



## Resolution 1271 (2002)<sup>1</sup>

# Combating terrorism and respect for human rights

Parliamentary Assembly

1. Recalling its [Recommendation 1426 \(1999\)](#), its [Resolution 1258 \(2001\)](#) and its [Recommendation 1534 \(2001\)](#) on democracies facing terrorism, the Parliamentary Assembly considers it necessary to take stock of the means used to combat terrorism.
2. First of all, the Assembly would like to draw attention to the new nature of the conflict that arose as a result of the terrorist acts of 11 September, which cannot be classed as a “war” in the traditional sense according to international law in so far as there was no declaration of war, nor has it been proved that the terrorist acts were carried out on the orders of a particular country. The military intervention carried out in Afghanistan as a result of the attacks was directed not against a country but against a terrorist organisation and against the former regime in Afghanistan, suspected of supporting such organisations.
3. The Assembly considers there is a need to study the causes of terrorism in order to find better ways of combating and, above all, of preventing them. It reiterates, however, that there can never be any justification for resorting to terrorism.
4. Eliminating support for terrorism and depriving it of all sources of funding are essential ways of preventing this form of crime.
5. The combat against terrorism must be carried out in compliance with national and international law and respecting human rights.
6. The Assembly considers that higher levels of education, access to decent living conditions and respect for human dignity are the best instruments for reducing the support currently given to terrorism in certain countries.
7. The Assembly, which has declared itself to be strongly opposed to capital punishment and which has succeeded in ridding Europe of the death penalty, tolerates no exceptions to this principle. Therefore, prior to the extradition of suspected terrorists to countries that still apply the death penalty, assurances must be obtained that this penalty will not be sought.
8. The Assembly also insists on the fact that member states should under no circumstances extradite persons who risk being subjected to ill-treatment in violation of Article 3 of the European Convention on Human Rights or being subjected to a trial which does not respect the fundamental principles of a fair trial, or, in a period of conflict, to standards which fall below those enshrined in the Geneva Convention.
9. In their fight against terrorism, Council of Europe member states should not provide for any derogations to the European Convention on Human Rights.
10. The Assembly hopes that the statute of the International Criminal Court will be rapidly ratified and its remit extended to acts of terrorism.

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1. Assembly debate on 24 January 2002 (6th Sitting) (see [Doc. 9331](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Hunault). Text adopted by the Assembly on 24 January 2002 (6th Sitting).



11. Concerning judicial co-operation, the Assembly considers that the European arrest warrant to be introduced by the European Union, in so far as it applies to crimes related to terrorism, should be extended to include all member states of the Council of Europe, in full respect of the fundamental rights guaranteed by the European Convention on Human Rights.

12. The Assembly therefore calls upon all Council of Europe member states to:

*ratify without delay, if they have not already done so:*

*the International Convention for the Suppression of the Financing of Terrorism;*

*the European Convention on the Suppression of Terrorism;*

*the European Convention on Extradition and its two additional protocols;*

*the European Convention on Mutual Assistance in Criminal Matters and its two additional protocols;*

*the European Convention on the Transfer of Proceedings in Criminal Matters;*

*the Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime;*

*the Convention on Cybercrime;*

*ratify as soon as possible, if they have not already done so, the statute of the International Criminal Court;*

*set up networks for co-operation between Financial Intelligence Units (FIUs) and ensure the necessary means of co-operation are put in place;*

*refuse to extradite suspected terrorists to countries that continue to apply the death sentence, in accordance with the decision of the European Court of Human Rights in the Soering case and with Article 11 of the European Convention on Extradition, unless assurances are given that the death penalty will not be sought;*

*refrain from using Article 15 of the European Convention on Human Rights (derogation in time of emergency) to limit the rights and liberties guaranteed under its Article 5 (right to liberty and security).*

13. The Assembly supports the proposal to convene an international conference on the combating of terrorism in St Petersburg, to be held in co-operation with the Interparliamentary Assembly of the Commonwealth of Independent States as well as other international parliamentary organisations, and believes that this conference should pay special attention to legal issues related to the suppression of terrorism.