



Resolution 1400 (2004)¹

Challenge of terrorism in Council of Europe member states

Parliamentary Assembly

1. The Parliamentary Assembly is outraged by the recent wave of acts of terrorism which have plunged several Council of Europe member states into mourning, killing and injuring hundreds of innocent people. It extends its deepest sympathy to the victims' families and all who have suffered from these odious crimes.
2. In spite of the international community's efforts, the scourge of terrorism continues to spread throughout the world, assuming ever more terrible and murderous forms. The resurgence of acts of terrorism of an extreme brutality shows that the international community, including the countries of Europe, have not been sufficiently alert to the gravity of the danger and have failed to take effective action to counter a new-style terrorism which stops at nothing.
3. Through its barbaric methods, terrorism attacks the fundamental values of society and challenges the very existence of democracy.
4. The protection of human rights plays a key role in the fight against terrorism. These rights are central to our credibility. Any violation of these rights weakens the international coalition in the fight against terrorism and drives new supporters into the hands of the terrorists.
5. The Assembly refers in particular to [Recommendation 1426 \(1999\)](#) on European democracies facing up to terrorism where it considered an act of terrorism to be "any offence committed by individuals or groups resorting to violence or threatening to use violence against a country, its institutions, its population in general or specific individuals which, being motivated by separatist aspirations, extremist ideological conceptions, fanaticism or irrational and subjective factors, is intended to create a climate of terror among official authorities, certain individuals or groups in society or the general public".
6. All attempts to provide terrorists with political, material, financial and other forms of support should be resolutely condemned.
7. Terrorism heeds neither law nor morality and must not be allowed to exploit the freedoms and advantages of modern democratic societies.
8. The Assembly considers that no cause can justify terrorism. Public expressions of support for terrorist actions may amount to incitement to violence and as such be the subject of restrictive measures in conformity with the European Convention on Human Rights.
9. The Assembly firmly reiterates its condemnation and utter rejection of terror as a means of achieving political ends. Every act of terrorism, regardless of the reasons given, aims pursued, methods used or demands made by the terrorists, is a challenge to democracy and must be considered a crime against humanity. It is unacceptable and dangerous to apply double standards to terrorists, depending on their alleged motives. There are no "good" or "bad" terrorists.
10. Democracy cannot compromise over terrorism. For terrorists, human life, which is the supreme value in a democratic society, is a bargaining counter.

1. Assembly debate on 6 October 2004 (28th Sitting) (see [Doc. 10312](#), report of the Political Affairs Committee, rapporteur: Mr Kosachev). Text adopted by the Assembly on 6 October 2004 (29th Sitting).



11. The Assembly is concerned about the fact that the threat or effects of terrorism can profoundly alarm and unsettle the community and affect the institutions and machinery of democracy. It believes that action must be taken to ensure that terror can exert no direct influence on democratic choices.

12. In accordance with the principles recorded in paragraph 5, the Assembly reaffirms its position of principle that the fight against terrorism must always be compatible with the fundamental freedoms and human rights which it has the task of protecting, taking as its basis the absolute primacy of the fundamental and inalienable right to life, which implies the right to protection from terrorism and all other attacks on human life and health. There should be no exceptions to the human rights standards of the Council of Europe, as well as to the legitimate right to resist oppression. Obligations under the United Nations Convention relating to the Status of Refugees must likewise be fully respected. All the member states of the Council of Europe must avoid any erosion of these standards and ensure that the action they take against terrorism respects the principles on which democratic states are founded, their international commitments and the standards of their internal legislation. In this connection, it welcomes the adoption by the Committee of Ministers of the Council of Europe of guidelines on human rights in the fight against terrorism.

13. The Assembly reiterates that the fight against terrorism does not justify the introduction of new and/or additional restrictions on freedom of expression, which is one of the fundamental pillars of democracy that terrorists want to destroy. The Assembly welcomes the drafting of a declaration on freedom of expression and information in the media in the context of the fight against terrorism by the end of the year.

14. The Assembly remains convinced that the deep-rooted causes – poverty, exclusion, inequality, despair, widespread disorder, impunity for serious human rights violations and crimes, and blatant disregard for the rights of national minorities – which provide fertile soil for terrorism, must be carefully analysed and systematic action taken to remove them. This work must be undertaken in parallel with necessary urgent lawful measures to prevent further acts of terrorism.

