



HUMAN SECURITY: FIGHTING TERRORISM AND ORGANIZED CRIME

**(Normative) Decisions Related to Terrorism and Organized
Crime of International Organizations**



ETC Study for the HUMSEC Project



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Study

of the *European Training and Research Centre for Human Rights and Democracy (ETC)* in its function as member of the HUMSEC Workgroup 3 “The Impact of Transnational Terrorist and Criminal Organisations on the Peace-building Process of the Western Balkan Region” (research and compilation: Veronika Bauer and Ursula Prinzl under the guidance of the HUMSEC project coordinator Wolfgang Benedek; English grammar correction: Matthias C. Kettemann)

for the project: *Human Security in the Western Balkan Region: The Impact of Transnational Terrorist and Criminal Organizations on the Peace-Building Process of the Region (HUMSEC)*.

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Summary of the Research Results

The purpose of this study is to collect (normative) decisions related to terrorism and organized crime (and being relevant for the Western Balkan region) of six international organizations and bodies – the United Nations, the Council of Europe, the Organization for Security and Cooperation, NATO, the European Union and G8. ‘Decisions’ are understood as pertinent conventions and treaties, declarations, recommendations, resolutions, guidelines and decisions. The present study therefore covers legally binding as well as non-binding instruments.

Over the last thirty to forty years a large number of treaties, conventions, covenants and protocols of the United Nations and the Council of Europe, focusing on very specific issues of terrorism and organized crime, have evolved. However these treaties often do not have effective enforcement provisions and the number of states having signed and ratified them is limited. These instruments are usually applicable to the Western Balkan region. The amount of declarations, resolutions, recommendations, decisions, statements etc. relevant for terrorism and organized crime of the respective organizations and bodies is substantial.

The research also reveals that the European Union has a special role in the fight against terrorism and organized crime which results from its supranationality and complexity. A huge number of legally binding and non-binding decisions of the European Union which are relevant for fighting terrorism and organized crime exist. As it is not possible to provide a comprehensive account of all (normative) decisions of the European Union relevant to terrorism and organized crime within this paper, only the major decisions of the European Union are listed.

The research also shows that a comprehensive database containing all (normative) decisions of relevance to terrorism and organized crime is still missing.

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1 INTRODUCTION

1.1 Human Security: Fighting Terrorism and Organized Crime

The term *human security* has become a rather prominent catchphrase within the international community and among scholars of international law, relations and politics.¹ This is due to the fact that the security of the people is at the very centre of the human security concept – in contrast to the traditional understanding of security, where the focus is laid on the security of the state.²

What is human security? According to the Commission on Human Security, human security “*protect[s] the vital core of all human lives in ways that enhance human freedom and human fulfillment. Human security means protecting fundamental freedoms - freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.*”³

As shown by this definition, the human security concept’s approach happens to be a rather broad and universal one. It encompasses a wide range of human security issues – of whom many are not limited to one state. Examples would be: the destruction of the

¹ For a good overview of the human security debate in the last years see: Bajpai, Kanti, *Human Security: Concept and Measurement*, Occasional Paper for the Joan B. Kroc Institute for International Peace Studies (Number 19, Occasional Paper 1), August 2000. Available online under: <http://www.nd.edu/~krocinst/index.html>; Oberleitner, Gerd, *Human Security: A Challenge to International Law?*, Global Governance (Number 11), 2005, pp. 185-203; Oberleitner, Gerd, *Human Security and Human Rights*, ETC Occasional Paper No. 8, 2002. Available online at: http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC-Hauptseite/publikationen/Occasional_papers/Human_Security_occasional_paper.pdf.

² Security in international law, in its traditional understanding, is referred to as *state security* or *national security*. It ensures the well being of the state, which implies the protection of its territorial integrity, citizens, institutions, interests and values, its national sovereignty - mainly guaranteed through military structures of the state. The United Nations Development Programme (UNDP) defines national or state security as “*security of territory from external aggression, or as protection of national interests in foreign policy...It has been related more to nation states than to people.*” UNDP, *Redefining Security: The Human Dimension*, Current History (Volume 94), pp. 229-236, at p. 229. For more information about the changing definition of *security* see also: Oberleitner, Gerd, *Human Security and Human Rights*.

³ Commission on Human Security, *Human Security Now*, Commission on Human Security, New York, 2003, at p. 4. Also available online at: <http://www.humansecurity-chs.org/finalreport/English/FinalReport.pdf>.

global environment, the violation of fundamental human rights, (transnational) terrorism and organized crime, the spread of diseases, economic and migration issues, weapons of mass destruction.⁴

In this context the fight against or the prevention of terrorism⁵ and organized crime has become a very important issue for human security, which has also been recognized by the European Union.⁶ Especially the “*critical (severe) and pervasive (widespread) threats and situations*”⁷ that are caused and emerge through terrorism and organized crime clearly show that “[t]oday, more than ever before, threats are interrelated and a threat to one is a threat to all”.⁸ In its report *A More Secure World: Our Shared Responsibility* the UN High Level Panel on Threats, Challenges and Change points out that:

- “*Terrorism attacks the values that lie at the heart of the Charter of the United Nations: Respect for human rights; the rule of law; rules of war that protect civilians; tolerance among people and nations; and the peaceful resolution of conflict ... [t]errorism flourishes in environments of despair, humiliation, poverty, political oppression, extremism and human rights abuse; it also flourishes in contexts of regional conflict and foreign occupation; and it profits from weak state capacity to maintain law and order*” and

⁴ In the discussion on human security, there is no unified consent, what exactly an issue of human security is. Some restrict the issues of human security, some list innumerable and very specific issues and others bundle the issues of human security by distinguishing between economic security, food security, health security etc. For more about the discussion on the issues of human security see: Bajpai, Kanti, *Human Security: Concept and Measurement*.

⁵ See: Benedek, Wolfgang, *Human Security and the Prevention of Terrorism*, in: Benedek, Wolfgang and Yotopoulos-Marangopoulos, Alice (eds), *Anti-Terrorist Measures and Human Rights*, Martinus Nijhoff Publishers, Leiden/Boston, 2004, pp. 171-184; European Council, *A Secure Europe in A Better World. European Security Strategy*, Brussels, 12 December 2003. Available online at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

⁶ The European Security Strategy of the European Council lists as the five key threats for Europe: terrorism, proliferation of weapons of mass destruction, regional conflicts, failing states and organised crime.

European Council, *A Secure Europe in A Better World. European Security Strategy*, at pp. 3-5. See also: Study Group on Europe’s Security Capabilities, *A Human Security Doctrine for Europe. The Barcelona Report of the Study Group on Europe’s Security Capabilities*, Barcelona, 2004. Available online at: <http://www.lse.ac.uk/Depts/global/Publications/HumanSecurityDoctrine.pdf>.

⁷ Commission on Human Security, *Human Security Now*, at p. 4.

⁸ High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, United Nations, New York, 2004, at p. 14. Also available online at: <http://www.un.org/secureworld>.

- “...*organized crime is a menace to states and societies, eroding human security and the fundamental obligation of states to provide for law and order ...[c]ombating organized crime serves the double purpose of reducing this direct threat to state and human security, and also constitutes a necessary step in effort to prevent and resolve internal conflicts, combat the spread of weapons and prevent terrorism.*”⁹

The application of the before quoted conclusions in relation to the consequences, threats and effects of terrorism and organized crime of the UN High Level Panel on Threats, Challenges and Change to the current situation in the Western Balkan, is based on the assumption that terrorism and organized crime are a threat to human security in the Western Balkan region.¹⁰ Notably,

- the values of the charter of the United Nations (such as rule of law, human rights, tolerance among people and nations, etc.) are still under threat;
- in parts of the Western Balkan an environments of despair, humiliation, poverty, political oppression, extremism and human rights abuse exists;
- regional conflict and internal conflicts have not been resolved;
- the state capacity to maintain law and order is weak.

In order to ensure the security - human security - of the people (in the Western Balkan), joint actions, measures, and cooperation at the national, regional and international level need to be undertaken.¹¹

1.2 Analytical Approach

⁹ High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, at pp. 47, 52 + 53.

¹⁰ High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, at pp. 47, 52 + 53.

¹¹ Bajpai, Kanti, *Human Security: Concept and Measurement*, at p. 16; European Council, *A Secure Europe in A Better World. European Security Strategy*.

1.2.1 Task of the Paper and Legal Questions

In May 2006, at the kick-off-meeting of the HUMSEC project¹² it was agreed among the members of the *HUMSEC Workgroup 3 “The Impact of Transnational Terrorist and Criminal Organisations on the Peace-building Process of the Western Balkan Region”* that each partner would conduct research and collect information of relevance to human security, terrorism, organized crime and the Western Balkan. The task of the European Training and Research Centre on Human Rights and Democracy (ETC)¹³ was to “*collect the respective normative decisions of the United Nations, the European Union and other relevant international organizations dealing with terrorism and organized crime with a view of its relevance for the peace-building process in the region; it will also look into the work done by peace research institutions such as PRIO*”.

Before starting with the actual research, the research team had to clarify four (legal) questions:

1. What is exactly understood under the term *normative decisions* on the international level – especially normative decisions taken by international or regional organizations?
2. What are the *relevant international (and also regional) organizations* dealing with terrorism and organized crime?
3. Which are the normative decisions *relevant for the peace-building process in the region (Western Balkan)*?
4. Which are the *peace research institutions* declining with the Western Balkan region?

Ad question 1: The two major sources of law on the international level are custom and treaties (such as treaties, conventions, protocols, covenants, acts etc.) – they are referred to as primary (constitutional) rules. Binding decisions of bodies of international organizations – which are taken in the framework of these treaties – are referred to as

¹² The HUMSEC Project is a Sixth Framework Programme Coordination Action, whose purpose is to contribute to a better understanding of the link between transnational terrorist groups and criminal organisations in the Western Balkans and their role in the peace-building process in the region. For a detailed background information about the project see online at: <http://www.humsec.eu> - “About the Project”.

¹³ Website of the European Trainings and Research Centre for Human Rights and Democracy (ETC): <http://www.etc-graz.at>.

secondary rules. Additionally to these binding primary and secondary sources of international law, there are also decisions (such as statements, recommendations, guidelines, decisions etc.) that do not have any legally binding force.¹⁴

For the purpose of this paper it was decided to not merely focus on the major legally binding rules of the respective organizations/bodies, but also – in order to have a broad and encompassing approach to the issue under research – on their non-legally binding decisions.

