Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1677 (2004)[1]

Challenge of terrorism in Council of Europe member states

Parliamentary Assembly

1. The Parliamentary Assembly refers to Resolution 1400 (2004) on the challenge of terrorism in Council of Europe member states, to the many resolutions, recommendations and orders which it has adopted on terrorism since 1972 and to the action taken by the Committee of Ministers for the purpose of introducing, within the Council of Europe, co-ordinated measures to counter terrorism.

2. 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".

3. In spite of undeniable progress with the introduction of convention-based European co-operation on action against terrorism, the Council of Europe's collective response to the growing threat of terrorism remains insufficient.

4. Failings in national and European legislation on the suppression and prevention of terrorism still leave the way open for trafficking in arms, munitions and funds for international terrorism and for movement of persons associated with terrorism in Council of Europe member states.

5. The global nature of the terrorist threat makes total cohesion and solidarity within the international community, unwavering political determination and full and effective co-operation between Council of Europe member states, essential. The security of Europeans in the face of terrorism is indivisible.

6. The Assembly notes that, following the terrorist attacks of 11 September 2001, the Committee of Ministers attempted to intensify co-operation between Council of Europe member states, and particularly within the Committee of Experts on Terrorism (Codexter), on the subject of the repression of terrorism.

7. The Assembly nonetheless considers that a more sustained commitment on the part of member states is needed to ensure an adequate response to the challenge of terrorism.

8. The Assembly asks the Committee of Ministers:

a. to intensify its efforts to establish a common legal area for action against terrorism in Europe, based on human rights and the fundamental values of the Council of Europe and, for this purpose:

   a. to start the preparation of a comprehensive Council of Europe convention against terrorism, as was requested by Assembly Opinion No. 242 (2003) on the draft protocol amending the European Convention on the Suppression of Terrorism and Recommendation 1644 (2004) on terrorism: a threat to democracies;

   b. in the meantime, to conclude, without delay, its work on remedying existing omissions in international law or in action taken against terrorism, by adopting instruments on which member states can reach a consensus;

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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).

c. 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;

d. 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;

e. to promote a homogeneous definition of the crime of terrorism in the laws of member states and at international level, along the lines of the aforementioned Recommendation 1426 (1999);

f. 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;

g. 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 the exchange of legal information;

h. to establish a partnership between the Council of Europe and the European Union, and create, in addition to the European Union'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;

i. 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;

j. 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;

k. to undertake a study on the acceptable limits of freedom of expression and the possible abuse of that freedom by terrorists;

b. ask the member states:

a. to increase multilateral co-operation and reciprocal assistance concerning the prevention and punishment of acts of terrorism;

b. to bring the Protocol amending the European Convention on the Suppression of Terrorism (2003) into force as soon as possible;

c. to sign and/or ratify, if they have not yet done so, the Council of Europe's conventions on action against terrorism;

c. repeat the appeal to member states, made in Assembly Recommendations 1534 (2001) on democracies facing terrorism and 1644 (2004), 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";

d. turn its attention once again to the relevant parts of the earlier Assembly recommendations, and particularly Recommendation 1644 (2004), in which the Assembly asked the Committee of Ministers, in paragraph 11, inter alia: " ii. to invite [, in the meantime,] the member states: (…) 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; (…) iii. 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".

9. The Assembly wishes to be fully informed about work on action against terrorism done by the Committee of Ministers and by committees and working parties which it establishes.

10. The Assembly recommends that the Committee of Ministers include the question of European co-operation in the fight against terrorism on the agenda for the 3rd Summit of Heads of State and Government of the Council of Europe.