

OSCE 2012 HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 24 September to 5 October 2012

Working Session 5: Rule of Law II

Protection of Human Rights and Fighting Terrorism

Contribution of the Council of Europe Terrorism Division

Introduction: Council of Europe activities to strengthening legal action against terrorism

For more than 60 years the Council of Europe has been promoting and reinforcing Human Rights and the Rule of Law principle at regional level.

In particular, the Council of Europe activities in the framework of the fight against terrorism aim at assisting its 47 member States to meet the Security Imperative while fully complying with the requirements of the Rule of Law principle. They are also based on and inspired by the cornerstone of the European institutions: the European Convention on Human Rights as interpreted by the Strasbourg's Court.

The Council of Europe's contribution to the fight against terrorism based on standard-setting is widely recognised internationally. Through its multilateral instruments, the Council of Europe assists its member States in the adoption of a common approach and in the establishment of specific terrorism related offences as a criminal offence under domestic law. The Council of Europe Counter-Terrorism Task Force operates on the basis of the following instruments:

- Revised European Convention of the Suppression of Terrorism (ETS No 090)
- Council of Europe Convention on the Prevention of Terrorism (CETS No 196)
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the proceeds from Crime and on the Financing of Terrorism (CETS No 198).

These conventions contain Human Rights safeguards and in this respect reference should be also made to the two sets of Committee of Ministers Guidelines based on the case-law of the European Court of Human Rights: on human rights and the fight against terrorism, and on the protection of victims of terrorist acts.

The Council of Europe's *Convention on the Prevention of Terrorism* - which was drafted by the Committee of Experts on Terrorism (CODEXTER) - was the first international legally binding instrument on this subject. This Convention has served as inspiration for other international texts such as United Nations Security Council Resolution 1624 (2005), the revised European Union Framework Decision on combating terrorism and the United Nations Security Council Resolution 1963 (2010).

I. Council of Europe - OSCE counter-terrorism cooperation

In 2012, the co-operation between the OSCE and the Council of Europe in the area of the fight against terrorism was further enhanced and developed with an aim to amplify the political message as well as legal and operational action against terrorism.

Mr Ivan Koedjikov, the Counter-Terrorism Coordinator of the Council of Europe, met with Mr Thomas Wuchte, the Head of the OSCE Action against Terrorism Unit, at the side-lines of the UN General-Assembly Review of the Implementation of the United Nations Global Counter Terrorism Strategy (New York, 28-29 June 2012), to discuss the on-going cooperation between both organisations on issues of counter-terrorism, as well as prospects to develop this cooperation in the future.

As of 1st January 2012 Mr Carlo Chiaromonte, was appointed as the Head of the Terrorism Division and Secretary to both the Committee of Experts on Terrorism (CODEXTER) and the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]. The Terrorism Division of the Council of Europe took part in the OSCE the Joint OSCE Secretariat – OSCE ODIHR Expert Roundtable on “The Role and Empowerment of Women in Countering Violent Extremism and Radicalization that Lead to Terrorism” (March 2012).

Furthermore, the Terrorism Division participated in Online Forum on “Preventing Terrorism and Countering VERLT: a Community Policing Approach”, as well as the OSCE On-line roundtable on the Internet used as tactical facilitator by terrorists (May 2012), the OSCE on-line workshop on terrorist use of social networking tools (July 2012) and the OSCE online roundtable on right wing extremism/terrorist use of the Internet (September 2012). Likewise, the Terrorism Division provided written documentation for the ODIHR Training of trainers session on the protection of human rights in the fight against terrorism (Turkmenistan, March 2012), the OSCE/ODIHR Countering Terrorism, Protecting Human Rights (Georgia, May 2012), the “ODIHR and OSCE Border Management Staff College: training in HR, CT and border security” and the “ODIHR Workshop to continue elaborate with training institute for police of the curriculum for HR protection in the fight against terrorism” (both held in Tajikistan in June 2012).

Throughout 2012 the OSCE ATU and the OSCE ODIHR have contributed to the meetings of the Council of Europe Committee of Experts on Terrorism (CODEXTER). As usual, the Council of Europe Terrorism Division continued to submit regular contributions to the OSCE Counter-Terrorism Network (CTN) Newsletter.

The Joint Co-ordination Group between the OSCE and the Council of Europe Council of Europe will hold its 15th meeting on 19 October 2012 in Vienna.

II. Council of Europe’s activities since last OSCE 2011 Human Dimension Implementation Meeting

Council of Europe Counter-Terrorism Coordinator

On 7 December 2011 the Secretary General of the Council of Europe nominated Mr Ivan Koedjikov as Counter-Terrorism Coordinator of the Council of Europe, with the task to co-ordinate - both within the Organisation and at national and international level – the Council of Europe activities relevant to addressing conditions conducive to the spread of terrorism, as well as prevention and suppression of terrorism.

