Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1426 (1999)[1]

European democracies facing up to terrorism

Parliamentary Assembly

1. In its Resolution 1132 (1997) the Assembly decided to invite parliamentarians and experts to a conference aimed at strengthening democratic systems in Europe and co-operation in the fight against terrorism. In October 1997 this initiative received the support of the 2nd Summit of Heads of State and Government of the Council of Europe.

2. The parliamentary conference on European Democracies Facing Up to Terrorism, which the Committee on Legal Affairs and Human Rights was responsible for organising, took place in Strasbourg from 14 to 16 October 1998.

3. Terrorism in Council of Europe member states assumes a variety of forms, but its invariable aim is to undermine democracy, parliamentary institutions and the territorial integrity of states. Terrorism represents a serious threat to democratic society, whose moral and social fibre is affected by it. It attacks the most fundamental human right, the right to life, and for that reason must be totally condemned.

4. The Assembly strongly and unequivocally condemns recent explosions of apartment buildings in various cities of the Russian Federation and reiterates its position that terrorist acts cannot have any justification whatsoever. The Assembly expresses sympathy to families of the victims of these barbaric acts and hopes that the Russian Federation will be able to overcome the terrorist menace without deviation from the democratic process and bring the criminals responsible for these attacks to justice.

5. The Assembly considers 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. The Council of Europe and its member states should take concrete steps to facilitate co-operation in combating terrorism. Anti-terrorist measures should include, inter alia, exchanges of information, detention and extradition of persons accused of terrorist crimes, and uncovering and cutting off the channels through which terrorists are provided with weapons, explosives and financial means.

7. To prevent the ethnic or religious tensions that are liable to give rise to terrorist phenomena, democratic states should respect social and political pluralism by taking into account the legitimate aspirations of minorities and respecting cultural characteristics.

8. However, the Assembly considers that no support, even of a moral kind, should be given to any organisation advocating or encouraging violence as a method of settling political, economic and social conflicts.

9. The prevention of terrorism also depends on education in democratic values and tolerance, with the eradication of the teaching of negative or hateful attitudes towards others and the development of a culture of peace in all individuals and social groups.

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1. Assembly debate on 20 September 1999 (25th Sitting) (see Doc. 8507, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr López Henares; and Doc. 8513, opinion of the Political Affairs Committee, rapporteur: Mrs Stanoiu). Text adopted by the Assembly on 23 September 1999 (30th Sitting).

10. The Assembly, recognising the vital importance of free media in a pluralistic democracy, acknowledges that the media too have a responsible role to play by reporting terrorist actions and by firmly refusing to allow themselves to be exploited by terrorism.

11. The Assembly believes that the fight against terrorism should be conducted on the basis of respect for the rule of law and the fundamental rights and freedoms of individuals, and it therefore regards recourse to special legislation as inadvisable.

12. Recognising the importance of respect for the rule of law, effective judicial and police co-operation on a continental scale is necessary to combat terrorism. The Assembly therefore welcomes the creation of Europol, even though it is confined to the fifteen member countries of the European Union. Furthermore, since terrorism is not restricted to Europe, it is important to co-ordinate European initiatives with other international initiatives.

13. The conventions of the Council of Europe, whether they be the 1977 European Convention on the Suppression of Terrorism or the 1957 European Convention on Extradition, should be reviewed in the light of experience to make them more effective in the fight against terrorism.

14. The European Convention on the Suppression of Terrorism, by failing to cover all criminal offences capable of being considered terrorist actions or collaboration with these actions, does not enable terrorism to be combated as effectively as would be desirable.

15. The European Convention on Extradition, by enabling extradition to be refused if the offence is a political one, should be modified to prevent abuses of the right to asylum for terrorists.

16. The Assembly recommends that the Committee of Ministers:

16.1. revise the European Convention on the Suppression of Terrorism, of 27 January 1977, by broadening the definition of criminal offences of a terrorist nature to include preparatory acts, the membership of associations and the funding and setting up of logistics to perpetrate these kinds of offences;

16.2. consider as terrorist acts not only attacks against persons but also attacks against property and material resources;

16.3. delete Article 13 of the European Convention on the Suppression of Terrorism;

16.4. amend the European Convention on Extradition, of 13 December 1957, by defining the concept of a political offence and proposing a simplified extradition procedure, with measures to avoid abuse of the right of asylum;

16.5. consider the possibility of setting up a European criminal court to try terrorist crimes in certain cases;

16.6. consider the establishment of a procedure whereby, in certain cases, a person accused of committing a terrorist offence could be charged and tried for such an offence in a country other than the one in which the offence was committed;

16.7. initiate co-operation with the United Nations' Special Committee on Terrorism to consolidate the general legal framework of conventions on international terrorism;

16.8. encourage member states to co-operate together more closely within Interpol, and examine, in conjunction with the European Union, the possibility of extending the Europol convention to all Council of Europe member states and establishing a Europol judicial control system;

16.9. envisage the preparation of a civic education textbook for all schools in Europe so as to combat the spread of extremist ideas and advocate tolerance and respect for others as an essential basis of community life;

16.10. consider the incorporation of the principle of fuller protection for victims of terrorist acts at both national and international level;

16.11. invite Council of Europe member states to incorporate the principle aut dedere aut iudicare[2] in their criminal legislation;

2. That is, "either extradite or try".

16.12. invite member states to strengthen bilateral co-operation in respect of their judicial authorities, police forces and intelligence services.