Ad question 2: The most important organization *dealing with terrorism and organized crime* on the international level is of course the United Nations Organization (UN).¹⁵ Additionally, due to their membership-composition, their thematic focus, their principles and goals, and regional proximity, the Council of Europe, the Organization for Security and Co-operation (OSCE), NATO and the European Union (EU) have to be named. The G8 – although it can not be considered as an organization *strictu sensu* – complements the organizations relevant for the fight against terrorism and organized crime. Its members are the countries with the major economic and military power, thus having a huge impact on the decision-making process in the diverse international and regional organizations.

Ad question 3: To actually answer the question, which decisions that deal with terrorism and organized crime are *relevant for the peace-building process in the region (Western Balkan)*, we had to first clarify which decisions dealing with terrorism and organized crime exist. In a second step, the focus shall be put on those decisions that are *relevant for the peace-building process in the region (Western Balkan)*. Due to the comprehensiveness of this second question it needs to be addressed in a separate paper.

Ad question 4: This question also needs to be answered in a separate paper, because

- the primary task of the ETC is to research respective normative decisions of the UN, the EU and other relevant international organizations dealing with terrorism and organized crime;

¹⁴ An introduction to the issue of legally binding and non-binding rules and their relation can be reread in the publication *International Law* of Antonio Cassese. See especially chapters 8, 9, 10 and 11. Cassese, Antonio, *International Law*, Oxford University Press, New York, 2005.

¹⁵ The UN is the only international organization with universal membership. See also: Cassese, Antonio, *International Law*, pp. 317-338.

- this task partly overlaps with the research tasks of other members of the *HUMSEC Workgroup 3* (in specific the University of Zagreb and the Portuguese Institute for International Relations).

1.2.2 Outline of the Structure

The paper *(Normative) Decisions Related to Terrorism and Organized Crime of International Organizations* provides an overview of the main (normative) instruments of regional and international organizations relevant for the fight against terrorism and organized crime.¹⁶

The **Introduction** emphasizes the meaning and importance of the concept of human security in connection with terrorism and organized crime, concentrating on the case of the Western Balkan. Furthermore, the legal questions and the chapters of the paper are outlined.

In the following chapters – **Chapters Two to Seven** – the (normative) decisions of the investigated organizations are enumerated. The documents listed are organized as follows:

- Each chapter focuses on one specific organization – the United Nations (UN), the Council of Europe, the Organization for Security and Co-operation (OSCE), NATO, the European Union (EU) and the G8. Their (normative) decisions are listed by date according to the two issues under investigation – terrorism and organized crime.
- Further, the listing distinguishes between the major decision-making bodies of an organization and the forms of decisions, instruments (e.g.: treaties, conventions, declarations, recommendations, conclusions, statements) in the subchapters.
- Additionally, at the beginning of each subchapter the most relevant websites and publications are stated.

Chapter Eight finally presents the conclusions of the research and will end with an outlook.

¹⁶ It is not the task of the present research paper to offer or come up with definitions for terrorism and organized crime.

2 UNITED NATIONS

The three major decision-making organs of the UN in the fight against terrorism and organized crime are the Security Council, the General Assembly (a deliberative organ) and the Economic and Social Council.¹⁷

2.1 Fighting Terrorism

The UN website *UN Action against Terrorism* (<http://www.un.org/terrorism>) gives a broad overview of the diverse conventions, declarations and resolutions relevant for the fight against terrorism. It also lists the UN institutions, bodies and offices involved – especially highlighted have to be the *Security Council Counterterrorism Committee* and the *United Nations Office for Drugs and Crime (UNDCP)*.¹⁸

Additionally recommended are the publications *Uniting against Terrorism: Recommendations for a Global Counter-Terrorism Strategy, International Instruments Related to the Prevention and Suppression of International Terrorism, Legislative Guide to the Universal Anti-terrorism Conventions and Protocols* and *The International Fight against Terrorism and the Protection of Human Rights*.¹⁹

2.1.1 United Nations Conventions

- International Convention for the Suppression of Acts of Nuclear Terrorism (13 April 2005): http://untreaty.un.org/English/Terrorism/English_18_15.pdf (not yet in force)

¹⁷ The UN has 192 members and its purposes according to Article 1 of the Charter of the United Nations are:

- maintaining international peace and security;
- developing friendly relations among nations;
- achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character;
- being a centre for harmonizing the actions of nations in the attainment of these common ends.

Detailed background information about the UN decision-making process offers the publication: UN Non-governmental Liaison Service and Sidhu, Gretchen, *Intergovernmental Negotiations and Decision-making at the United Nations*, United Nations, New York and Geneva, 2003, pp. 1-44. Available online at: http://www.unsystem.org/ngls/d_making.htm.

¹⁸ Security Council Counterterrorism Committee: <http://www.un.org/sc/ctc>; United Nations Office for Drugs and Crime (UNDCP): <http://www.unodc.org/unodc/index.html>.

¹⁹ Annan, Kofi, *Uniting against Terrorism: Recommendations for a Global Counter-Terrorism Strategy (A/60/825)*, United Nations, 2006. Available online at: <http://www.un.org/unitingagainstterrorism/sg-terrorism-2may06.pdf>; United Nations, *International Instruments Related to the Prevention and Suppression of International Terrorism*, United Nations Publications, 2004; United Nations, *Legislative Guide to the Universal Anti-terrorism Conventions and Protocols*, United Nations Publications, 2004;

- International Convention for the Suppression of the Financing of Terrorism (9 December 1999): <http://untreaty.un.org/English/Terrorism/Conv12.pdf>
 - Requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or gun running;
 - Commits States to hold those who finance terrorism criminally, civilly or administratively liable for such acts; and
 - Provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other States on a case-by-case basis. Bank secrecy is no longer adequate justification for refusing to cooperate.

- International Convention for the Suppression of Terrorist Bombings (15 December 1997): <http://untreaty.un.org/English/Terrorism/Conv11.pdf>

Creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.

- Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991): <http://untreaty.un.org/English/Terrorism/Conv10.pdf>

Designed to control and limit the used of unmarked and undetectable plastic explosives. Provides for chemical marking to facilitate detection of plastic explosives, e.g., to combat aircraft sabotage.

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988) (+ 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf): <http://untreaty.un.org/English/Terrorism/Conv9.pdf>

Establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation. Applies to terrorist activities on fixed offshore platforms.

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (+ 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation) (10 March 1988): <http://untreaty.un.org/English/Terrorism/Conv8.pdf>

- Establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation; and
 - Makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (24 February 1988):
<http://untreaty.un.org/English/Terrorism/Conv7.pdf>
- Extends the provisions of the Montreal Convention to encompass terrorist acts at airports serving international civil aviation.
- Convention on the Physical Protection of Nuclear Material (3 March 1980):
<http://untreaty.un.org/English/Terrorism/Conv6.pdf> Criminalizes the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial property damage.
- International Convention against the Taking of Hostages (17 December 1979):
<http://untreaty.un.org/English/Terrorism/Conv5.pdf>
- Provides that “*any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention*”.
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (14 December 1973):
<http://untreaty.un.org/English/Terrorism/Conv4.pdf>
- Requires parties to criminalize and make punishable “*by appropriate penalties which take into account their grave nature*” the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act “*constituting participation as an accomplice*”.
- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (23 September 1971):
<http://untreaty.un.org/English/Terrorism/Conv3.pdf>

- Makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of the aircraft; to place an explosive device on an aircraft; to attempt such acts; or to be an accomplice of a person who performs or attempts to perform such acts;
 - Requires parties to the Convention to make offences punishable by “*severe penalties*”; and
 - Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution.
- Convention for the Suppression of Unlawful Seizure of Aircraft (16 December 1970): http://www.unodc.org/unodc/terrorism_convention_aircraft_seizure.html
- Makes it an offence for any person on board an aircraft in flight to “*unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft*” or to attempt to do so;
 - Requires parties to the convention to make hijackings punishable by Requires parties to the convention to make hijackings punishable by “*severe penalties*”;
 - Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution; and
 - Requires parties to assist each other in connection with criminal proceedings brought under the Convention.
- Convention on Offences and Certain Other Acts Committed On Board of Aircraft (1963): <http://untreaty.un.org/English/Terrorism/Conv1.pdf>

2.1.2 Security Council²⁰

- Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1735 (22 December 2006): <http://daccessdds.un.org/doc/UNDOC/GEN/N06/680/14/PDF/N0668014.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1611 (7 July 2005):

²⁰ Art. 24 + 25 of the Charter of the United Nations: “*In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII. ...*” and “*The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.*”

<http://daccessdds.un.org/doc/UNDOC/GEN/N05/411/79/PDF/N0541179.pdf?OpenElement>

- Threats to International Peace and Security Caused by Terrorist Acts,
S/RES/1625 (14 September 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/510/64/PDF/N0551064.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts,
S/RES/1624 (14 September 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/510/52/PDF/N0551052.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts,
S/RES/1618 (4 August 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/452/10/PDF/N0545210.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts,
S/RES/1617 (29 July 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/446/60/PDF/N0544660.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts,
S/RES/1611 (7 July 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/411/79/PDF/N0541179.pdf?OpenElement>
- Threats to International Peace and Security, S/RES/1566 (8 October 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/542/82/PDF/N0454282.pdf?OpenElement>
- Threats to International Peace and Security, S/RES/1540 (28 April 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/328/43/PDF/N0432843.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts,
S/RES/1535 (26 March 2004):

<http://daccessdds.un.org/doc/UNDOC/GEN/N04/286/41/PDF/N0428641.pdf?OpenElement>

- Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1530 (11 March 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/267/18/PDF/N0426718.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1526 (30 January 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/226/69/PDF/N0422669.pdf?OpenElement>
- High-level Meeting of the Security Council: Combating Terrorism - Declaration on the Issue of Combating Terrorism, S/RES/1456 (20 January 2003):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/216/05/PDF/N0321605.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1455 (17 January 2003):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/214/07/PDF/N0321407.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1450 (13 December 2002):
<http://daccessdds.un.org/doc/UNDOC/GEN/N02/740/29/PDF/N0274029.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1440 (24 October 2002):
<http://daccessdds.un.org/doc/UNDOC/GEN/N02/660/12/PDF/N0266012.pdf?OpenElement>
- Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1438 (14 October 2002):
<http://daccessdds.un.org/doc/UNDOC/GEN/N02/638/47/PDF/N0263847.pdf?OpenElement>

- Declaration on the Global Effort to Combat Terrorism, S/RES/1377 (12 November 2001):
<http://daccessdds.un.org/doc/UNDOC/GEN/N01/633/01/PDF/N0163301.pdf?OpenElement>
- On International Cooperation to Combat Threats to International Peace and Security Caused by Terrorist Acts, S/RES/1373 (28 September 2001):
<http://daccessdds.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>
- Condemning the Terrorist Attacks of 11 September 2001 in New York, Washington, D.C. and Pennsylvania, United States of America (12 September 2001):
<http://daccessdds.un.org/doc/UNDOC/GEN/N01/533/82/PDF/N0153382.pdf?OpenElement>
- etc.

