATF on the prevention of the financing of terrorism. Moreover, the Government programme of the XXIVth legislative period proposed the amendment of criminal legislation concerning hate preachers and participation in so-called terrorist camps.

By FLG I No. 134/2002 the legal definition of terrorist crimes was introduced, for the first time in Austria, in Section 278c of the Penal Code (PC), furthermore the criminal offence of terrorist association was inserted (Section 278b PC), and the offence of financing terrorism was introduced (Section 278d PC). By FLG I No. 108/2010 the criminal offence of training for terrorist purposes was established (Section 278e PC). Finally, the 2011 Terrorism Prevention Act, FLG I No. 103/2011, introduced the criminal offence of instruction to commit terrorist acts (Section 278f PC) and the criminal offence of provocation to commit terrorist acts and approving of terrorist acts (Section 282a PC).

Thus, provisions concerning training and instructions for terrorist purposes as well as on the incitement to terrorist acts have been introduced. Besides that, provisions on confiscation of illegal profits and forfeiture of property were amended.

The last amendment was carried out with the Criminal Law Amendment Act 2018 (FLG I No. 70/2018), which entered into force on 1<sup>st</sup> November 2018 and served the implementation of the EU Directive 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and the implementation of the UN Security Council Resolution 2178 (2014). It also created the conditions for Austria's possible ratification of the Additional Protocol to the Council of Europe's Convention for the Prevention of Terrorism. The Criminal Law Amendment Act 2018 broadened the group of persons that are afforded psycho-social and legal support for criminal proceedings upon request by now explicitly including victims of terrorist offences according to Section 278c PC in Section 66 para. 2 of the Austrian Code of Criminal Procedure (CCP). The Criminal Law Amendment Act 2018 also led to

- an extension of the domestic jurisdiction concerning terrorism,
- an extension of terrorist offences,
- an extension of criminal offences suitable for financing terrorism (terrorist financing) as well as
- the introduction of the new criminal offence "Travelling for terrorist purposes" in Section 278g PC.

The Criminal Procedure Law Amendment Act 2018 ("Strafprozessrechtsänderungsgesetz 2018", StPRÄG 2018, FLG I No. 27/2018) served the implementation of the "Security Package" („Sicherheitspaket“) that had been decided by the Austrian government to adapt the legal basis of law enforcement to the state of the art and also the implementation of Article 20 (and Recital 21) of the EU-Directive 2017/541 on combating terrorism. Article 20 demands effective tools for the investigation and prosecution of the offences referred to in the Articles 3 to 12 of the Directive (terrorist offences). The "Security Package" led to an extension of the use of the investigation measure of video and audio surveillance of persons according to Section 136 of the Austrian CCP. This investigation measure is not limited to the investigation of felonies with a sentence of more than ten years of imprisonment, criminal associations (Section 278a PC) or terrorist alliances (Section 278b PC) or the tracing of persons who are accused of such a crime any more, but can now also be used in the investigation of terrorist offences according to Section 278c PC and other serious offences in connection with terrorist activities such as terrorist financing (§ 278d PC) and training for terrorist purposes (§ 278e PC).

The law on the responsibility of legal persons (Verbandsverantwortlichkeitsgesetz) entered into force on 1 January 2006, and the reform of the pretrial phase of criminal procedure became effective on 1 January 2008.

## Penal Law

### Individual terrorist acts

In Austria individual terrorist acts are punishable in accordance with the provisions of the general criminal statutes. In addition, the Penal Code also provides for particular offences which criminalise terrorist acts under certain conditions. Section 278c PC contains a definition of terrorist offences through an exhaustive list of criminal acts which may qualify as terrorist offences (Para. 1 Sub-paras. 1 to 9 or 10), including murder, intentional bodily harm, criminal offences against personal liberty (kidnapping for ransom, aircraft piracy, dangerous threat, coercion), damages of property (damage to data, disturbance of the operability of a computer system, and abuse of computer programmes or entrance data), criminal acts which are a threat to the public (arson, endangering by nuclear energy, ionising radiation or explosives, preparation of a crime by means of nuclear energy, actions pursuant to Section 50 of the Weapons Act or Section 7 of the War Materials Act), incitement to terrorist acts which are classified as terrorist criminal acts, with such acts having to qualify either for terroristic effects (causing serious and enduring disruption of public life or serious damage to economic activity) or for terroristic intentions (intimidating the population in a grave way, compelling public authorities or international organisations to do, acquiesce in, or refrain from doing any act, or seriously shaking or destroying the fundamental political, constitutional, economic, or social structures of a State or international organisation).

The punishment for a terrorist crime is higher by half as compared to the listed (general) criminal acts – with a maximum of twenty years. Besides that, the crimes of money laundering (Section 165 PC) and financing of terrorism (Section 278d PC) must also be mentioned. Section 278d PC makes the providing and gathering of assets for committing certain listed criminal acts (such as aircraft piracy, attacks against life and limb or the freedom of internationally protected persons, deliberate nuclear threats, attacks on life or limb at an airport, carrying explosives to a public place or using such explosives with an aim to cause death or bodily harm to a third person or to cause extensive destruction of a location, etc.) a punishable offence. The penalty to be imposed is one to 10 years in prison, but the penalty must not be more severe than for the criminal act thus financed.

