



Recommendation 1550 (2002)¹

Combating terrorism and respect for human rights

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1271 \(2002\)](#) on combating terrorism and respect for human rights, in which it advocates a number of measures member states should take to combat terrorism while ensuring respect for human rights.

2. It has noted the possible contradiction between, on the one hand, the desire to open for ratification by Observer states and other non-member states of the Council of Europe the European Convention on the Suppression of Terrorism, which contains no explicit provision for refusing extradition in cases where there is a risk the death penalty may be applied, and on the other hand, the refusal to extradite suspected terrorists to countries applying the death penalty. The Assembly considers that this matter ought to be settled in the context of the work to update the European Convention on the Suppression of Terrorism.

3. The Assembly welcomes the decision taken by the Committee of Ministers to set up a Multidisciplinary Group on International Action against Terrorism (GMT) with the tasks of updating Council of Europe instruments in this field and identifying new and better ways in which the Council of Europe could combat this dangerous form of crime within the limits of its scope. Steps should also be taken to accelerate international co-operation in combating the laundering of the proceeds from crime, in particular with respect to financial investigations, and to step up action to prevent the financing of terrorism.

4. Furthermore, the Assembly notes the ten new recommendations on the financing of terrorism adopted in December 2001 by the Financial Action Task Force on Money Laundering (FATF) and welcomes the decision taken by the Council of Europe's Select Committee of Experts on the Evaluation of Anti-Money-Laundering Measures (PC-R-EV) to extend the scope of the FATF's new recommendations to the whole of Europe by incorporating them in its own programme of activities.

5. Lastly, the Assembly considers that when working to promote better pan-European co-operation against terrorism, the GMT should consider using the definition of terrorism adopted by the European Union.

6. Improvements to the European judicial area are a precondition for effective European co-operation: the definition, creation and prosecution of indictable offences need to be harmonised.

7. The Assembly recommends that the Committee of Ministers:

amend the European Convention on the Suppression of Terrorism to include a provision according to which extradition may be refused in cases where there are no guarantees that the death penalty will not be sought for the accused person;

step up international co-operation in combating the laundering of the proceeds from crime, in particular with respect to financial investigations, as well as efforts to combat the financing of terrorism;

request that the Multidisciplinary Group on International Action against Terrorism (GMT) consider using the definition of terrorism adopted by the European Union (see Appendix).

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).



Appendix APPENDIX

European Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (2001/931/CFSP)

Article 1

3. For the purposes of this Common Position, "terrorist act" shall mean one of the following intentional acts, which, given its nature or its context, may seriously damage a country or an international organisation, as defined as an offence under national law, where committed with the aims of:

seriously intimidating a population, or

unduly compelling a government or an international organisation to perform or abstain from performing any act, or

seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation:

- a. *attacks upon a person's life which may cause death;*
- b. *attacks upon the physical integrity of a person;*
- c. *kidnapping or hostage-taking;*
- d. *causing extensive destruction to a government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;*
- e. *seizure of aircraft, ships or other means of public or goods transport;*
- f. *manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;*
- g. *release of dangerous substances, or causing fires, explosions or floods the effect of which is to endanger human life;*
- h. *interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;*
- i. *threatening to commit any of the acts listed under a to h;*
- j. *directing a terrorist group;*
- k. *participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, which knowledge of the fact that such participation will contribute to the criminal activities of the group.*

For the purposes of this paragraph, "terrorist group" shall mean a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist acts. "Structured group" means a group that is not randomly formed for the immediate commission of a terrorist act and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.