2.1.3 General Assembly²¹

- The United Nations Global Counter-Terrorism Strategy, A/RES/60/288 (20 September 2006):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement>
Action Plan to prevent and combat terrorism in all its forms and manifestations.
- Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, A/RES/60/158 (28 February 2006):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/497/08/PDF/N0549708.pdf?OpenElement>
- Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction, A/RES/60/78 (11 January 2006):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/492/28/PDF/N0549228.pdf?OpenElement>

²¹ Art. 10 of the Charter of the United Nations: “*The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to*

- Preventing the Risk of Radiological Terrorism, A/RES/60/73 (11 January 2006):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/491/98/PDF/N0549198.pdf?OpenElement>
- Measures to Eliminate International Terrorism A/RES/60/43 (6 January 2006):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/490/18/PDF/N0549018.pdf?OpenElement>
- International Convention for the Suppression of Acts of Nuclear Terrorism
A/RES/59/290 (15 April 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/494/53/PDF/N0449453.pdf?OpenElement>
- Human Rights and Terrorism, A/RES/59/195 (22 March 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/487/96/PDF/N0448796.pdf?OpenElement>
- Protection of Human Rights and Fundamental Freedoms while Countering
Terrorism, A/RES/59/191 (10 March 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/487/72/PDF/N0448772.pdf?OpenElement>
- Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction,
A/RES/59/80 (16 December 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/481/06/PDF/N0448106.pdf?OpenElement>
- Measures to Eliminate International Terrorism, A/RES/59/46 (16 December
2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/479/02/PDF/N0447902.pdf?OpenElement>
- Protection of Human Rights and Fundamental Freedoms while Countering
Terrorism, A/RES/58/187 (22 March 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/505/80/PDF/N0350580.pdf?OpenElement>

the Members of the United Nations or to the Security Council or to both on any such questions or matters.” General Assembly Resolutions are online available at: <http://www.un.org/documents/resga.htm>.

- Human Rights and Terrorism A/RES/58/174 (10 March 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/505/02/PDF/N0350502.pdf?OpenElement>
- Measures to Eliminate International Terrorism, A/RES/58/81 (8 January 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/457/77/PDF/N0345777.pdf?OpenElement>
- Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction A/RES/58/48 (8 January 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/455/79/PDF/N0345579.pdf?OpenElement>
- Protecting Human Rights and Fundamental Freedoms while Countering Terrorism, A/RES/57/219 (27 February 2003):
<http://daccessdds.un.org/doc/UNDOC/GEN/N02/553/64/PDF/N0255364.pdf?OpenElement>
- Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction, A/RES/57/83 (9 January 2003):
<http://daccessdds.un.org/doc/UNDOC/GEN/N02/543/47/PDF/N0254347.pdf?OpenElement>
- Measures to Eliminate International Terrorism, A/RES/57/27 (15 January 2003):
<http://daccessdds.un.org/doc/UNDOC/GEN/N02/539/53/PDF/N0253953.pdf?OpenElement>
- Human Rights and Terrorism, A/RES/56/160 (13 February 2002):
<http://daccessdds.un.org/doc/UNDOC/GEN/N01/487/42/PDF/N0148742.pdf?OpenElement>
- Measures to Eliminate International Terrorism, A/RES/56/88 (24 January 2002):
<http://daccessdds.un.org/doc/UNDOC/GEN/N01/478/87/PDF/N0147887.pdf?OpenElement>
- Measures to Eliminate International Terrorism, A/RES/55/158 (30 January 2001):
<http://daccessdds.un.org/doc/UNDOC/GEN/N00/568/87/PDF/N0056887.pdf?OpenElement>

- Human Rights and Terrorism, A/RES/54/164 (24 February 2000):
<http://daccessdds.un.org/doc/UNDOC/GEN/N00/265/59/PDF/N0026559.pdf?OpenElement>
- Measures to Eliminate International Terrorism, A/RES/54/110 (2 February 2000):
<http://daccessdds.un.org/doc/UNDOC/GEN/N00/251/34/PDF/N0025134.pdf?OpenElement>
- etc.

2.1.4 Economic and Social Council²²

- Strengthening International Cooperation and Technical Assistance in Promoting the Implementation of the Universal Conventions and Protocols Related to Terrorism within the Framework of the Activities of the United Nations Office on Drugs and Crime, E/RES/2005/19 (22 July 2005):
<http://www.un.org/docs/ecosoc/documents/2005/resolutions/Resolution%202005-19.pdf>
- Strengthening International Cooperation and Technical Assistance in Promoting the Implementation of the Universal Conventions and Protocols Related to Terrorism within the Framework of the Activities of the United Nations Office on Drugs and Crime, E/RES/2004/19 (21 July 2004) (link does not function)
- Strengthening International Cooperation and Technical Assistance in Promoting the Implementation of the Universal Conventions and Protocols Related to Terrorism within the Framework of the Activities of the United Nations Office on Drugs and Crime, E/RES/2003/22 (22 July 2002) (link does not function)
- Strengthening International Cooperation and Technical Assistance within the Framework of the Activities of the Centre for International Crime Prevention in

²² Art. 62 of the Charter of the United Nations: “*The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.*”

Preventing and Combating Terrorism, E/RES/2002/19 (22 July 2002) (link does not function)

- etc.

2.2 Fighting Organized Crime

The website of the *United Nations Office on Drugs and Crimes (UNODC)* (<http://www.unodc.org>) gives an overview of the diverse UN conventions and treaties related to organized crime. Additionally recommended is the publication *Multilateral Treaty Framework: An Invitation to Universal Participation - Focus 2003: Treaties against Transnational Organized Crime and Terrorism*.²³

2.2.1 United Nations Conventions

- United Nations Convention against Corruption (31 October 2003):
http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime (8 June 2001):
http://www.unodc.org/pdf/crime/a_res_55/255e.pdf
- United Nations Convention against Transnational Organized Crime (15 November 2000): http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (15 November 2000):
http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf
- Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime (15 November 2000):
http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf

- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (25 May 2000):

<http://www.unhchr.ch/html/menu2/dopchild.htm>

- Convention on the Rights of the Child (20 November 1989):

<http://www.ohchr.org/english/law/pdf/crc.pdf>

- Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988): http://www.unodc.org/pdf/convention_1988_en.pdf

This Convention provides comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals. It provides for international cooperation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.

- Single Convention on Narcotic Drugs (1961):

http://www.unodc.org/pdf/convention_1961_en.pdf

This Convention aims to combat drug abuse by coordinated international action. There are two forms of intervention and control that work together. First, it seeks to limit the possession, use, trade in, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes. Second, it combats drug trafficking through international cooperation to deter and discourage drug traffickers.

2.2.2 Security Council

There are no Security Council resolutions focusing specifically on the issue of organized crime.

2.2.3 General Assembly²⁴

- International Cooperation against the World Drug Problem, A/RES/60/178 (22 March 2006):

²³ United Nations (UN), *Multilateral Treaty Framework: An Invitation to Universal Participation - Focus 2003: Treaties against Transnational Organized Crime and Terrorism*, UN, USA, 2003. Available online at: <http://untreaty.un.org/English/TreatyEvent2003/index.htm>.

²⁴ Art. 10 of the Charter of the United Nations: “*The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.*” General Assembly Resolutions are online available at: <http://www.un.org/documents/resga.htm>.

<http://daccessdds.un.org/doc/UNDOC/GEN/N05/498/28/PDF/N0549828.pdf?OpenElement>

- Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, A/RES/60/177 (20 March 2006):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/498/22/PDF/N0549822.pdf?OpenElement>
- Addressing the Negative Humanitarian and Development Impact of the Illicit Manufacture, Transfer and Circulation of Small Arms and Light Weapons and their Excessive Accumulation, A/RES/60/68 (6 January 2006):
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/491/68/PDF/N0549168.pdf?OpenElement>
- Trafficking in Women and Girls, A/RES/59/166 (10 February 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/486/22/PDF/N0448622.pdf?OpenElement>
- International Cooperation against the World Drug Problem, A/RES/59/163 (8 February 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/486/04/PDF/N0448604.pdf?OpenElement>
- Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in Particular its Technical Cooperation Capacity, A/RES/59/159 (3 February 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/485/80/PDF/N0448580.pdf?OpenElement>
- International Cooperation in the Fight against Transnational Organized Crime: Assistance to States in Capacity-building with a View to Facilitating the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, A/RES/59/157 (3 February 2005):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/485/68/PDF/N0448568.pdf?OpenElement>
- Action against Corruption: Assistance to States in Capacity-building with a View to Facilitating the Entry into Force and Subsequent Implementation of the

United Nations Convention against Corruption A/RES/59/155 (3 February 2005):

<http://daccessdds.un.org/doc/UNDOC/GEN/N04/485/56/PDF/N0448556.pdf?OpenElement>

- The Illicit Trade in Small Arms and Light Weapons in All its Aspects, A/RES/59/86 (10 December 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/481/42/PDF/N0448142.pdf?OpenElement>
- The Illicit Trade in Small Arms and Light Weapons in All its Aspects, A/RES/58/241 (9 January 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/508/98/PDF/N0350898.pdf?OpenElement>
- International Cooperation against the World Drug Problem, A/RES/58/141 (10 February 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/503/04/PDF/N0350304.pdf?OpenElement>
- Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in Particular its Technical Cooperation Capacity, A/RES/58/140 (4 February 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/502/98/PDF/N0350298.pdf?OpenElement>
- Strengthening International Cooperation in Preventing and Combating Trafficking in Persons and Protecting Victims of such Trafficking, A/RES/58/137 (4 February 2004):
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/502/80/PDF/N0350280.pdf?OpenElement>
- Strengthening International Cooperation and Technical Assistance in Promoting the Implementation of the Universal Conventions and Protocols Related to Terrorism within the Framework of the Activities of the Centre for International Crime Prevention, A/RES/58/136 (26 January 2004):

<http://daccessdds.un.org/doc/UNDOC/GEN/N03/502/74/PDF/N0350274.pdf?OpenElement>

➤ etc.