Furthermore, Section 278e Para. 1 PC makes training for terrorist purposes, i.e. imparting knowledge with an aim to commit a terrorist act or to contribute to its commission, a punishable offence. In this connection it has to be considered that the knowledge imparted must be in accordance with the terrorist aims and must include either the manufacture and use of explosives, firearms or other weapons or of noxious or dangerous substances, or likewise other noxious or dangerous methods or processes which are specifically suitable to commit a terrorist criminal act pursuant to Section 278c Para. 1 Sub-para. 1 to 9 or 10 PC. The noxious and dangerous methods or processes must be typically suitable for committing a terrorist act, and they must have the same noxious and dangerous effect as the other means for committing one of the criminal acts mentioned (explosives, other noxious or dangerous substances, weapons). The crime is shaped along international lines, in particular with respect to the subjective side of the offence. Hence the perpetrator must be aware (Section 5 Para. 3 PC) that the skills he imparts are aimed at committing one or several terrorist criminal acts. It is irrelevant for the punishability, however, whether such criminal acts are actually committed.

Pursuant to Section 278e Para. 2 PC it is a punishable offence to attend courses (to get instructions), and in particular to participate in a terrorist camp for the purpose of committing a terrorist criminal act by employing the lessons learnt. In connection with Section 64 Para. 1 Sub-para. 9 PC, the participation in terrorist camps abroad shall be a punishable offence under Austrian law, irrespective of whether it is a punishable offence also at the location abroad.

Section 278f PC (instruction to commit terrorist acts) addresses and criminalises situations either of providing information and instructions to commit terrorist criminal acts, with the means mentioned in Section 278e PC, or of self-studies based on media publications or on information downloaded from the Internet. The concept of media publication corresponds to Section 1 Para. 1 Sub-para. 3 of the Media Act, which defines it as the carrier of information or intellectual content reproduced by mass production methods for media to be distributed to a large group of people. The media publication must be intended by its very content to give instructions to commit terrorist criminal acts.

Pursuant to Section 278g PC (travelling for the purpose of terrorism) it is now also a punishable offence to travel to another country to commit an offence under Sections 278b, 278c, 278e or 278f PC. However, even before this new criminal offence entered into force, foreign terrorist fighters have been

prosecuted after their return to Austria due to the comprehensive domestic jurisdiction for terrorist activities committed abroad.

Section 282a PC establishes the provocation to commit terrorist acts, as they are defined in Section 278c Para. 1 Sub-para. 1 to 9 or 10 PC (i.e. in the aforementioned list), or the approval of such acts, as a punishable offence, if the provocation or approval is made available to many people through printed publications, broadcasting or through another medium. In contrast to Section 282 PC (which is the general rule on the provocation to commit criminal acts, or the approval of such acts) a public audience of 30 persons is already sufficient for such action to qualify as a terrorist crime (whereas Section 282 PC requires 150 persons). This reduction in regard of required audiences is shaped along the lines of Section 3h of the Prohibition Statute (prohibition of the NSDAP et al.) concerning the propagation of the so-called *Auschwitzlüge* (Austrian colloquial expression for Denial of Holocaust).

In addition to the immediate offender also any other person who incites, aids, or abets to a terrorist crime may be punished in the same way as the immediate offender (Section 12 PC). A preparatory act also constitutes a crime which may be punished in the same manner as the immediate offence (Section 15 PC containing the rules on attempt).

### **Organisational offences**

According to Section 278b PC (terrorist association) certain organisational offences are established in criminal law. Section 278b PC criminalises in particular the association of terrorist offenders and makes the leading of, or participation in, a terrorist association a criminal offence. The leadership in such an organisation is punishable by a term of imprisonment between five and fifteen years. For the participation as a member of the association penalties of one to ten years of prison may be imposed. A person is considered a member of such an organisation when he or she commits a crime in accordance with the criminal goals of that association or if the person participates in its activities by providing information or assets or in any other way, knowing that by doing this he or she promotes the association or its terrorist acts.

A terrorist association must be aimed at committing criminal acts which are either listed in Section 278c PC or are in connection with the financing of terrorism (Section 278d PC). Furthermore, the association must be organised on a long-term basis, with more than two persons working together.

In the given context mention must finally be made of similar offences established in the Penal Code which are not related to terrorism, i.e. those of criminal association (Section 278 PC) and criminal organisation (Section 278a PC). They penalise the establishment of, and membership in, such an association or organisation.

## **Jurisdiction**

In Austria the rules for jurisdiction with regard to terrorist offences are governed by Sections 62 et seqq. PC. Following the general territoriality principle, all offences committed on Austrian territory are punishable under Austrian law. Commission on Austrian territory means that either the act has - or should have - taken place there, or that a result corresponding to the constituting elements of the offence has fully or partly ensued on Austrian territory or should have ensued there according to the concept of the offender.

According to Section 64 PC jurisdiction over cases where the criminal act has been committed abroad may be established regardless of the question whether dual criminality is provided for in the country where the offence has been committed. Therefore the crimes of terrorist association (Section 278b PC), terrorist acts (Section 278c PC), training for terrorist purposes (Section 278e PC), instruction for the commitment of a terrorist act (Section 278f PC) and travelling for the purpose of terrorism (Section 278g PC) as well as certain other serious offences are to be prosecuted in Austria if a particular domestic factor can be established (i.e. the alleged offender is an Austrian citizen, became an Austrian citizen at a later time, is a resident of Austria, or is a foreigner but cannot be extradited). Similar rules apply in cases of financing terrorism (Section 278d PC). Furthermore, there is a general rule in place that Austria has jurisdiction over foreigners who cannot be extradited (Section 65 Para. 1 Sub-para. 2 PC).