Ratification path for the Council of Europe conventions

In 2012, the Council of Europe's *Convention on the Prevention of Terrorism* was ratified by Turkey on 23rd March 2012 and it entered into force on 1st July 2012. Furthermore, on 11 September 2012, Switzerland signed the *Convention on the Prevention of Terrorism*.

Intergovernmental activities

The Group of Parties of the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]

The second meeting of the Group of Parties of the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196], was held on 23 November 2011 in Strasbourg. The Group of Parties examined and adopted provisionally the draft Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]. The final adoption of these Rules by silent procedure took place on 2 January 2012.

On 11 April 2012, the 3rd meeting of the Group of Parties to the Council of Europe Convention on Terrorism [CETS No. 196] was held in Strasbourg. During this meeting, the Group of Parties discussed the first evaluation round for the Convention. For the first evaluation round, the Group agreed to assess the implementation of Article 6 "Recruitment for terrorism" of the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]. The Group of Parties also provisionally agreed on the Draft Template for the assessment of the implementation of Article 6 "Recruitment for terrorism" and member States were invited to submit their replies to the Template by 31 October 2012.

The 4th meeting of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism will take place on 14 November 2012.

The Council of Europe Committee of Experts on Terrorism (CODEXTER)

The Council of Europe Committee of Experts on Terrorism (CODEXTER) held its 21st meeting in Strasbourg on 24-25 November 2011. The CODEXTER considered, inter alia, the implementation of the Council of Europe Conventions against Terrorism and welcomed in particular the fact that since its last meeting the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196] had entered into force for Hungary and Germany, respectively on 1 July 2011 and 1st October 2011. On the basis of contributions by delegations, the Committee exchanged views on national coordinating bodies in the field of the fight against terrorism. Moreover, the CODEXTER considered the updated Country Profiles on counter-terrorism capacity as submitted by Croatia, Germany and authorised their publication in the CODEXTER database. The

Committee also welcomed the publication - by the Council of Europe Counter-Terrorism Task Force - of the proceedings of the Council of Europe Conference "Prevention of Terrorism: Prevention Tools, Legal Instruments and their Implementation" (Istanbul, Turkey, 16-17 December 2010) and Conference on "Victims of Terrorism", co-organized by the Spanish authorities, the Council of Europe and the Organization of American States (San Sebastian, Spain, 16-17 June 2011).

On 12-13 April 2012, the CODEXTER held its 22nd meeting in Strasbourg. During this meeting, the Committee examined, inter alia, a proposal to conduct an exchange of information on judicial cases related to terrorism as well as other initiatives on terrorists acting alone and special investigation techniques. Moreover, the Committee also examined a draft list of items about national counter-terrorism co-ordination, which will be further developed. Concerning the national and international developments in the fight against terrorism, CODEXTER considered the updated Country Profiles on counter-terrorism capacity submitted by Finland, France, Liechtenstein, Poland and Serbia and authorised their publication in the CODEXTER database. Furthermore, during this meeting, the CODEXTER held, for the first time, an exchange of views with Mr Gilles de Kerchove, EU Counter-terrorism Coordinator on the occasion of his visit to the Council of Europe, as well as with Ms Marta Requena, Chief of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC).

The 23rd meeting of the CODEXTER will take place on 15-16 November 2012.

Fostering technical co-operation activities

Since the last OSCE Human Dimension Implementation Meeting in 2011, the Council of Europe fostered its technical cooperation activities and organised a number of events aimed at strengthening capacities of States to fight against terrorism while preserving human rights.

In 2012 the Terrorism Division continued to develop the **Technical Cooperation Assistance Project "Bringing terrorists to justice"**. In its framework, the International Conference on "Bringing Terrorists to Justice" took place on 25 and 26 October 2011 in Kyiv, Ukraine. This event was organised in cooperation with the Security Service of Ukraine and within the framework of the Ukrainian Chairmanship of the Committee of Ministers of the Council of Europe.

This Conference brought together judges, public prosecutors and law enforcement authorities dealing with criminal cases on terrorism and related international legal cooperation in criminal matters.

This event offered all participants the possibility to discuss the obstacles to as well as the methods employed by prosecutors and judges in order to meet the challenges of bringing terrorists to justice. In this respect, participants shared information and good practices in prevention of terrorism; the use of special investigation techniques; the international legal cooperation in arrest, pre-trial detention and extradition of terrorism suspects; as well as the protection of victims, witnesses and collaborators of justice.

It is envisaged that a follow-up event on the topic of Special Investigation Techniques will be organised by the Division Terrorism in early 2013, within the framework of this activity.