2.2.4 Economic and Social Council²⁵

➤ Baku Accord on Regional Cooperation against Illicit Drugs and Related Matters: a Vision for the Twenty-first Century, E/RES/2006/30 (27 July 2006):

<http://www.un.org/docs/ecosoc/documents/2006/resolutions/Resolution%202006-30.pdf>

➤ Crime Prevention and Criminal Justice Responses to Violence against Women and Girls, E/RES/2006/29 (27 July 2006):

<http://www.un.org/docs/ecosoc/documents/2006/resolutions/Resolution%202006-29.pdf>

➤ Recommended Principles and Guidelines on Human Rights and Human Trafficking of the United Nations High Commissioner for Human Rights, E/RES/2002/68/Add.1 (20 May 2002):

[http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/caf3deb2b05d4f35c1256bf30051a003/\\$FILE/N0240168.pdf](http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/caf3deb2b05d4f35c1256bf30051a003/$FILE/N0240168.pdf)

➤ Action against Transitional Organized Crime: Assistance to States in Capacity-Building with a View to Facilitating the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, E/RES/2001/10 (24 July 2001):

<http://www.un.org/docs/ecosoc/documents/2001/resolutions/eres2001-10.pdf>

➤ etc.

²⁵ Art. 62 of the Charter of the United Nations: “*The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. It may prepare draft conventions for submission to the General Assembly,*

3 COUNCIL OF EUROPE

The Council of Europe (CoE) consists of 46 members. Its main bodies are the Committee of Ministers (the decision-making body of the CoE), the Parliamentary Assembly (the deliberative body of the CoE) and the Congress of Local and Regional Authorities (a consultative body).²⁶

An up-to-date list containing all conventions from the Council of Europe is available from the Council of Europe Treaty Office under: <http://conventions.coe.int>.

3.1 Fighting Terrorism

The Council of Europe website has a comprehensive sub-page for its' fight against terrorism: <http://www.coe.int> - Legal Affairs – Legal Cooperation – Terrorism. Additionally recommended are the publications *The Fight Against Terrorism - Council of Europe Standards* (encompasses the Council of Europe's legal instruments and standards for combating terrorism) and *Human Rights and the Fight Against Terrorism - The Council of Europe Guidelines* (offers guidelines to affirm the states' obligation to protect everyone against terrorism, and reiterate the need to avoid arbitrariness).²⁷

with respect to matters falling within its competence. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.”

²⁶ The principal tasks of the Council of Europe at present are to:

- promote the common fundamental values of human rights, the rule of law and democracy;
- strengthen the security of European citizens, in particular by combating terrorism, organized crime and trafficking in human beings;
- foster co-operation with other international and European organizations.

See: Council of Europe. *Warsaw Declaration*. Council of Europe, Warsaw. 2005. Available online at: http://www.coe.int/t/dcr/summit/20050517_decl_varsovie_en.asp; Committee of Ministers. *Action Plan*. Council of Europe, Warsaw. May 2005. Available online at: http://www.coe.int/t/dcr/summit/20050517_plan_action_en.asp.

Key data on the Council of Europe can be found in the publication *The Council of Europe - 800 Million Europeans* or online at: <http://book.coe.int> - Facts and Figures.

²⁷ Council of Europe, *The Fight Against Terrorism - Council of Europe Standards*, Council of Europe, Strasbourg, 2005; Council of Europe, *Human Rights and the Fight Against Terrorism - The Council of Europe Guidelines*, Council of Europe, Strasbourg, 2005.

3.1.1 Council of Europe Conventions²⁸

- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (16 May 2005):

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=198&CM=8&DF=8/18/2006&CL=ENG> (not yet in force)

„The Council of Europe decided to update and widen its 1990 convention to take into account the fact that not only could terrorism be financed through money laundering from criminal activity, but also through legitimate activities.

This new convention is the first international treaty covering both the prevention and the control of money laundering and the financing of terrorism. The text addresses the fact that quick access to financial information or information on assets held by criminal organisations, including terrorist groups, is the key to successful preventive and repressive measures, and, ultimately, is the best way to stop them. The convention includes a mechanism to ensure the proper implementation by parties of its provisions.“²⁹

- Council of Europe Convention on the Prevention of Terrorism (16 May 2005):

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=196&CM=7&DF=8/18/2006&CL=ENG> (will enter into force on 1 June 2007)

„The Council of Europe has adopted this new convention to increase the effectiveness of existing international texts on the fight against terrorism. It aims to strengthen member states' efforts to prevent terrorism and sets out two ways to achieve this objective:

- *by establishing as criminal offences certain acts that may lead to the commission of terrorist offences, namely: public provocation, recruitment and training;*
- *by reinforcing co-operation on prevention both internally (national prevention policies), and internationally (modification of existing extradition and mutual assistance arrangements and additional means).*

²⁸ „...European Conventions and Agreements are prepared and negotiated within the institutional framework of the Council of Europe. Negotiation culminates in a decision of the Committee of Ministers establishing *ne varietur* the text of the proposed treaty. It is then agreed to open the treaty for signature by member States of the Council. European Conventions and Agreements, however, are not statutory acts of the Organisation; they owe their legal existence simply to the expression of the will of those States that may become Parties thereto, as manifested *inter alia* by the signature and ratification of the treaty...”. See: *About Conventions and Agreements in the Council of Europe Treaty Series (CETS)*. Available on line at: <http://conventions.coe.int/general/v3IntroConvENG.asp>.

A number of documents apply to the issue of terrorism as well as to organized crime. Thus they are enumerated under the subchapters *Terrorism* as well as under *Organized Crime – Anti-trafficking, Anti-corruption*.

²⁹ Council of Europe, *Summary: Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism*, 16 May 2005. Available online at: <http://conventions.coe.int/Treaty/EN/Summaries/Html/198.htm>.

*The convention contains a provision on the protection and compensation of victims of terrorism. A consultation process is planned to ensure effective implementation and follow up.*³⁰

- Protocol Amending the European Convention on the Suppression of Terrorism (15 May 2003):

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=190&CM=7&DF=8/18/2006&CL=ENG>

*“[T]he Protocol provides for a follow-up mechanism in charge of implementing the new procedure in relation to reservations as well as other tasks related to the follow-up of the Convention. This mechanism will operate in addition to the classic and more general competence of the European Committee on Crime Problems (CDPC) in relation to European Conventions in the criminal field, and in line with the decisions taken by the Committee of Ministers at its 110th ministerial session and by the Parliamentary Assembly of the Council of Europe.”*³¹

- Convention on Cybercrime (23 November 2001):

<http://conventions.coe.int/Treaty/EN/Treaties/Html/185.htm>

*“The Convention aims principally at (1) harmonising the domestic criminal substantive law elements of offences and connected provisions in the area of cyber-crime (2) providing for domestic criminal procedural law powers necessary for the investigation and prosecution of such offences as well as other offences committed by means of a computer system or evidence in relation to which is in electronic form (3) setting up a fast and effective regime of international co-operation.”*³²

- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (8 November 1990):

<http://conventions.coe.int/Treaty/en/Treaties/Html/141.htm>

*„The aim of this Convention is to facilitate international co-operation and mutual assistance in investigating crime and tracking down, seizing and confiscating the proceeds thereof. The Convention is intended to assist States in attaining a similar degree of efficiency even in the absence of full legislative harmony. ...”*³³

³⁰ Council of Europe, *Council of Europe Convention on the Prevention of Terrorism*, 16 May 2005. Available online at: <http://conventions.coe.int/Treaty/EN/Summaries/Html/196.htm>.

³¹ Council of Europe, *Summary: Protocol Amending the European Convention on the Suppression of Terrorism*, 15 May 2003. Available online at: <http://conventions.coe.int/Treaty/en/Summaries/Html/190.htm>.

³² Council of Europe, *Summary: Convention on Cybercrime*, 23 November 2001. Available online at: <http://conventions.coe.int/Treaty/en/Reports/Html/185.htm>.

³³ Council of Europe, *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*, 8 November 1990. Available online at: <http://conventions.coe.int/Treaty/en/Summaries/Html/141.htm>.

- European Convention on the Suppression of Terrorism (27 January 1977):
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=090&CM=7&DF=8/18/2006&CL=ENG>

„The Convention is designed to facilitate the extradition of persons having committed acts of terrorism. To this end, it lists the offences that Parties undertake not to consider as political offences, or as offences connected with political offences, or as offences inspired by political motives, namely acts of particular gravity, hijacking of aircraft, kidnapping and taking of hostages, the use of bombs, grenades, rockets, letter or parcel bombs, if their use endangers persons. Moreover, the Convention empowers Parties not to consider as a political offence any act of violence against the life, physical integrity or liberty of a person. It is expressly provided that nothing in the Convention shall be interpreted as imposing an obligation upon a Party to extradite a person who might then be prosecuted or punished solely on the grounds of race, religion, nationality or political opinion.“³⁴

- European Convention on the Compensation of Victims of Violent Crimes (24 November 1983): <http://conventions.coe.int/Treaty/en/Treaties/Html/116.htm>

3.1.2 Committee of Ministers³⁵

- Recommendation 1 of the Committee of Ministers to Member States Regarding Co-operation against Terrorism between the Council of Europe and its Member States, and the International Criminal Police Organisation (ICPO-Interpol) (18 January 2007):
<https://wcd.coe.int/ViewDoc.jsp?id=1084159&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Recommendation 8 of the Committee of Ministers to Member States on Assistance to Crime Victims (14 June 2006):
http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/fight_against_terrorism/CoE%20Rec%282006%298E%20Assistance%20to%20crime%20victims.pdf

³⁴ Council of Europe, *Summary: European Convention on the Suppression of Terrorism*, 27 January 1977. Available online at: <http://conventions.coe.int/Treaty/en/Summaries/Html/090.htm>.

³⁵ The Committee of Ministers makes non-binding *recommendations* (Article 15 of the Statute of the Council of Europe), these recommendations are:
“On the recommendation of the Consultative Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters. Its conclusions shall be communicated to members by the Secretary General. In appropriate cases, the conclusions of the Committee may take the form of recommendations to the governments of members, and the Committee may request the governments of members to inform it of the action taken by them with regard to such recommendations.”

