

**Elements for the intervention by Mr Guy De Vel,
Director General of Legal Affairs of the Council of Europe
Second follow-up meeting to the Special meeting of the CTC with
international and regional organisations
Vienna, 11-12 March 2004**

- In **Resolution 1373 (2001)**, adopted by the UN Security Council on 28 September 2001, the Security Council calls upon all States to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, to fully implement the relevant international conventions and protocols relating to terrorism, as well as Security Council Resolutions 1269 (1999) and 1368 (2001) and to increase co-operation.
- At the special meeting of the CTC in New York on 6 March 2003, regional and sub-regional organisations committed themselves to sharing their expertise on regional co-operation on counter-terrorism activities. They recognised that they had a unique contribution to make in helping their members to implement Resolution 1373, thus raising the capacity to combat terrorism at the regional as well as the national level. This position was strongly reaffirmed at the first follow-up meeting, held in Washington on 7 October 2003.
- At the **Council of Europe**, we have registered a remarkable increase in the signature and ratification of the relevant international counter-terrorism treaties. Overall, some **90 additional ratifications by Council of Europe member States** have been registered since this Resolution was adopted, about 30 of which concern the International Convention for the Suppression of the Financing of Terrorism.
- In **Resolution No. 1** on Combating terrorism, adopted at the **25th Conference of the European Ministers of Justice**, the Ministers welcomed this development and invited those which have not yet done so to become Parties as soon as possible to these instruments and also to other international treaties concerning co-operation which are most relevant to the fight against terrorism, thus echoing similar calls by our Committee of Ministers.
- Indeed, it is crucial to have the appropriate internal legal *armamentarium* to fight terrorism.
 - For the last few years, the UN has been negotiating a comprehensive anti-terrorist convention. In spite of early progress,

these negotiations came to a halt more than two years ago due to conflicting views, some of which are connected with the Middle East conflict.

- It remains clear, however, that multilateral normative efforts still represent the best instrument to enhance international co-operation against terrorism.
 - For this reason, the question of the drafting of a comprehensive anti-terrorist convention in the Council of Europe has been raised both by States and by Parliamentarians, as most of you know.
 - The negotiation of a comprehensive anti-terrorist convention at regional level – based on the *acquis* of the UN and on other existing international instruments - would in fact contribute positively to the final objective of having a comprehensive universal anti-terrorist convention at UN level.
 - Many examples show that regional conventions have contributed to the furthering of UN objectives (e.g. corruption, money-laundering, torture). It would represent a further contribution to the efforts of the global community in the context of our Organisation's contribution to the work of the UN in pursuance of UN Security Council Resolution 1373(2001).
- Where do we stand now? The CoE's Committee of Experts on Terrorism (**CODEXTER**) has been asked to give an opinion on the feasibility of drafting such a convention, namely its added value and its significance as a contribution to UN efforts. The CODEXTER commissioned an independent study from an eminent scholar, Professor Christian Tomuschat, and this study concludes in favour of the drafting of a comprehensive convention on terrorism by the Council of Europe. The CODEXTER will consider this study at its next meeting at the end of this month.
 - Moreover, recently our **Parliamentary Assembly** adopted Recommendation 1644 (2004) *Terrorism: a threat to democracies*, inviting the CoE to begin work on this new convention without delay, thus reiterating prior calls in this sense (Cf. Rec 1550 (2002) on Combating Terrorism and Respect for Human Rights and Opinion No. 242 (2003) concerning the draft Protocol amending the European Convention on the Suppression of Terrorism).
 - We are therefore hopeful that negotiation of this convention, which will be open to member and observer States and organisations, will begin shortly, thus allowing the CoE to use its unique experience in fighting crime and protecting human rights to further the global efforts against terrorism.
 - At the same time, **we are continuing to pursue our contribution to the implementation of Resolution 1373 (2001)** and the conclusions adopted

at our prior meetings. Let me tell you something about this and then I will conclude with some ideas for the future.

- **Co-operation** - At the level of bilateral and multilateral co-operation, the CoE has strengthened its relationship with the UNCTC, the UNODC and the OSCE-ODIHR through our participation in various national and regional events (list enclosed).
- This has been fruitful **but perhaps not enough**.
- We still see a **certain degree of overlapping and lack of coherence as regards the implementation of our joint vision** for the implementation of Resolution 1373 in the respective tasks that are given to international and regional organisations.
- The more *technical* or specialised organisations have seen their role generally recognised and supported although there is still a degree of residual interference.
- The question arises then about how to fine tune further our overall contribution, particularly as regards the interaction between regional organisations and international and universal organisations which have a wider scope of competence.
- We are particularly pleased with the approach followed by the UNODC in its work with our Organisation. Allow me to briefly outline this approach because, as far as we are concerned, it is the right way forward. The UNODC has proposed that when requests for assistance come to them from member States of the CoE, they will refer them to us, given our more focused approach and our normative *acquis*. However, they will step in to provide their expertise as far as the universal instruments are concerned. In the same way, we will communicate the requests for assistance that we receive from our member States to our counter-parts with a view to achieving the optimum results.
- Now, more than ever, we need to keep each other abreast of what is happening in each of our organisations. The participation of some of your organisations, including the UN and the OSCE, in the CoE's CODEXTER Committee has proved a suitable means of exchanging information and discussing possible joint initiatives further.
- These are just a few suggestions of how to proceed further and I am certain that our discussions today will boost our co-operation.

Appendix

Council of Europe co-operation activities against terrorism

a. Legal Expert appraisals

Russian Federation – the CoE carried out an expert appraisal of the Federal Law on the suppression of terrorism (2001) at the request of the Russian authorities.

Moldova – the CoE carried out an expert-appraisal on Law n° 54-XV “on Extremist Activity” (2003) at the request of the Moldovan authorities.

Armenia – the CoE carried out an expert-appraisal on the draft Law on “anti-terrorism campaign” (2004) at the request of the Armenian authorities.

b. Conferences and workshops

Co-operation with the UNODC

The CoE participated in the following co-operation activities related to the implementation of UNSCR 1373:

- **Croatia** - national seminar (Valbandon, 22-23 September 2003)
- **Hungary** - national seminar (Budapest, 1-2 October 2003)
- **Lithuania** - regional seminar for the Baltic States, Russia and Ukraine (Vilnius, 6-7 November 2003)
- **Italy** - regional seminar on the development of a model law on extradition (Siracusa, 2-6 December 2003).
- **Turkey** - regional Workshop for Central Asia and the Caucasus on International Co-operation against Terrorism and Transnational Organised Crime” (Antalya, Turkey, 23-25 February 2004)

Co-operation with the OSCE-ODIHR

The CoE participated in the joint workshop on the requirements of UNSCR 1373 and the universal anti-terrorism instruments (Yerevan, Armenia, 12-13 November 2003).

Co-operation with the OSCE-ODIHR and the Danish Government

The CoE will participate in the workshop on the Protection of Human Rights while Countering Terrorism (Copenhagen, Denmark, 15-16 March 2004).

Co-operation with the OSCE-ODIHR and the Dutch Government

The CoE participated in the Seminar on Human Rights and Terrorism (The Hague, Netherlands, 18 September 2003).

Co-operation with the OSCE-ODIHR and the UK Government

The CoE participated in a regional seminar on the implementation of UNSCR 1373 in South East Europe (London, 10-11 December 2003).

Co-operation with the Russian Federation

The CoE participated in the Third International Research and Practice Conference "Terrorism and Transport Security" organised by the Office of the General Prosecutor of the Russian Federation (Moscow, Russian Federation, 3-4 March 2004).