



Recommendation 1584 (2002)¹

The need for intensified international co-operation to neutralise funds for terrorist purposes

Parliamentary Assembly

1. The terrorist attacks against the United States of America on 11 September 2001 demonstrated in the most dramatic and tragic fashion the vulnerability of civilisation vis-à-vis those seeking to destroy it, and the resulting need to take every measure to prevent terrorist acts and apprehend the perpetrators, organisers and sponsors, along the principles set out in Parliamentary Assembly [Recommendation 1534 \(2001\)](#) on democracies facing terrorism.

2. The Assembly, referring in particular to its [Recommendation 1550 \(2002\)](#) on combating terrorism and respect for human rights, underlines the importance in this struggle of identifying and neutralising funds destined for terrorist purposes – an undertaking which is possible only if the world community, and notably Europe, reach a new degree of co-operation at the normative, operative and implementation levels. While such an effort may not ensure the prevention of all terrorist acts, it can contribute significantly to weakening terrorist infrastructure. This is so especially if measures can neutralise terrorism's legal sources of financing, which in certain cases operate under the cover of humanitarian, non-profit or even charitable organisations. It is also necessary to prevent general criminal activities that often serve to finance terrorism, such as trafficking in human beings, drugs and weapons. The systems and measures developed over the last few years to prevent the laundering of proceeds from crime can, if conscientiously applied, play a significant role in the detection, freezing and confiscation of terrorist funds.

3. The Assembly, with the above in mind, recommends strongly that the Committee of Ministers of the Council of Europe undertake the following measures:

At the normative level

to work in favour of the ratification, by all Council of Europe member states and others, of the totality of international legal instruments concerned with the fight against terrorism and its financing, and in particular the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism;

to reach immediately an agreement on a definition of terrorism, preferably based on that adopted in December 2001 by the European Council of the European Union in a common position;

to render any financial activity in support of terrorism thus defined a criminal offence;

further to strengthen domestic legislation and any international convention in need thereof, by adapting them to new technological and other developments as well as to the growing sophistication of terrorists, for the purpose of successfully tracing the origin – whether legal or illegal – as well as the routing of funds intended for terrorist ends, with a view to their seizure or confiscation. The Assembly in this connection welcomes the Committee of Ministers' decision taken in May 2002 that an additional protocol should be drawn up to the 1997 European Convention on the Suppression of Terrorism (ETS No. 90), and asks the Committee of Ministers also to envisage the possibility of adapting the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141), for instance through an additional protocol;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 November 2002 (see [Doc. 9520](#), report of the Committee on Economic Affairs and Development, rapporteur: Mr Marty).



At the operative level

to intensify co-operation between national administration, police forces, courts, financial institutions, regulatory and other authorities in order to uncover suspicious international transactions and thereby reach the organisations and individuals behind them. The Assembly in this context welcomes the creation in 2001 of EuroJust and supports decisions taken to widen the mandates of the Financial Action Task Force (FATF) and the Council of Europe's Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (PC-R-EV), to include also the detection of terrorism financing and welcomes in addition the establishment within Europol of an international terrorism task force dealing also with its financial aspects;

At the level of monitoring implementation

to ensure that international conventions and other agreements against terrorism financing are effectively implemented in Council of Europe member states and other participating states – notably by strengthening the mandates and increasing the resources of the FATF and other competent bodies such as the PC-R-EV, and by rendering public any national shortcoming so as to increase pressure for remedial action;

finally, the Assembly reiterates its belief, as expressed notably in its [Resolution 1271 \(2002\)](#) on combating terrorism and respect for human rights, that the fight against terrorism must never be allowed to harm the Council of Europe's fundamental values of democracy, the rule of law and human rights – including the provisions of the European Convention on Human Rights and the prohibition of the death penalty it upholds.