- Warsaw Declaration (17 May 2005):
<https://wcd.coe.int/ViewDoc.jsp?id=860039&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Warsaw Action Plan (16 and 17 May 2005):
http://www.coe.int/t/dcr/summit/20050517_plan_action_en.asp
- Recommendation 10 of the Committee of Ministers to Member States on „Special Investigation Techniques“ in Relation to Serious Crimes Including Acts of Terrorism (20 April 2005):
<https://wcd.coe.int/ViewDoc.jsp?id=849269&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Recommendation 9 of the Committee of Ministers to Member States on the Protection of Witnesses and Collaborators of Justice (20 April 2005):
<https://wcd.coe.int/ViewDoc.jsp?id=849237&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Recommendation 7 of the Committee of Ministers to Member States Concerning Identity and Travel Documents and the Fight against Terrorism (30 March 2005):
http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/fight_against_terrorism/2_adapted_texts/Rec_2005_7E.pdf
- Declaration on Freedom of Expression and Information in the Media in the Context of the Fight against Terrorism (2 March 2005):
<https://wcd.coe.int/ViewDoc.jsp?id=830679&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Guidelines on the Protection of Victims of Terrorist Acts (2 March 2005):
<http://www.coe.int/T/CM/system/WCDdoc.asp?Ref=CM/Del/Dec%282005%29917/4.2&Ver=0002&Sector=CM&Lang=en#>
- Guidelines on Human Rights and the Fight against Terrorism (11 July 2002):
http://www.coe.int/t/e/human_rights/Guidelines%20compendium%20ENG.pdf

- Declaration on the Fight against International Terrorism (12 September 2001):
<https://wcd.coe.int/ViewDoc.jsp?id=221673&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Recommendation 11 Concerning Guiding Principles on the Fight against Organized Crime (19 September 2001):
<https://wcd.coe.int/com.instranet.InstraServlet?Command=com.instranet.CmdBlobGet&DocId=212804&SecMode=1&Admin=0&Usage=4&IntranetImage=62085>
- Strasbourg Final Declaration and Action Plan (10 and 11 October 1997):
[https://wcd.coe.int/ViewDoc.jsp?Ref=CM\(97\)169&Sector=secCM&Language=lanEnglish&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM(97)169&Sector=secCM&Language=lanEnglish&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)
- Recommendation 1 Concerning Co-operation in the Prosecution and Punishment of Acts of Terrorism (15 January 1982):
<https://wcd.coe.int/com.instranet.InstraServlet?Command=com.instranet.CmdBlobGet&DocId=674290&SecMode=1&Admin=0&Usage=4&IntranetImage=45431>
- Resolution 3 on International Terrorism (24 January 1974):
<https://wcd.coe.int/com.instranet.InstraServlet?Command=com.instranet.CmdBlobGet&DocId=648190&SecMode=1&Admin=0&Usage=4&IntranetImage=48778>
- Declaration on Terrorism (23 November 1978):
<https://wcd.coe.int/com.instranet.InstraServlet?Command=com.instranet.CmdBlobGet&DocId=663306&SecMode=1&Admin=0&Usage=4&IntranetImage=47975>

3.1.3 Council of Europe Parliamentary Assembly³⁶

- Parliamentary Assembly Recommendation 1687 - Combating Terrorism through Culture (23 November 2004):
<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta04/EREC1687.htm>

³⁶ The Parliamentary Assembly is the *deliberative organ* of the Council of Europe (Article 22 of the Statute of the Council of Europe) and among its official documents are: recommendations, resolutions, declarations, communications etc. (Rule 22 of the Rules of Procedure of the Assembly).

- Parliamentary Assembly Recommendation 1677 - Challenge of Terrorism in Council of Europe Member States (6 October 2004):
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta04/erec1677.htm>
- Parliamentary Assembly Resolution 1400 – Challenge of Terrorism in Council of Europe Member States (6 October 2004):
<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta04/EREC1677.htm>
- Parliamentary Assembly Resolution 1367 – Bioterrorism: A Serious Threat for Citizens' Health (2 March 2004):
<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta04/ERES1367.htm>
- Parliamentary Assembly Recommendation 1644 - Terrorism: A Threat to Democracies (29 January 2004):
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta04/erec1644.htm>
- Parliamentary Assembly Recommendation 1584 - Need for Intensified International Co-operation to Neutralise Funds for Terrorist Purposes (18 November 2002):
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta02/erec1584.htm>
- Parliamentary Assembly Recommendation 1549 – Air Transport and Terrorism: How to Enhance Security (23 January 2002):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta02%2FEREC1549.htm>
- Parliamentary Assembly Recommendation 1550 – Combating Terrorism and Respect for Human Rights (24 January 2002):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta02%2FEREC1550.htm>
- Parliamentary Assembly Resolution 1271 – Combating Terrorism and Respect for Human Rights (24 January 2002):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta02%2FERES1271.htm>

- Parliamentary Assembly Recommendation 1534 - Democracies Facing Terrorism (26 September 2001):
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta01/erec1534.htm>
- Parliamentary Assembly Resolution 1258 - Democracies Facing Terrorism (26 September 2001):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta01%2FERES1258.htm>
- Parliamentary Assembly Recommendation 1426 - European Democracies Facing up to Terrorism (23 September 1999):
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta99/erec1426.htm>
- Order 555 - European Democracies Facing up to Terrorism (23 September 1999):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta99%2FEDIR555.htm>
- Parliamentary Assembly Resolution 1132 - The Organisation of a Parliamentary Conference to Reinforce Democratic Systems in Europe and Co-operation in the Fight against Terrorism (23 September 1997):
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta97/eres1132.htm>
- Parliamentary Assembly Recommendation 1999 – Fight against International Terrorism in Europe (5 November 1992):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta92%2FEREC1199.htm>
- Parliamentary Assembly Recommendation 1170 - Strengthening the European Convention on the Suppression of Terrorism (25 November 1991):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta91%2FEREC1170.htm>
- Parliamentary Assembly Resolution 863 – European Response to Terrorism (18 September 1986):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta86%2FERES863.htm>
- Parliamentary Assembly Recommendation 1024 – European Response to Terrorism (29 January 1986):

<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta86%2FEREC1024.htm>

- Parliamentary Assembly Recommendation 941 – Defence of Democracy against Terrorism in Europe (1982) (no link available)
- Parliamentary Assembly Recommendation 982 – Defence of Democracy against Terrorism in Europe (5 May 1982):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta92%2FERES982.htm>
- Parliamentary Assembly Recommendation 852 – Terrorism in Europe (1979) (no link available)
- Parliamentary Assembly Recommendation 703 – International Terrorism (1973) (no link available)
- Parliamentary Assembly Recommendation 684 – International Terrorism (1972) (no link available)

3.1.4 Other Bodies

3.1.4.1 European Ministers of Justice

- Resolution No. 3 – Combating Terrorism (7 and 8 April 2005):
[http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Conferences_and_high-level_meetings/European_Ministers_of_Justice/MJU-26\(2005\)Res3E.pdf](http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Conferences_and_high-level_meetings/European_Ministers_of_Justice/MJU-26(2005)Res3E.pdf)
- Resolution No. 1 – Combating Terrorism: (9 and 10 October 2003):
[http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Conferences_and_high-level_meetings/European_Ministers_of_Justice/MJU-25\(2003\)ConclE.pdf](http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Conferences_and_high-level_meetings/European_Ministers_of_Justice/MJU-25(2003)ConclE.pdf)
- Resolution No. 1 – Combating International Terrorism (4 and 5 October 2001):
[http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Conferences_and_high-level_meetings/European_Ministers_of_Justice/2001\(Moscow\)Resolution1.asp#TopOfPage](http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Conferences_and_high-level_meetings/European_Ministers_of_Justice/2001(Moscow)Resolution1.asp#TopOfPage)

3.1.4.2 European Ministers Responsible for Cultural Affairs

- Declaration on Intercultural Dialogue and Conflict Prevention (7 December 2000): <http://www.coe.int/T/E/Com/Files/Ministerial-Conferences/2003-Culture/declaration.asp#TopOfPage>

3.1.4.3 High-level Meetings of Ministers of Interior

- Resolution of the High-level Multilateral Meeting of the Ministries of the Interior Warsaw – Fight against Terrorism and Organized Crime to Improve Security in Europe (17 and 18 March 2005):
[http://www.coe.int/T/E/Legal_affairs/Legal_cooperation/Conferences_and_high-level_meetings/Ministries_of_Interior/M-Mint\(2005\)ResE.pdf](http://www.coe.int/T/E/Legal_affairs/Legal_cooperation/Conferences_and_high-level_meetings/Ministries_of_Interior/M-Mint(2005)ResE.pdf)

3.1.4.4 Congress of Local and Regional Authorities³⁷

- Recommendation 134 - Tackling Terrorism - the Role and Responsibilities of Local Authorities (22 May 2003):
<https://wcd.coe.int/ViewDoc.jsp?id=39821&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Resolution 159 - Tackling Terrorism - the Role and Responsibilities of Local Authorities (21 May 2003):
<https://wcd.coe.int/ViewDoc.jsp?id=40245&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Final Declaration of the European Conference on Tackling Terrorism – the Role and Responsibilities of Local Authorities (20 – 21 September 2002):
<https://wcd.coe.int/ViewDoc.jsp?id=881979&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>

³⁷ The Congress is a consultative body composed of representatives holding an electoral mandate as members of a local or regional authority and among its official documents are: recommendations, resolutions, opinions etc. (Article 2 of the Statutory Resolution and Charter of the Congress of Local and Regional Authorities of Europe). For more about the Congress of Local and Regional Authorities see online: <http://www.coe.int/t/congress>.

3.1.4.5 European Commission against Racism and Intolerance

- European Commission against Racism and Tolerance (ECRI) General Policy Recommendation No. 8 on Combating Racism while Fighting Terrorism (17 March 2004):
http://www.coe.int/t/e/human_rights/ecri/1%2Decri/3%2Dgeneral_themes/1%2Dpolicy_recommendations/recommendation_n8/recommendation_N%B0_8_eng.pdf

3.2 Fighting Organized Crime

The Council of Europe website has a comprehensive sub-page for its' fight against organized crime (corruption, cybercrime, organized crime, economic crime, money laundering, trafficking in human beings): <http://www.coe.int> - Legal Affairs – Legal Cooperation – Economic Crime. Additionally recommended are the publications *Co-operation against Crime: the Conventions of the Council of Europe* and *Combating Organized Crime - Best Practice Surveys of the Council of Europe*.³⁸

3.2.1 Council of Europe Conventions³⁹

- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (16 May 2005):
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=198&CM=8&DF=8/18/2006&CL=ENG>

„The Council of Europe decided to update and widen its 1990 convention to take into account the fact that not only could terrorism be financed through money laundering from criminal activity, but also through legitimate activities.