## **Confiscation and forfeiture**

On 30 November 2010 the National Council (Nationalrat; 1st Chamber of the Austrian Parliament) adopted the Criminal Competence Package. As a part of it also the provisions concerning changes in offence-related property decisions of penal courts have entered into force on 1 January 2011. Whereas a distinction had been made in the past between the confiscation of proceeds from or for crime (Section 20 PC in its previous version [p.v.]) and forfeiture (Section 20b PC p.v.), now the "new" forfeiture (Section 20 Penal Code in its current version) is a measure of confiscating proceeds based on the "principle of gross proceeds". Thus it has replaced the

old measure of confiscating the proceeds of illicit enrichment (Section 20 PC p.v.), the previous instrument having been based on the "principle of net proceeds", with the assets gained to be reduced by the expenses incurred by the perpetrator. Pursuant to Section 20 PC (new version) the court shall now declare forfeited all assets obtained for or by a punishable criminal act. "New" forfeiture includes all direct proceeds from criminal acts plus related income (interest, dividends, rent and lease income) as well as replacement values (sales income) or an equivalent sum of money, if direct proceeds are no longer available.

Also, Section 20b PC has been amended. Under the heading "extended forfeiture" it now lists in Para. 2 those special cases which under certain conditions do not require explicit proof from which specific criminal act the assets were obtained, as opposed to the forfeiture provisions of (new) Section 20 PC. If an illegal act has been committed according to Sections 165, 278, or 278c PC, for or by whose perpetration the assets were obtained, or if such a crime has been committed, also those assets have to be declared forfeited which have been obtained in a time-related connection with such an act, provided that there are reasonable grounds to suspect that they derive from a criminal act and if their legal origin cannot be proven satisfactorily. Aside from this, according to Para. 1 also assets which are at the disposal of a criminal organisation (Section 278a PC) or a terrorist association (Section 278b PC) or which are either provided or collected as means for financing terrorism (Section 278d PC) have to be declared forfeited.

Additionally, the so-called object confiscation was introduced into Section 19a PC, permitting the confiscation of all objects which were used, or intended to be used, by the perpetrator for deliberately committing a crime, or which were obtained from such crime, if they are still owned by the perpetrator at the time of the court decision.

## **Procedural rules**

The Austrian Code of Criminal Procedure (CCP) does not provide separate procedures for prosecuting persons suspected of terrorist acts, of being leading or participating in a terrorist association, or of criminal acts committed in such a context. This means that legally there are no differences between the prosecution of criminal acts related to terrorism and proceedings based on a suspicion of other crimes. Therefore, all provisions of the CCP for the treatment of suspects before or during trial are applicable for those who have allegedly committed criminal acts related to terrorism in the same way as to all other suspects. All individual cases are to be adjudicated by

the competent courts according to the CCP, and the rights of the defence are the same as in all other proceedings.

In general, it must be mentioned that in 2008 the provisions on the investigation procedure in Austria were fundamentally amended. The former system of an investigating judge leading the investigation proceedings ("Voruntersuchung" and "Vorerhebungen", initiated by the public prosecutor but led by the investigation judge) was changed into a system of a uniform investigation procedure under the direction of the public prosecutor. In this new investigation procedure criminal police and public prosecution have to act together and co-operate. The public prosecutor leads the investigation proceedings and decides about how investigations are conducted and whether the investigation is continued or terminated. The court has two functions in the investigation procedure:

- on the one hand the taking of certain evidence and the authorisation of means of coercion;
- on the other hand, the decision on remedies against acts of police and public prosecution.

### **Investigation methods**

An important task of the court is the authorisation of means of coercion for which the law foresees that an authorisation is necessary. The court has to decide on applications for the imposition of pre-trial detention and certain other coercive means (Section 105 Para. 1 CCP). As a general rule it can be said that most of the ensuing investigation methods have to be ordered by a judge upon request of the public prosecutor. Regarding investigation methods representing a restriction of fundamental rights, the following should be particularly mentioned in the context of terrorism: Provisions on search of houses or persons, seizure, search and seizure of documents, as well as seizure and opening of letters and other items to be delivered.

However, as terrorist acts regularly constitute serious offences, a number of intensive investigation methods which are reserved for more serious offences, especially those committed in the context of organised crime, are applicable for alleged terrorist acts as well: Reference is made to provisions on undercover investigations, on monitoring telecommunication, on audio-visual monitoring of individuals by technical means and on computer-aided data cross-referencing.

When investigating terrorism-related offences, the following topics must be kept in mind: as a basic rule, all authorities involved in the handling of a criminal

case (police, public prosecutor, court) are obliged to maintain objectivity and to inform the alleged offender of his procedural rights. Above all, judicial authorities are strictly bound to submit both incriminating and exonerating evidence. Non-disclosure of evidence and files is only admissible as long as it is to be assumed that the disclosure would jeopardise the purpose of the investigations. A suspect is any person who is investigated on grounds of reasonable suspicion whereas an accused refers to any suspect, once there is a sufficient cause based on particular material facts to believe that the suspect has committed an offence and to further investigate the specific suspicions, evidence is taken under Chapters 8 or 9 of the CCP or investigative measures are ordered or executed. The accused person has the right to be informed of the grounds of the suspicion prior to a formal interrogation and has the right to inspect the files without any restrictions.

The Police are required to inform the accused person at the beginning of an interrogation that he or she has the right to be interrogated in the presence of his or her defence counsel. In fact, an arrested person has the right to demand the presence of a lawyer. It is only permissible to curtail the right to have defence counsel present if this appears to be absolutely necessary for particular reasons in order to prevent a significant risk to the investigation or interference with evidence through immediate questioning or through other immediate investigations.

