Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1170 (1991)[1]

Strengthening the European Convention on the Suppression of Terrorism

Parliamentary Assembly

1. The Assembly has repeatedly condemned terrorism in the most vigorous of terms and urged strong action against what may be considered as one of the great scourges of our time.

2. In this respect the Assembly wishes to recall the many texts on terrorism which it has adopted since 1972.

3. In addition, it is useful to recall the action undertaken by the Committee of Ministers, in particular the elaboration of the European Convention on the Suppression of Terrorism which was opened for signature and ratification by Council of Europe member states in 1977.

4. This convention, the aim of which is to facilitate extradition of terrorists, entered into force in 1978 and has been ratified by twenty-one of the twenty-five member states of the Council of Europe.

5. Unfortunately, the convention has some obvious weaknesses, the most important of which are :

   5.1. the omission of certain crimes among those listed in Article 1, such as for instance the use of non-automatic firearms ;

   5.2. the wording of Article 2 which provides that Contracting States may consider certain offences as terrorist crimes but that they have no obligation to do so and that, consequently, in such cases political motives may be involved and extradition refused ;

   5.3. Article 13 of the convention, in accordance with which a Contracting State is entitled to make a reservation which may practically render the convention powerless in respect of that state.

6. In conclusion, the Assembly urges those member states which have not yet ratified the convention to do so, whereas those member states which made the reservation provided for by Article 13 are urged to withdraw it.

7. In addition, it would be desirable if the weak spots were to be eliminated from the convention. For that reason the Assembly recommends that the Committee of Ministers of the Council of Europe instruct the European Committee on Crime Problems (CDPC), as a matter of urgency, to study how the convention may be modified in order to strengthen it.

8. It reiterates the proposal made in its Resolution 863 (1986) to reach an agreement on defining terrorism as a crime against humanity.

9. Finally, the Parliamentary Assembly recommends that action be taken to outlaw all crimes involving violence, to remove from such offences the label ‘‘political" and to ensure that effective extradition arrangements are in place in relation to all such crimes.

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1. See Doc. 6445, report of the Committee on Legal Affairs and Human Rights, Rapporteur: Sir Dudley Smith ; and Doc. 6460, opinion of the Political Affairs Committee, Rapporteur: Sir Geoffrey Finsberg. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 1991.