This new convention is the first international treaty covering both the prevention and the control of money laundering and the financing of terrorism. The text addresses the fact that quick access to

³⁸ Council of Europe, *Co-operation against Crime: the Conventions of the Council of Europe*, Council of Europe, Strasbourg, 2007; Council of Europe, *Combating Organized Crime - Best Practice Surveys of the Council of Europe*, Council of Europe, Strasbourg, 2004.

³⁹ “...European Conventions and Agreements are prepared and negotiated within the institutional framework of the Council of Europe. Negotiation culminates in a decision of the Committee of Ministers establishing *ne varietur* the text of the proposed treaty. It is then agreed to open the treaty for signature by member States of the Council. European Conventions and Agreements, however, are not statutory acts of the Organisation; they owe their legal existence simply to the expression of the will of those States that may become Parties thereto, as manifested *inter alia* by the signature and ratification of the treaty...”. See: *About Conventions and Agreements in the Council of Europe Treaty Series (CETS)*. Available online at: <http://conventions.coe.int/general/v3IntroConvENG.asp>.

*financial information or information on assets held by criminal organisations, including terrorist groups, is the key to successful preventive and repressive measures, and, ultimately, is the best way to stop them. The convention includes a mechanism to ensure the proper implementation by parties of its provisions.*⁴⁰

- Council of Europe Convention on Action against Trafficking in Human Beings (16 May 2005): <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>
„The Convention is a comprehensive treaty mainly focussed on the protection of victims of trafficking and the safeguard of their rights. It also aims at preventing trafficking as well as prosecuting traffickers. The Convention applies to all forms of trafficking; whether national or transnational, whether or not related to organized crime. It applies whoever the victim: women, men or children and whatever the form of exploitation: sexual exploitation, forced labour or services, etc. The Convention provides for the setting up of an independent monitoring mechanism guaranteeing parties’ compliance with its provisions.”⁴¹
- Protocol Amending the European Convention on the Suppression of Terrorism (15 May 2003):
http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/combating_economic_crime/1_standard_settings/ETS%20190.pdf
- Additional Protocol to the Criminal Law Convention on Corruption (15 May 2003):
<http://conventions.coe.int/Treaty/en/Treaties/Html/191.htm>
“The Protocol provides for a follow-up mechanism in charge of implementing the new procedure in relation to reservations as well as other tasks related to the follow-up of the Convention. This mechanism will operate in addition to the classic and more general competence of the European Committee on Crime Problems (CDPC) in relation to European Conventions in the criminal field, and in line with the decisions taken by the Committee of Ministers at its 110th ministerial session and by the Parliamentary Assembly of the Council of Europe.”⁴²
- Convention on Cybercrime (23 November 2001):
<http://conventions.coe.int/Treaty/EN/Treaties/Html/185.htm>
“The Convention aims principally at (1) harmonising the domestic criminal substantive law elements of offences and connected provisions in the area of cyber-crime (2) providing for domestic criminal procedural law powers necessary for the investigation and prosecution of such offences as well as

⁴⁰ Council of Europe, *Summary: Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism*, 16 May 2005. Available online at: <http://conventions.coe.int/Treaty/EN/Summaries/Html/198.htm>.

⁴¹ Council of Europe, *Summary: Council of Europe Convention on Action against Trafficking in Human Beings*, 16 May 2005. Available online at: <http://conventions.coe.int/Treaty/EN/Summaries/Html/197.htm>.

⁴² Council of Europe, *Summary: Additional Protocol to the Criminal Law Convention on Corruption*, 15 May 2003. Available online at: <http://conventions.coe.int/Treaty/en/Summaries/Html/190.htm>.

other offences committed by means of a computer system or evidence in relation to which is in electronic form (3) setting up a fast and effective regime of international co-operation."⁴³

➤ Civil Law Convention on Corruption (4 November 1999):

<http://conventions.coe.int/Treaty/en/Treaties/Html/174.htm>

„It is the first attempt to define common international rules in the field of civil law and corruption. It requires Contracting Parties to provide in their domestic law "for effective remedies for persons who have suffered damage as a result of acts of corruption, to enable them to defend their rights and interests, including the possibility of obtaining compensation for damage" (art.1). The Convention is divided into three chapters, they cover: measures to be taken at national level, international co-operation and monitoring of implementation) and final clauses. In ratifying the Convention, the States undertake to incorporate its principles and rules into their domestic law, taking into account their own particular circumstances. ... The Group of States against Corruption (GRECO) will monitor commitments entered into under the Convention by the States Party. The Convention is open to Council of Europe member States, to non-member States which took part in drawing it up (Belarus, Bosnia and Herzegovina, Canada, the Holy See, Japan, Mexico and the United States of America) as well as to the European Community."⁴⁴

➤ Criminal Law Convention on Corruption (27 January 1999):

<http://conventions.coe.int/Treaty/en/Treaties/Html/173.htm>

„The Criminal Law Convention on Corruption is an ambitious instrument aiming at the co-ordinated criminalisation of a large number of corrupt practices. It also provides for complementary criminal law measures and for improved international co-operation in the prosecution of corruption offences. The Convention is open to the accession of non-member States. Its implementation will be monitored by the "Group of States against Corruption - GRECO", which started functioning on 1st May 1999. ..."⁴⁵

➤ Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (8 November 1990):

<http://conventions.coe.int/Treaty/en/Treaties/Html/141.htm>

„The aim of this Convention is to facilitate international co-operation and mutual assistance in investigating crime and tracking down, seizing and confiscating the proceeds thereof. The

⁴³ Council of Europe, *Summary: Convention on Cybercrime*, 23 November 2001. Available online at: <http://conventions.coe.int/Treaty/en/Reports/Html/185.htm>.

⁴⁴ Council of Europe, *Summary: Civil Law Convention on Corruption*, 4 November 1999. Available online at: <http://conventions.coe.int/Treaty/en/Summaries/Html/174.htm>.

⁴⁵ Council of Europe, *Criminal Law Convention on Corruption*, 27 January 1999. Available online at: <http://conventions.coe.int/Treaty/en/Summaries/Html/173.htm>.

*Convention is intended to assist States in attaining a similar degree of efficiency even in the absence of full legislative harmony. ...*⁴⁶

- European Convention on the Compensation of Victims of Violent Crimes (24 November 1983): <http://conventions.coe.int/Treaty/en/Treaties/Html/116.htm>
- European Convention on the Suppression of Terrorism (27 January 1977): <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=090&CM=7&DF=8/18/2006&CL=ENG>

„The Convention is designed to facilitate the extradition of persons having committed acts of terrorism. To this end, it lists the offences that Parties undertake not to consider as political offences, or as offences connected with political offences, or as offences inspired by political motives, namely acts of particular gravity, hijacking of aircraft, kidnapping and taking of hostages, the use of bombs, grenades, rockets, letter or parcel bombs, if their use endangers persons. Moreover, the Convention empowers Parties not to consider as a political offence any act of violence against the life, physical integrity or liberty of a person. It is expressly provided that nothing in the Convention shall be interpreted as imposing an obligation upon a Party to extradite a person who might then be prosecuted or punished solely on the grounds of race, religion, nationality or political opinion.“⁴⁷

3.2.2 Committee of Ministers⁴⁸

- Recommendation 8 of the Committee of Ministers to Member States - Assistance to Crime Victims (14 June 2006): <https://wcd.coe.int/ViewDoc.jsp?id=1011109&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

⁴⁶ Council of Europe, *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*, 8 November 1990. Available online at: <http://conventions.coe.int/Treaty/en/Summaries/Html/141.htm>.

⁴⁷ Council of Europe, *Summary: European Convention on the Suppression of Terrorism*, 27 January 1977. Available online at: <http://conventions.coe.int/Treaty/en/Summaries/Html/090.htm>.

⁴⁸ The Committee of Ministers makes *recommendations* (Article 15 of the Statute of the Council of Europe), these recommendations are non-binding:
“On the recommendation of the Consultative Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters. Its conclusions shall be communicated to members by the Secretary General.
In appropriate cases, the conclusions of the Committee may take the form of recommendations to the governments of members, and the Committee may request the governments of members to inform it of the action taken by them with regard to such recommendations.”

- Warsaw Declaration (17 May 2005):
<https://wcd.coe.int/ViewDoc.jsp?id=860039&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Warsaw Action Plan (16 and 17 May 2005):
http://www.coe.int/t/dcr/summit/20050517_plan_action_en.asp
- Recommendation of the Committee of Ministers to Member States - “Special Investigation Techniques” in Relation to Serious Crimes Including Acts of Terrorism (20 April 2005):
<https://wcd.coe.int/ViewDoc.jsp?id=849269&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Recommendation 9 of the Committee of Ministers to Member States on the Protection of Witnesses and Collaborators of Justice (20 April 2005):
<https://wcd.coe.int/ViewDoc.jsp?id=849237&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>
- Recommendation 10 of the Committee of Ministers to Member States on “Special Investigation” in Relation to Serious Crimes Including Acts of Terrorism (20 April 2005):
http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/combating_economic_crime/1_standard_settings/Rec_2005_10.pdf
- Recommendation 16 of the Committee of Ministers to Member States on the Protection of Children against Sexual Exploitation (31 October 2001) (no link available)
- Recommendation 11 of the Committee of Ministers to Member States Concerning Guiding Principles on the Fight against Organized Crime (19 September 2001):
<https://wcd.coe.int/com.instranet.InstraServlet?Command=com.instranet.CmdBlobGet&DocId=212804&SecMode=1&Admin=0&Usage=4&IntranetImage=62085>
- Recommendation 11 of the Committee of Ministers to Member States on Action against Trafficking in Human Beings for the Purpose of Sexual Exploitation (19

May 2000):

[http://www.coe.int/T/E/human_rights/trafficking/PDF_Rec\(2000\)11_E.pdf](http://www.coe.int/T/E/human_rights/trafficking/PDF_Rec(2000)11_E.pdf)

- Strasbourg Final Declaration and Action Plan (10 and 11 October 1997):
[https://wcd.coe.int/ViewDoc.jsp?Ref=CM\(97\)169&Sector=secCM&Language=lanEnglish&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM(97)169&Sector=secCM&Language=lanEnglish&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)
- Recommendation 8 of the Committee of Ministers on Crime Policy in Europe in a Time of Change (5 September 1996):
<https://wcd.coe.int/com.instranet.InstraServlet?Command=com.instranet.CmdBlobGet&DocId=547326&SecMode=1&Admin=0&Usage=4&IntranetImage=43079>

3.2.3 Council of Europe Parliamentary Assembly⁴⁹

- Parliamentary Assembly Resolution 1494 - Stopping Trafficking in Women before the FIFA World Cup (12 April 2006):
<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/eres1494.htm>
- Parliamentary Assembly Resolution 1492 - Poverty and the Fight against Corruption in the Council of Europe Member States (10 April 2006):
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/ERES1492.htm>
- Parliamentary Assembly Recommendation 1695 - Draft Council of Europe Convention on Action Against Trafficking in Human Beings (18 March 2005):
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/EREC1695.htm>
- Parliamentary Assembly Recommendation 1610 – Migration Connected with Trafficking in Women and Prostitution (25 June 2003):
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta03/EREC1610.htm>

⁴⁹ The Parliamentary Assembly is the *deliberative organ* of the Council of Europe (Article 22 of the Statute of the Council of Europe) and among its official documents are: recommendations, resolutions, declarations, communications etc. (Rule 22 of the Rules of Procedure of the Assembly).