Prior to placing the accused into a detention facility, contact with the defence counsel may only be limited to the extent necessary for the authorization and a general legal consultation, if due to special circumstances immediate questioning or other immediate investigation measures appear to be absolutely necessary in order to prevent a serious detriment to the investigations or the evidence. In such cases, reasons for the limitation have to be given in writing by the criminal investigation authority to the accused immediately or within 24 hours. The accused also has the right to communicate unmonitored with his or her defence counsel. If the accused does not consult a defence counsel freely chosen by the accused, upon request and until a decision to remand the accused has been made, the accused has to be given the opportunity to contact a "defence counsel on standby" who has accepted to take on this type of defence. The Bar Association must maintain a register of defence counsel prepared to take on this type of defence and ensure these are contactable at any time. The Federal Minister of Justice is authorized to enter into an agreement with the Conference of the Austrian Bar Association to establish this type of standby service.

Whenever an accused person is arrested in execution of a written warrant issued by a judge, the public prosecution and the issuing court are to be informed immediately of the arrest and the person must be brought before this court without delay, at the latest within 48 hours of the arrest. After being brought to the court jail, the arrested person must be heard by a judge without delay, at the latest within 48 hours after transfer to court. In cases where a person is arrested without a judicial warrant, the police are required to immediately interrogate this person concerning the grounds of the suspicion and the reasons for detention, and to bring the person to the court jail within 48 hours of the arrest. Prior to placing the accused into a facility, the criminal investigation authority must notify the prosecution authority in due time. If the prosecution authority declares that it will not request remand, the criminal investigation authority must immediately release the accused.

After being heard by a judge, the latter must declare at once whether the suspect is remanded in custody. In any event, this decision must not be taken later than 48 hours after transfer to the court jail. Before trial, decisions on (continuation of) remand are valid only for a certain period of time. A hearing on the justification of further detention ("Haftverhandlung") has to be held each time before the period expires; otherwise the detainee must be released. The first hearing after the initial court decision on remand has to take place within 14 days of the arrest, the following one within one month after the first prolongation, and every ensuing one within two months of the previous decision. Review takes place automatically (ex officio). Once the trial of the case has been opened, there are no further ex officio hearings.

## Competences

Austrian procedural law provides for four different types of courts regarding the main (first instance) trial in criminal matters. The competences of the court depend in principle on the maximum length of the possible sentence; however, there are a few exceptions. District Courts (Bezirksgerichte) have jurisdiction concerning offences punishable by no more than one year's imprisonment, whereas Regional Courts (Landesgerichte) sit either as Einzelrichter (one single judge), or as Schöffengericht (one professional judge and two lay judges), or as Geschworenengericht (three professional judges and eight lay judges deciding as a jury on the guilt of the defendant). As a rule, criminal acts related to terrorism fall under the jurisdiction of the Regional Courts.

The public prosecutor is in charge of the investigation proceedings. His or her office is organised along the structures of the court system which means, for

instance, that at each Regional Court with jurisdiction for criminal matters an office of the public prosecution is established.

## Other relevant legislation

### Witness protection

Witness protection is an important aspect in the fight against terrorism. Within the Ministry of Interior, a centrally organised Witness Protection Unit is established and provides for necessary protection measures which play a significant role in combating organised crime and terrorism.

The police are obliged to inform persons at risk and to take the necessary protective measures if they have good reasons to suspect that these persons might be the target of a punishable offence directed against their life, health or personal liberty. Furthermore, the police are entrusted with the protection of any person who might be able to disclose information on a dangerous attack or a criminal association and would, as a result, be at risk.

In addition, the Code of Criminal Procedure provides for witness protection measures such as the possibility of anonymous statements by witnesses who are at risk, pre-trial cross examination of witnesses, interrogation via videoconference (adversary questioning) as well as out of court interrogation of witnesses if a witness is unable to appear at court, and closed court hearings. It is for the courts to decide upon such measures. Moreover, if an adversary questioning has taken place, the witness is released from the obligation to further testify and the protocol of the adversary questioning can be read in the main trial phase. Another important aspect in the fight against terrorism is the possibility for the public prosecutor to withdraw from the prosecution of a person who co-operates with the prosecution (Section 209a CCP): The office of public prosecution can proceed according to Sections 200 to 203 and 205 to 209 CCP (conditions and consequences of such withdrawal) if the suspect voluntarily discloses his or her knowledge of facts that have not yet been part of the investigation proceedings against him or her and if the revelation of those facts considerably contributes to:

1. fostering the clarification of criminal acts falling under the jurisdiction of the Regional Courts in their capacity as jury courts or as courts of lay jurors, or of the Special Prosecution for Economic Crime (Zentrale Staatsanwaltschaft zur Verfolgung von Wirtschaftsstrafsachen und Korruption; Sections 20a and 20b CCP), or

2. finding a person who plays or has played a leading role in a criminal association, criminal organisation or terrorist organisation.

It is a precondition for such withdrawal from prosecution that punishment does not seem to be necessary for preventing the suspect from committing criminal acts, taking into consideration the pledged performances (Section 198 Para. 1 Sub-paras. 1 to 3 CCP), the quality of the suspect's statements, especially the full disclosure of his or her own criminal acts and the evidential value of the information obtained. After the suspect has rendered the pledged performances, the public prosecution has to drop the investigation proceedings in regard of that person with reservation as to a later prosecution.

If the pledged obligation to foster the clarification of criminal acts has been violated or if the documents and information provided have been incorrect, have not contributed to the conviction of the perpetrator, or have only been presented in order to veil the leading role of the suspect himself or herself, the reserved prosecution can be continued unless the office of public prosecution fails to effect the measures necessary for a continuation within the deadline of fourteen days from the day when the decision terminating the proceedings on one of the grounds listed above has been served.

