Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1644 (2004)[1]

Terrorism: a threat to democracies

Parliamentary Assembly

1. The Parliamentary Assembly refers to its previous texts, in particular Recommendations 1534 (2001) on democracies facing terrorism and 1550 (2002) on combating terrorism and respect for human rights, and replies of the Committee of Ministers thereon, which were on the whole positive. The Assembly welcomes the Guidelines on Human Rights and the Fight against Terrorism, adopted by the Committee of Ministers on 11 July 2002, which formulate criteria for safeguarding human rights in the fight against terrorism.

2. It observes that terrorist attacks of particular ferocity have been carried out in different parts of the world since the attacks of 11 September 2001, and the existence of a global terrorist threat is now a well established fact.

3. The Assembly conveys its deepest sympathies to the families of the victims and to all those affected or injured by the recent terrorist bombings in the Russian Federation and in Turkey and, in general, by any terrorist attack.

4. Whereas the improvement of international co-operation, the stepping up of national security measures and the increase in the number of ratifications of various international legal instruments are positive signs in the fight against terrorism, loopholes still exist in legislation, cross-border controls, prosecution and extradition arrangements, and these are exploited by terrorists.

5. In this connection, the Assembly welcomes the setting up of the Counter-Terrorism Committee in the United Nations, established pursuant to Security Council Resolution 1373 (2001), the adoption of the Common Position and the Framework Decisions by the Council of the European Union, which is a rather significant attempt to a structured approach in the fight against terrorism, and the setting up of the Committee of Experts on Terrorism (Codexter) in the Council of Europe, with the aim of reinforcing and co-ordinating the Organisation's action in this field.

6. The Assembly is convinced, however, that a new impetus is necessary in order to give a clear signal to the public about the importance of multilateral efforts. The incorporation, therefore, of fragmented legal texts together with the necessary additions in one comprehensive convention would present considerable added value to the fight against terrorism, as first expressed in its Opinion No. 242 (2003) on the draft protocol amending the European Convention on the Suppression of Terrorism.

7. Despite the progress so far reached in this regard, the possibility of achieving this in the framework of the United Nations is almost non-existent due to difficulties in defining terrorism. A more homogenous group of states, such as the Council of Europe member states, should be able to overcome this obstacle.

8. The Assembly is convinced that the motive behind an act of terrorism does not change the nature of that act. Terrorism has no justification and it must be considered illegal, abhorrent, unacceptable and a crime against humanity.

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1. Assembly debate on 29 January 2004 (6th Sitting) (see Doc. 10056, report of the Political Affairs Committee, rapporteur: Mr Mercan). Text adopted by the Assembly on 29 January 2004 (6th Sitting).

9. As the Assembly has consistently stated in the past, action against terrorism must at all times be consistent with the fundamental freedoms and human rights which it is designed to protect. This is particularly so in the member states of the Council of Europe which should also be sensitive to the deep-rooted reasons of the changing nature of terrorism and promote dialogue between cultures and religions.

10. The Assembly is convinced that the root causes – poverty, exclusion, disparity and desperation – which provide a fertile ground for the emergence and spread of terrorism should be addressed.

11. The Assembly asks the Committee of Ministers:

11.1. to begin work without delay on the elaboration of a comprehensive Council of Europe convention on terrorism, based on the normative acquis of the United Nations', Council of Europe's and European Union's legal instruments and other texts, and develop them as much as necessary;

11.2. to invite, in the meantime, the member states:

a. to ratify existing conventions, or inform the Committee of Ministers and the Assembly about the grounds for not doing so, in particular: the European Convention on the Suppression of Terrorism (1977) in conjunction with its Protocol (2003), the European Convention on Extradition (1957) and its Additional Protocols (1975 and 1978), the European Convention on the Transfer of Proceedings in Criminal Matters (1972), and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990)

b. to condemn strongly countries encouraging, helping, providing financial support, or offering safe haven to terrorists and introduce economic and other appropriate measures against them;

c. to promote democracy and human rights in their foreign relations and refrain from complacency towards despotic and obscurantist regimes for reasons of strategic and economic interests;

11.3. to study, in consultation with the European Union, the possibility of transforming Europol into an effective pan-European agency, with sufficient means to challenge international terrorism;

11.4. to repeat the appeal to the member states, as stipulated in Parliamentary Assembly Recommendation 1534, to "give urgent consideration to amending and widening the Rome Statute to allow the remit of the International Criminal Court to include acts of international terrorism".