- Parliamentary Assembly Recommendation 1307 – Sexual Exploitation of Children: Zero Tolerance (27 September 2002):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2Fdocuments%2Fadoptedtext%2Fta02%2Feres1307.htm>
- Parliamentary Assembly Recommendation 1545 – Campaign against Trafficking in Women (21 January 2002):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2Fdocuments%2Fadoptedtext%2Fta02%2Ferec1545.htm>
- Parliamentary Assembly Recommendation 1526 – Campaign against Trafficking in Minors to Put a Stop to the East European Route: The Example of Moldova (27 June 2001):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2Fdocuments%2Fadoptedtext%2Fta01%2Ferec1526.htm>
- Parliamentary Assembly Recommendation 1467 – Clandestine Immigration and the Fight against Traffickers (29 June 2000):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2Fdocuments%2Fadoptedtext%2Fta00%2Ferec1467.htm>
- Parliamentary Assembly Recommendation 1325 – Traffic in Women and Forced Prostitution in Council of Europe Member States (23 April 1997):
<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2Fdocuments%2Fadoptedtext%2Fta97%2Ferec1325.htm>

3.2.4 Congress of Local and Regional Authorities⁵⁰

- Declaration on the Fight against Trafficking in Human Beings (8 June 2006):
<https://wcd.coe.int/ViewDoc.jsp?Ref=DECLARATIONTRAFFIC010606&Sector=secCongress&Language=lanEnglish&Ver=original&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>

⁵⁰ The Congress is a consultative body composed of representatives holding an electoral mandate as members of a local or regional authority and among its official documents are: recommendations, resolutions, opinions etc. (Article 2 of the Statutory Resolution and Charter of the Congress of Local and Regional Authorities of Europe). For more about the Congress of Local and Regional Authorities see online: <http://www.coe.int/t/congress>.

All elected representatives of local and regional authorities which have a decision-making chamber are invited to sign this text (from Austria the cities of Innsbruck and Vienna have signed the declaration). The signatures commit themselves to “... *undertake to make the fight against the trafficking of human beings a top priority for our administrations and to implement as many of the proposals outlined in Congress Resolution 196 (2005) on the fight against trafficking in human beings and their sexual exploitation as possible, and in particular those aiming at:*

- *the protection of victims, their rehabilitation and reintegration (such as the creation of resource centres/ support units at local level specialised in assistance to trafficked human beings and working in close co-operation with relevant non-governmental associations);*
- *provision of specialised training for all actors in this field with regard not only to identification and prevention of trafficking but also victim care;*
- *increased professional opportunities for women thus rendering them less vulnerable to trafficking. ...”⁵¹*

- Resolution 210 (2006) on the Council of Europe Campaign to Combat Trafficking in Human Beings (2 May 2006):
<https://wcd.coe.int/ViewDoc.jsp?id=1002771&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Resolution 196 (2005) on the Fight against Trafficking in Human Beings and their Sexual Exploitation: the Role of Cities and Regions (2 June 2005):
<https://wcd.coe.int/ViewDoc.jsp?id=867707&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Recommendation 165 (2005) on the Fight against Trafficking in Human Beings and their Sexual Exploitation: the Role of Cities and Regions (2 June 2005):
[https://wcd.coe.int/ViewDoc.jsp?Ref=REC\(2005\)165&Sector=secCongress&Language=lanEnglish&Ver=original&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=REC(2005)165&Sector=secCongress&Language=lanEnglish&Ver=original&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679)
- Final Declaration of the Meeting towards a European Observatory for Crime Prevention (11 May 2004):
<https://wcd.coe.int/ViewDoc.jsp?id=884609&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>

⁵¹ The list of signatories and full text of the declaration can be found at:
http://www.coe.int/t/congress/stoptrafficking/default_en.asp.

- Final Declaration of the International Conference on Local Authority Policies for Crime Prevention in Europe (13 – 15 November 2003):
<https://wcd.coe.int/ViewDoc.jsp?id=882981&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Final Declaration of the Conference on Local Authorities and Transfrontier Crime (20 – 22 September 2001):
<https://wcd.coe.int/ViewDoc.jsp?id=881475&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Final Declaration Adopted of Conference on the Relationship between the Physical Urban Environment and Crime Reduction and Prevention (19 – 21 October 2000):
<https://wcd.coe.int/ViewDoc.jsp?id=881251&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Final Declaration Adopted at the Closing Session of the International Conference on “The Role of Local Authorities in Combating Crime” (16 – 18 September 1999):
<https://wcd.coe.int/ViewDoc.jsp?id=880765&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Final Declaration of the International Seminar on “Tackling Crime and Urban Insecurity in Europe through Co-operation between Local Authorities and Police” (29 April – 1 May 1998):
<https://wcd.coe.int/ViewDoc.jsp?id=880191&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>
- Final Declaration of the International Conference on “Crime and Urban Insecurity in Europe: The Role and Responsibilities of Local and Regional Authorities” (26 – 28 February 1997):
<https://wcd.coe.int/ViewDoc.jsp?id=880027&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>

4 ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

The Organization for Security and Co-operation in Europe (OSCE) encompasses 56 member states and its main bodies are the Ministerial Council and the Permanent

Council. Decisions of its bodies are taken by consensus (but they are not legally binding).⁵²

An up-to-date list containing all declarations, decisions and treaties from the OSCE can be found online at: <http://www.osce.org> - Resources – Documents Library / Latest Documents. The afore mentioned documents are also available at: <http://www.osce.org> - Institutions - Ministerial Council / Permanent Council etc.

4.1 Fighting Terrorism

A comprehensive overview of the “*principal OSCE commitments and primary texts of the global legal framework for action against terrorism*” (up to the year 2003) offers the publication *OSCE Commitments and International Legal Instruments Relating to Terrorism. A Reference Guide*.⁵³ The *Bucharest Plan of Action*, the *Bishkek Programme of Action* and the *OSCE Charter on Preventing and Combating Terrorism* are regarded as the main OSCE documents in the area of preventing and combating terrorism.⁵⁴

4.1.1 Ministerial Council

- Ministerial Decision No. 7/06 - Countering the Use of the Internet for Terrorist Purposes (5 December 2006):
http://www.osce.org/documents/mcs/2006/12/22559_en.pdf
- Ljubljana Ministerial Decision No. 7 on Supporting the Effective Implementation of UN Security Council Resolution 1540 (2004) (6 December 2005): http://www.osce.org/documents/mcs/2005/12/17431_en.pdf
- Ljubljana Ministerial Decision No. 6 - Further Measures to Enhance Container Security (6 December 2005):
http://www.osce.org/documents/mcs/2005/12/17430_en.pdf

⁵² Issues of the OSCE are: “*security-related concerns, including arms control, confidence- and security-building measures, human rights, national minorities, democratization, policing strategies, counter-terrorism and economic and environmental activities.*”

OSCE, *Facts and Figures About the OSCE*, OSCE. Available online at: <http://www.osce.org/about/19298.html>.

⁵³ Office for Democratic Institutions and Human Rights (ODIHR/OSCE), *OSCE Commitments and International Legal Instruments Relating to Terrorism. A Reference Guide*, October 2003, at p. 6. Available online at: http://www.osce.org/documents/odihr/2003/10/686_en.pdf.

⁵⁴ Office for Democratic Institutions and Human Rights (ODIHR/OSCE), *OSCE Commitments and International Legal Instruments Relating to Terrorism. A Reference Guide*, at p. 6.

- Ljubljana Ministerial Decision No. 4 - Enhancing Legal Co-operation in Criminal Matters to Counter Terrorism (6 December 2005):
http://www.osce.org/documents/mcs/2005/12/17427_en.pdf
- Ljubljana Ministerial Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism (5 December 2005):
http://www.osce.org/documents/mcs/2005/12/17206_en.pdf
- Sofia Ministerial Statement on Preventing and Combating Terrorism (7 December 2004): http://www.osce.org/documents/mcs/2004/12/3972_en.pdf
- Decision No. 9/04 on Enhancing Container Security (7 December 2004):
http://www.osce.org/documents/mcs/2004/12/3912_en.pdf
- Ministerial Council Decision No. 8/04 - OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS) (7 December 2004):
http://www.osce.org/documents/mcs/2004/12/3911_en.pdf
- Decision No. 4/04 on Travel Documents (7 December 2004):
http://www.osce.org/documents/mcs/2004/12/3907_en.pdf
- Decision No. 3/04 on Combating the Use of the Internet for Terrorist Purposes (7 December 2004): http://www.osce.org/documents/mcs/2004/12/3906_en.pdf
- Decision No. 8/03 on Man-Portable Air Defence Systems (2 December 2003):
http://www.osce.org/documents/cio/2003/12/2123_en.pdf
- Decision No. 6/03 on Terms of Reference for the OSCE Counter-Terrorism Network (2 December 2003):
http://www.osce.org/documents/sg/2003/12/1654_en.pdf
- Decision No. 7/03 on Travel Document Security (2 December 2003):
http://www.osce.org/documents/sg/2003/12/1652_en.pdf
- OSCE Charter on Preventing and Combating Terrorism (7 December 2002):
http://www1.osce.org/documents/odih/2002/12/1488_en.pdf
- Decision No. 1 on Implementing OSCE Commitments and Activities on Combating Terrorism (7 December 2002):
http://www.osce.org/documents/sg/2002/12/671_en.pdf