### **Procedural situation and compensation of victims**

At their request,

- victims of violent acts, dangerous threats or sexual offences or victims whose personal dependence could have been exploited by such a criminal offence as well as the spouse, life companion, relatives in a direct line, brother or sister or other dependants of a person whose death could have been caused by a criminal offence, or other relatives who were witnesses of the criminal offence,
- victims of terrorist offences (Section 278c of the Criminal Code),
- victims of persistent stalking (Section 107a of the Criminal Code), persistent harassment involving telecommunication or computer systems (Section 107c of the Criminal Code) and hate speech (Section 283 of the Criminal Code),
- victims of criminal defamation (Section 111 of the Criminal Code), accusation of prior offences that have been served or waived (Section 113 of the Criminal Code), insult (Section 115 of the Criminal Code) and false

accusation (Section 297 of the Criminal Code), if it can be assumed on the basis of certain indications that such an act was committed by means of a telecommunications or computer system and

- minors who have witnessed violence in the social environment (violence in the family, violence against children)

are entitled to psycho-social or legal assistance in criminal proceedings insofar as this is necessary to preserve the rights of the victim, taking into account their personal concerns (Section 66b para. 1 CCP). Psycho-social support for the proceedings includes the preparation of the person concerned for the proceedings and for the emotional stress associated with the proceedings as well as accompanying the person to questioning during investigation proceedings and the main proceedings; legal support for the proceedings includes legal consultation and representation by a lawyer during the proceedings.

According to Section 70 CCP, victims have to be informed about their fundamental rights (Sections 66 to 67 CCP) by the criminal investigation authority or the prosecution authority as soon as investigation proceedings are conducted. This may only be omitted as long as special circumstances give reason to fear that the purpose of the investigation would otherwise be jeopardised. Section 70 para. 1 CCP in conjunction with Section 50 para. 2 CCP stipulates that the instruction about rights needs to be given in a language that the victim understands and in a comprehensible manner, taking into account any special personal needs of the victim.

All persons whose rights were allegedly infringed by the defendant have the right to declare themselves a civil party to the criminal proceedings and to claim compensation. The 17th part of the CCP stipulates the procedure about civil claims within the criminal proceeding (Sections 366 to 373b CCP). In case of an acquittal the private party is referred to civil proceedings to claim his or her compensation. If the defendant is to be sentenced the court also has to decide on claims of the private participant (Section 366 para. 2 CCP). In case the court is not in the position to decide on the full claim the private participant may be referred to civil proceedings, unless evidence can be taken without significant delay. The private participant has the right to appeal against the court decision if he or she is referred to civil proceedings (Section 366 para. 3 CCP). The courts decision on claims of private participant is enforceable under the rules of the Austrian Enforcement Act.



According to an amendment to the Crime Victims Act Austrian citizens, nationals of other EU or EEA member States, as well as other persons who are legally resident in Austria or aboard an Austrian ship or airplane at the moment of the crime, are entitled to financial compensation and social benefits (like psychological care) under certain conditions, if they suffered bodily harm as the result of an intentionally committed crime which is punishable by deprivation of liberty of more than six months.

### **Freezing of funds related to terrorist activities**

For the implementation of international sanctions the Sanctions Act ("Sanktionengesetz 2010") ensures that all funds which are subject to sanctions (in particular those issued by the UN Counter-Terrorism Committee or the Taliban/Al Qaeda Sanctions Committee) can be frozen without delay. It also provides for the necessary investigations to uncover such funds, for the monitoring of compliance with freezing measures, and for penalties in case of noncompliance. Core provision of this statute is Section 2 Para. 1 which allows for the freezing of funds and other assets of terrorists and other persons subject to restrictive measures by the UN or the EU in case there are no other implementing provisions in place, such as directly applicable EU law. This provision contains no third-country requirement and applies thus to all persons under sanctions, including so-called EU-internals.

### **Prevention of financing of terrorism**

Measures to identify and disrupt channels through which terrorism is funded form a central part of Austria's strategy against terrorism. The punishability of the criminal offences of money laundering and the financing of terrorism, as well as the possibilities of confiscation, of forfeiture and of issuing a provisional injunction or a temporary interdiction of pending money transactions, contribute to preventing the financing of terrorism.

Credit and financial institutions are obliged to inform the Financial Intelligence Unit (FIU) without delay if there is a suspicion or reasonable ground to believe that any attempted, upcoming, on-going or previously conducted transaction, or any asset is related to a criminal organisation, to a terrorist group, to a terrorist act or to the financing of terrorism. In such cases, the further execution of the transaction has to be stopped unless there is a risk that such act would complicate or obstruct the investigation of the case. Furthermore, credit and financial institutions are obliged to provide, upon request from the FIU, all information deemed

necessary to prevent or prosecute money laundering or the financing of terrorism.

With the implementation of the 4<sup>th</sup> Money Laundering Directive, in the Financial Markets Money Laundering Act (FM-GwG) (Federal Law Gazette I No. 118/2016), which entered into force on 01/01/2017, the provisions for the prevention of money laundering and terrorist financing for credit and financial institutions were summarised in one single act. This act replaced the regulations previously contained in various individual acts and created a uniform, clear legal basis for the Financial Market Authority's supervisory activity. The new law ensures uniform application of AML/CFT obligations and facilitates supervision by the Financial Market Authority. For other obliged entities AML/CFT obligations can be found in other statutes of substantive law. With the transposition of the 5<sup>th</sup> Anti-Money Laundering Directive, AML/CFT legislation has been tightened for all obliged entities. Due to the implementation of Directive (EU) 2015/849 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, amending Regulation (EU) No. 648/2012 of the European Parliament and the Council, and repealing Directive 2005/60/EC of the European Parliament and the Council and Commission Directive 2006/70/EC, and by taking into account the first measures that were required following the fourth round of evaluation of Austria by the Financial Action Task Force (FATF), several amendments were added to the FM-GwG.