15. The Assembly accordingly calls on national parliaments:

15.1. to adopt an integrated and co-ordinated approach to countering terrorism at all its stages, including drawing up a legislative framework aimed at:

- a. removing the factors contributing to the development of a favourable environment for terrorism;
- b. suppressing the sources and channels of finance, recruitment and propaganda;
- c. organising operational co-operation between special services, police and justice systems as part of anti-terrorist and preventive action;
- d. protecting, rehabilitating and compensating victims of terrorist acts;
- e. developing mechanisms and a legal basis for protecting witnesses, collaborators of justice and reformed criminals;

15.2. to pass laws for reinforcing public security, consistent with human rights and fundamental freedoms, and obligations under international law and conventions;

15.3. to make full use of their powers in promoting intensified international co-operation in the fight against terrorism, with paramount emphasis on harmonising Council of Europe member states' anti-terrorism law so as to create a unified European legal area in anti-terrorism matters;

15.4. to ratify, using the accelerated procedure, the protocol amending the European Convention on the Suppression of Terrorism (ETS No. 190), so that it can take effect as soon as possible;

15.5. to ensure that their states, if they have not already done so, sign, ratify and effectively implement the Council of Europe instruments concerned with action against terrorism and particularly:

the European Convention on the Suppression of Terrorism (1977);

the European Convention on Extradition (1957) and its protocols (1975 and 1978);

the European Convention on Mutual Assistance in Criminal Matters (1959) and its Protocols (1978 and 2001);

the European Convention on the Transfer of Proceedings in Criminal Matters (1972);

the European Convention on the Compensation of Victims of Violent Crimes (1983);

the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990);

the Convention on Cybercrime (2001) and its protocol (2003).

16. The Assembly calls on all the political forces in member states:
 - 16.1. to resolutely condemn all terrorist action, regardless of the country in which it takes place, as well as all activity whose purpose is to organise, finance or incite to acts of terrorism or harbour terrorists;
 - 16.2. to prevent manifestations of ethnic hatred, racism and xenophobia and also the justification of terrorism;
 - 16.3. to consolidate democratic institutions and interaction with civil society in order to ensure maximum support for national and international anti-terrorism measures;
 - 16.4. to rally society around the principles of total rejection of and opposition to terror and that any form of psychologically pressurising the population is unacceptable;
 - 16.5. to support measures to prevent persons implicated in terrorism from abusing any kind of institution or organisation, governmental or non-governmental, for the purpose of planning or preparing terrorist acts;
 - 16.6. to promote social cohesion and intercultural and inter-confessional dialogue for the purpose of removing factors contributing to the development of fertile breeding grounds for terrorism and preventing the spread of extremist theories seeking to justify acts of terrorism.
17. Moreover, the Assembly deems it necessary:
 - 17.1. to elaborate a comprehensive Council of Europe convention against terrorism;
 - 17.2. to analyse the effectiveness of Council of Europe conventions and other international instruments on combating terrorism and, on the basis of that analysis, draw up protocols to render those instruments capable of responding to the new terrorist threats;
 - 17.3. to instigate the extension of the list of offences in the 1998 Rome Statute of the International Criminal Court (ICC) so as to include certain offences of a terrorist nature, thereby widening ICC jurisdiction to encompass such offences;
 - 17.4. to review European Union experience with the European arrest warrant and to look into creating a legal basis for extending its applicability to Council of Europe member states;
 - 17.5. to intensify work on drawing up a Council of Europe convention on reinforcing the protection of witnesses and reformed criminals in the context of acts of terrorism, the protocol to the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, and a recommendation on special investigation techniques in relation to acts of terrorism;
 - 17.6. to begin the groundwork for setting up a European register of national and international standards so as to provide a system for computer access to the law of member states of the Council of Europe and other European organisations and for exchange of legal information;
 - 17.7. to establish a partnership between the Council of Europe and the European Union, and create, in addition to the EU's own anti-terrorism co-ordination work, a joint framework for practical co-operation and information sharing which involves all Council of Europe member states and develop enhanced co-operation with the United Nations, the Organization for Security and Co-operation in Europe and other international organisations;
 - 17.8. to initiate a special programme, enabling exchanges of experience and best practice, for persons with operational responsibilities in the member states for handling concrete crisis situations, in order to ensure that they are highly professional and adequately trained so as to minimise risks to human lives;
 - 17.9. to finalise as soon as possible the elaboration of guidelines on the rights of victims and the corresponding duties of member states to provide all necessary assistance and to create a forum for the exchange of good practice and training experiences between member states.
18. A serious study should be undertaken by the Council of Europe on the acceptable limits of freedom of expression and the possible abuse of that freedom by terrorists.
19. The Assembly decides to follow closely, through its relevant committees, international developments concerning terrorism, action by member governments and by national parliaments and the activities of the Council of Europe's Committee of Ministers in this field.