Articles 30 and 31 of Directive (EU) 2015/849 were implemented by a separate federal act. This act provides for the establishment of a register, into which the beneficial owners of a company, other legal persons and trusts are entered (Beneficial Owners Register Act - WiEReG; Wirtschaftliche Eigentümer Registergesetz, Federal Law Gazette I No. 136/2017).

As a founding Member of the FATF, Austria puts special emphasis on ensuring compliance with the requirements of the FATF.

An amendment of relevant Sections of the Penal Code included that a change in the definition of terrorist associations in Section 278b Para. 3 PC established criminal responsibility (according to Section 278b Paras. 1 and 2 PC) for acts of participation, organisation and direction of others in a terrorist association, even if that group is established for the sole purpose of financing terrorism.

Further, it was clarified that the crime of participation in a terrorist association includes the provision and collection of funds. This provision of funds or assets

may be direct or indirect, and the knowledge of the person providing funds to the terrorist group may either be a knowledge of promoting criminal acts (such as financing terrorism) or a knowledge of furthering the group itself.

The responsibility for international co-operation is explicitly allocated to the FIU.

Regulation (EU) 2015/847 on information accompanying transfers of funds requires that every transfer of funds is accompanied by specific information on payer and payee. The objective is to permit all transfers to be tracked. As an EU Regulation, it is directly applicable in Austria.

Under EU Regulation 1889/2005, travellers entering or leaving the Community with EUR 10,000 or more in cash must report the amount of cash being carried to the customs authorities. Close cooperation between the Federal Ministry of Finance, Customs Department, and the FIU has been ensured. Regulation (EU) 2018/1672 of the European Parliament and of the Council adopted on 23 October 2018 on controls on cash entering or leaving the Union is applicable from 3 June 2021 repealing Regulation (EC) No 1889/2005 as from that date.

Finally, Austria is aware of the potential particular vulnerability of the non-profit sector in the context of financing terrorism. This problem is tackled by provisions on accounting and disclosure obligations in the Associations Act. Furthermore, special auditing requirements for organisations that are qualified as "beneficiary of donations" exist according to Income Tax Law. The Ministry of Finance also organises regularly seminars to raise awareness and discuss the potential threat of non-profit organisations being used as an instrument for the financing of terrorism.

Following the Mutual Evaluation Process 2015/2016 Austria has adopted an AML/CFT Action Plan by the Austrian Council of Ministers. This Action Plan intends to remedy the main deficiencies identified and to strengthen the AML/CFT Framework by comprising measures like the adaptation of the national risk analysis, improvement of the national cooperation mechanism, strengthening of role and processes of the FIU, enhanced criminal law measures and prosecution, statistics on criminal proceedings, Seizure and sequestration as well as measures regarding terrorist financing, Non Profit Organisations, listing regarding request and procedure for proposal, compliance functions within international operating banking groups, supervision of foreign payment service providers, resources of supervision, risk classification of supervision, reinforced supervision of tradespersons. Several of these measures have

already been introduced or are currently been implemented.

In 2018, the Austrian Criminal Code was comprehensively amended with regards to terrorist offences. The aim was to fully implement Directive (EU) 2017/541 on combatting terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (Terrorism Directive), in order to combat terrorism in an effective and efficient way and to create the prerequisites for a possible Austrian ratification of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism and the implementation of UN Security Council Resolution 2178 (2014). The cornerstones were the extension of national jurisdiction in connection with terrorism, the extension of the list of terrorist offences in Section 278c para 1 of the Austrian Penal Code (StGB), the extension of the list of offences likely to be used for terrorism financing in Section 278d para 1 of the Austrian Penal Code (StGB) and the introduction of the newly defined criminal offence of "travelling for terrorist purposes" (Section 278g of the Austrian Penal Code).

## **Act concerning Police Protection of the State**

### **General information**

The globalised world leads to international interconnections and interdependences in all areas of life. In the last years, the change in perception of territorial restrictions and national borders - a consequence of this continuous process - has become visible in the growing phenomenon of internationalisation of local and national events. Critical activities or statements at local or national level can cause reactions on other continents ranging from virtual threats and demonstrations to acts of violence. Today, Austria and Europe as a whole face an interconnected threat characterised by transnational terrorism, proliferation of weapons of mass destruction, and cyber-attacks. These interconnections that are further advanced by modern communication technologies also have a massive impact on the security sector.

It is the responsibility of the Austrian police authorities entrusted with the protection of the state to protect people living within the state territory and the constitutional system. In some areas, the protection of the individual guaranteed by the constitution is in conflict with the duties of national security. Any encroachment on individual fundamental rights must be balanced against the protection of fundamental rights and the need to maintain national security. The sheer diversity of threats as well as threat scenarios that are increasingly dependent on global frameworks

require a modern and interconnected police protection of the state in order not to merely react to dangers, but to actively combat threats in advance. This was also included in the work programme of the Austrian federal government for 2013-2018. The creation of specific federal regulations for the field of state protection was explicitly provided for. By introducing the Act concerning Police Protection of the State, it was intended to facilitate effective and efficient protection against espionage as well as against the consequences of extremism and terrorism by reinforcing preventive and repressive measures.

### **Structure of the Act**

The Act concerning Police Protection of the State is divided into five chapters. The regulations in Chapter 1 standardise the organisation of the federal state protection authorities. Chapter 2 contains all tasks carried out exclusively by the organisational units mentioned in Chapter 1. These tasks include extended threat investigation, protection against attacks endangering the constitution, consultation on matters relevant to state protection, as well as the comprehensive assessment and analysis of threats relevant to state protection for the purpose of informing constitutional institutions. The authorisations on processing data specified in Chapter 3 shall comply with the needs of police protection of the state to the extent that they are compatible with the fundamental right to respect for private life and privacy (article 8 ECHR). Chapter 4 contains exhaustive regulations on legal protection, including the duty to inform data subjects and the duty to report. The final provisions are set out in Chapter 5.

### **Special investigative powers**

For the purpose of carrying out "extended threat investigation" and "preventive protection against attacks endangering the constitution", state protection authorities have - if the other conditions specified in the Act are fulfilled - the following special investigative powers:

Observation; undercover investigation; the use of image and sound recording equipment; the use of license plate recognition equipment; obtaining information on master data, IP addresses and location data; obtaining information from passenger transport operators; obtaining information on communication data.

### **Security Police Act**

According to the legal basis of the Security Police Act the maintenance of public security, which comprises the prevention of threats and the preventive

protection of legal interests, rests with the security authorities.

The security authorities are entrusted with the prevention of threats of a general nature. Furthermore, they are responsible for the prevention of dangerous attacks and of the establishment of criminal associations.

As far as the prevention of dangerous attacks is concerned the security authorities shall, if possible, take action before punishable acts are committed. The prevention of criminal associations does not only aim at preventing single punishable acts, it also targets criminal structures. Under Austrian law it is possible in this context to collect and process personal data also by video and sound recording devices. If there is a risk that the prevention of terrorist attacks or other dangerous activities of criminal associations cannot be ensured, or if the necessary measures are considerably complicated, investigations can be carried out by covert means.

As far as the prevention of threats is concerned, it is the task of the security authorities to explore the danger, if there is suspicion of a threat, i.e. if there are certain facts justifying the assumption that a dangerous situation exists.

Another preventive measure authorised by law is the surveillance of public places by video and sound recording devices. This measure is intended for places which have proven to be particularly prone to crime such as streets where drug-trafficking takes place. Surveillance measures can be taken in this context, assuming that in their absence dangerous attacks on life, health or property could be carried out.

In 2016, a clear legal basis justifying the intervention of public security organs to avert and stop dangerous attacks on board of civil aircrafts was added to the Austrian Security Police Act (SPG) (Section 21 para 2a SPG).

The amendment on prevention that was passed in 2016 entrusted state protection authorities with special powers to prevent radicalisation. Thus, in order to prevent offences motivated by terrorism, ideology or religion, preventive tools such as written and verbal addresses to persons considered a threat to public safety (Section 49d SPG) and an obligation to appear (Section 49e SPG) are to be introduced to promote de-radicalisation.

Both approaches are regarded as preventive counter measures that are to be taken if there are certain indications suggesting that the behaviour of an individual is beginning to show signs of radicalisation.

Written and verbal addresses to persons considered a threat to public safety are aimed at supporting the de-radicalisation process of an individual. The idea is that prevention officers who have undergone special training conduct a conversation with the individual concerned in order to make the individual aware of the threat potential further radicalisation might pose and to explain legal consequences to them. Moreover, they are to be informed about support programmes and contact points.

Provided that this measure is necessary and proportionate, it shall be possible in individual cases to oblige the respective individual to appear at an office at a point in time specified in a decision (obligation to appear), in order to guarantee regular contact with the respective person. By maintaining regular contact with the individual, it is possible to recognise further radicalisation or changes in location early, and to react accordingly. In case a certain threat potential is identified, it is possible to keep the individual from participating in specific events in order to prevent attacks endangering the constitution.

### **Other preventive measures**

The use of undercover investigators and undercover audio-video recording is only permissible as preventive measures for averting dangerous attacks or criminal associations. In the latter case it is an additional requirement that the commission of criminal offences may be expected for which considerable punishment is foreseen. Furthermore, a special Commissioner for Legal Protection must be informed.

In 2014, the federal act prohibiting the use of symbols by groups such as the Islamic State and other groups (Act on the Use of Symbols -Symbolegesetz - Federal Law Gazette I No. 103/2014) created a measure to prevent the spreading of terrorist ideas and radicalisation and recruitment activities in Austria. This act governs the prohibition of the use of symbols that can be attributed to the terrorist group of the Islamic State (IS), the terrorist organisation of Al-Qaeda and sub- or successor organisations of these groups on the basis of a regulation of the federal government (Symbol Designation Regulation - Symbole-Bezeichnungsv). According to this regulation, it is prohibited to openly depict, display, wear or distribute any symbols of the groups listed in the act.

The amendment to the act (Federal Law Gazette I No. 2/2019), which was passed in 2019, complements the Act on the Use of Symbols and the Symbol Designation Regulation by introducing a ban on the use of symbols by extremist groups and other movements if their cause is contradictory to the fundamental values of the Republic of Austria and to social pluralism. The

Regulation lists a ban on the use of symbols of the groups of the Muslim Brotherhood, the Grey Wolves, the Hamas, the Kurdistan Workers' Party (PKK), the military part of the Hezbollah and other groups that are specified as terrorist groups, bodies or other organisations, as well as the use of symbols of the group Ustasha.

## **INSTITUTIONAL FRAMEWORK**

Police, criminal prosecution, immigration control, customs, taxation and financial supervision are in principle matters of federal competence and the respective responsibilities are therefore incumbent upon federal agencies. The Federal Ministries responsible for the greatest part thereof are those of the Interior, of Justice, and of Finance.

Besides the above-described organisational system of public prosecution and courts, the federal agencies to be mentioned in this context are the Federal Bureau of Criminal Investigation, the Federal Agency for State Protection and Counter-Terrorism, the Reporting Point for Money Laundering and the Financial Market Supervision Authority as well as the Oesterreichische Nationalbank.

Austrian competent and supervisory authorities cooperate with and participate in the work of European institutions and agencies with AML/CFT tasks, such as the European Central Bank, the European Commission and the European Banking Authority.

Further information on organisational issues can be obtained from the following websites:

<http://www.bmj.gv.at>  
<http://www.bmi.gv.at/geschaefteinteilung>  
<http://www.bmi.gv.at/meldestellen>  
<http://www.fma.gv.at/fma.htm>  
<http://english.bmf.gv.at/>  
<https://www.oenb.at/>

## **INTERNATIONAL CO-OPERATION**

### **Mutual assistance in criminal matters and extradition**

Austria is a Party to several bi- and multilateral treaties in the field of mutual legal assistance in criminal matters (MLA) and extradition. Inter alia it has signed and ratified the European Convention on Mutual Assistance in Criminal matters and its Additional Protocol, the European Convention on Extradition and its Second Additional Protocol, as well as the European Convention on the Suppression of Terrorism and the

Council of Europe Convention on the Prevention of Terrorism.

Furthermore, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and its Protocol are in force for Austria since 2005. The European Arrest Warrant has been implemented since 1 May 2004.

National provisions on international co-operation in criminal matters can mainly be found in the Act on Extradition and Mutual Legal Assistance and in the Act on Judicial Co-operation in Criminal Matters with Member States of the European Union.

Austria is actively contributing to the flow of information to EUROJUST in terrorist related cases with a view to detecting parallel investigations and overlaps between procedures in different Member States of the EU.

### **Measures at international level**

#### **United Nations**

Austria has signed, ratified and implemented all international conventions and protocols on terrorism up to the International Convention for the Suppression of Acts of Nuclear Terrorism.

Austria, in line with the Council of Europe's approach, is vigilant that the value and effectiveness of the international counter-terrorist instruments are not diminished by declarations or reservations which would be contrary to the object and purpose of these instruments, and continues to object to such reservations.

Austria supports the work of the UN Security Council, in particular of the Counter-Terrorism Committee (CTC) and the Taliban/Al-Qaeda Sanctions Committee, and has fully complied with all reporting obligations to these bodies. In order to invigorate the UN response to terrorism, Austria has financially contributed to, and thus enabled the start of, a Global Programme against Terrorism by the UN Office on Drugs and Crime.

#### **Financial Action Task Force (FATF)**

Austria is a founding member of the FATF and is fully committed to its work on the prevention of money laundering and the financing of terrorism. Hence, Austria is highly committed to the international AML/CFT standards.

### **Measures in the EU framework**

Austria is actively committed to the fight against terrorism within the framework of the EU. The country has implemented the key legal instruments such as the EU Framework Decision against Terrorism and the 5th Anti-Money Laundering Directive. Great importance is attached to the EU mechanisms against the financing of terrorism and to the implementation of measures relating to the pertinent lists of groups, entities and persons.

#### **Council of Europe**

In addition to the general instruments on cooperation in criminal matters (particularly concerning MLA and extradition) which have already been mentioned, Austria is also a Party to the multilateral legal instruments relevant for the combat of terrorism which are in force, i.e. the European Convention on the Suppression of Terrorism and the Council of Europe Convention on the Prevention of Terrorism. Austria has also signed the Amending Protocol to the Suppression Convention as well as the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism. Furthermore, Austria is fully committed to the ongoing work of the Council of Europe's Steering Committee on Counter-Terrorism (CDCT).

## Relevant Council of Europe conventions – Austria

Relevant Council of Europe conventions – Austria	Signed	Ratified
European Convention on the Suppression of Terrorism (CETS No. 90)	27/01/1977	11/08/1977
Amending Protocol (CETS No. 190)	15/05/2003	-
Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)	16/05/2005	15/12/2009
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the Financing of Terrorism (CETS No. 198)	16/05/2005	28/07/2020
European Convention on Extradition (CETS No. 24)	13/12/1957	21/05/1969
Additional Protocol (CETS No. 86)		
Second Additional Protocol (CETS No. 98)	17/03/1978	02/05/1983
<a href="#">Third Additional Protocol</a> (CETS No. 209)	10/11/2010	10/04/2015
<a href="#">Fourth Additional Protocol</a> (CETS No. 212)	20/09/2012	01/02/2016
European Convention on Mutual Assistance in Criminal Matters (CETS No. 30)	20/04/1959	02/10/1968
Additional Protocol (CETS No. 99)	17/03/1978	02/05/1983
Second Additional Protocol (CETS No. 182)	20/09/2012	10/11/2017
European Convention on the Transfer of Proceedings in Criminal Matters (CETS No. 73)	15/05/1972	01/04/1980
European Convention on the Compensation of Victims of Violent Crimes (CETS No. 116)	12/04/2006	30/08/2006
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (CETS No. 141)	10/07/1991	07/07/1997
Convention on Cybercrime (CETS No. 185)	23/11/2001	13/06/2012
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (CETS No. 189)	30/01/2003	
Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)		