- The Bucharest Plan of Action for Combating Terrorism (4 December 2001):
http://www.osce.org/documents/cio/2001/12/670_en.pdf
- Decision No. 1 on Combating Terrorism (4 December 2001):
http://www.osce.org/documents/cio/2001/12/2025_en.pdf
- Charter for European Security (November 1999):
http://www.osce.org/documents/mcs/1999/11/17497_en.pdf
- Charter of Paris for a New Europe (19 -21 November 1990):
http://www.osce.org/documents/mcs/1990/11/4045_en.pdf

4.1.2 Permanent Council

- Permanent Council Decision No. 683 - Countering the Threat of Radioactive Sources (7 July 2005):
http://www.osce.org/documents/pc/2005/07/15589_en.pdf
- Permanent Council Decision No. 678 - Recommendation to Adopt a Ministerial Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism. Attachment - Interpretative Statement by the Delegation of the United States of America (16 June 2005):
http://osce.org/documents/pc/2005/06/15304_en.pdf
- Permanent Council Decision No. 618 - Solidarity with Victims of Terrorism (1 July 2004): http://www.osce.org/documents/pc/2004/07/3301_en.pdf
- Permanent Council Decision No. 617 - Further Measures to Suppress Terrorist Financing (1 July 2004):
http://www.osce.org/documents/pc/2004/07/3300_en.pdf
- Permanent Council Decision No. 487 - Financial Action Task Force (FATF) Self Assessments on Terrorist Financing. Interpretative Statements: Attachment - Russian Federation (11 July 2002):
http://www.osce.org/documents/pc/2002/07/938_en.pdf
- Bishkek Programme of Action - Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening the Comprehensive Efforts to Counter Terrorism, 13-14 December 2001 (14 December 2001):
http://www.osce.org/documents/cio/2001/12/677_en.pdf

- Bishkek Declaration on Security and Stability in Central Asia - Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening the Comprehensive Efforts to Counter Terrorism, 13-14 December 2001 (14 December 2001):
http://www.osce.org/documents/sg/2001/12/676_en.pdf
- Permanent Council Decision No. 440/Revised issue - Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism (14 December 2001):
http://www.osce.org/documents/pc/2001/10/1657_en.pdf
- Permanent Council Decision No. 438 - Acts of Terrorism in New York City and Washington, D.C. (13 September 2001):
http://www.osce.org/documents/pc/2001/09/1820_en.pdf
- Charter for European Security (November 1999):
http://www.osce.org/documents/mcs/1999/11/17497_en.pdf

4.1.3 Parliamentary Assembly

- Brussels Declaration of the OSCE Parliamentary Assembly (3 – 7 July 2006):
<http://www.oscepa.org/admin/getbinary.asp?fileid=1471>
- Washington Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Fourteenth Annual Session, 1 to 5 July 2005 - OSCE Parliamentary Assembly Resolution on Terrorism by Suicide Bombers (18 January 2006): http://194.8.63.155/documents/atu/2006/01/17767_en.pdf
- Edinburgh Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Thirteenth Annual Session (5 to 9 July 2004):
<http://www.oscepa.org/admin/getbinary.asp?FileID=531>
- Rotterdam Declaration of the OSCE Parliamentary Assembly and Resolutions adopted during the Twelfth Annual Session (5 – 9 July 2003):
<http://www.oscepa.org/admin/getbinary.asp?fileid=98>
- Berlin Declaration of the OSCE Parliamentary Assembly and Resolutions adopted during the Eleventh Annual Session (6 – 10 July 2002):
<http://www.oscepa.org/admin/getbinary.asp?fileid=104>

- Paris Declaration of the OSCE Parliamentary Assembly and Resolutions
Adopted during the Tenth Annual Session (6 – 10 July 2001):
<http://www.oscepa.org/admin/getbinary.asp?fileid=110>
- Bucharest Declaration of the OSCE Parliamentary Assembly (10 July 2000):
<http://www.oscepa.org/admin/getbinary.asp?fileid=116>
- Helsinki Declaration (9 July 1993):
http://www.osce.org/documents/pa/1993/07/200_en.pdf
- etc.

4.1.4 Forum for Security Co-operation

- Forum for Security Co-operation Decision No. 6/02 - Agenda, Modalities and Tentative Timetable of the Expert Meeting on Combating Terrorism within the Politico-military Dimension of the OSCE (20 March 2002):
http://www.osce.org/documents/fsc/2002/03/1422_en.pdf
- Forum for Security Co-operation Decision No. 5/02 - Road Map of the FSC for Implementation of the Bucharest Plan of Action for Combating Terrorism. Annex - Road Map of the FSC for Implementation of the Bucharest Plan of Action for Combating Terrorism (20 March 2002):
http://www1.osce.org/documents/fsc/2002/03/1420_en.pdf

4.2 Fighting Organized Crime

In relevance to organized crime the following OSCE publications are recommended - additionally to the information which can be obtained from the website: *Trafficking in Human Beings in South Eastern Europe 2004*, *OCEEA Activity Report June 2005 – May 2006*, *OSCE Handbook on Best Practices in Combating Corruption*, *Index of Documents Adopted by the Summits and the Ministerial Council*.⁵⁵

⁵⁵ UNICEF, UNOHCHR and ODIHR/OSCE, *Trafficking in Human Beings in South Eastern Europe*, UNDP, March 2005. Available online at: <http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf>; Office of the Coordinator of OSCE Economic and Environmental Activities (OCEEA) (ed), *OCEEA Activity Report June 2005 – May 2006*, OSCE, Vienna, May 2006. Available online at: http://www.osce.org/publications/eea/2006/10/21685_681_en.pdf; Office of the Coordinator of OSCE Economic and Environmental Activities (OCEEA) (ed), *OSCE Handbook on Best Practices in Combating Corruption*, OSCE, Vienna, May 2004. Available online at: http://www.osce.org/publications/eea/2004/05/13568_67_en.pdf; Ministerial Council of the OSCE (ed),

4.2.1 Ministerial Council

- Ministerial Council Decision No. 15/06 – Combating Sexual Exploitation of Children (5 December 2006):
http://www.osce.org/documents/mcs/2006/12/22547_en.pdf
- Ministerial Council Decision No. 14/06 - Enhancing Efforts to Combat Trafficking in Human Beings, Including for Labour Exploitation, Through a Comprehensive and Proactive Approach (5 December 2006):
http://www.osce.org/documents/mcs/2006/12/22551_en.pdf
- Ministerial Council Decision No. 5/06 – Decision on Organized Crime (5 December 2006): http://www.osce.org/documents/mcs/2006/12/22556_en.pdf
- Ministerial Council Decision No. 3/06 - Combating Trafficking in Human Beings (21 June 2006):
http://www.osce.org/documents/mcs/2006/06/19665_en.pdf
- Ministerial Council Decision No. 15/05 – Preventing and Combating Violence against Women (6 December 2005):
http://www1.osce.org/documents/mcs/2005/12/17433_en.pdf
- Ministerial Council Decision No. 13/05 - Combating Trafficking in Human Beings (6 December 2005):
http://www.osce.org/documents/mcs/2005/12/17365_en.pdf
- Ministerial Decision No. 5/05 - Combating the Threat of Illicit Drugs (6 December 2005): http://www.osce.org/documents/mcs/2005/12/17429_en.pdf
- Ministerial Decision No. 3/05 – Combating Transnational Organized Crime (6 December 2005): http://www.osce.org/documents/mcs/2005/12/17421_en.pdf
- Ministerial Council Decision No. 13/04 - The Special Needs for Child Victims of Trafficking for Protection and Assistance (7 December 2004):
http://www.osce.org/documents/mcs/2004/12/3916_en.pdf
- Ministerial Council Decision No. 11/04 – Combating Corruption ((7 December 2004): http://www.osce.org/documents/mcs/2004/12/3914_en.pdf

Index of Documents Adopted by the Summits and the Ministerial Council, OSCE, Brussels, December 2006. Available online at: http://www.osce.org/documents/mcs/2006/12/22731_en.pdf.

- Ministerial Council Decision No. 2/03 - Combating Trafficking in Human Beings. OSCE Ministerial Council, Maastricht 2003 (2 December 2003):
http://www1.osce.org/documents/odihr/2003/12/2108_en.pdf
- Permanent Council Decision No. 557 - OSCE Action Plan to Combat Trafficking in Human Beings (24 July 2003):
http://www.osce.org/documents/pc/2003/07/724_en.pdf
- Ministerial Council Declaration on Trafficking in Human Beings. OSCE Ministerial Council (7 December 2002):
http://www.osce.org/documents/odihr/2002/12/2107_en.pdf
- Ministerial Council Decision No. 6 - Trafficking in Human Beings (4 December 2001): http://osce.org/documents/mcs/2001/12/13757_en.pdf
- Ministerial Decision No.1 - Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings (28 November 2000):
http://www.osce.org/documents/odihr/2000/11/1717_en.pdf
- Charter for European Security (November 1999):
http://www.osce.org/documents/mcs/1999/11/17497_en.pdf
- Charter of Paris for a New Europe (19 -21 November 1990):
http://www.osce.org/documents/mcs/1990/11/4045_en.pdf

4.2.2 Permanent Council

- Permanent Council Decision No. 758 – Enhancing International Anti-Drug Cooperation (5 December 2006):
http://www.osce.org/documents/pc/2006/12/22570_en.pdf
- Permanent Council Decision No. 726 - Combating Trafficking in Human Beings (15 June 2006): http://www.osce.org/documents/pc/2006/06/19549_en.pdf
- Permanent Council Decision No. 685 - Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance (7 July 2005):
http://www.osce.org/documents/pc/2005/07/15591_en.pdf

- Permanent Council Decision No. 557/Rev.1 - OSCE Action Plan to Combat Trafficking in Human Beings (7 July 2005):
http://www.osce.org/documents/pc/2005/07/15594_en.pdf
- Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance (7 July 2005):
http://www.osce.org/documents/pc/2005/07/15591_en.pdf
- Permanent Council Decision No. 426 - Trafficking in Human Beings (12 July 2001): http://www.osce.org/documents/pc/2001/07/1877_en.pdf

4.2.3 Parliamentary Assembly

- Brussels Declaration of the OSCE Parliamentary Assembly (3 – 7 July 2006):
<http://www.oscepa.org/admin/getbinary.asp?fileid=1471>
- Washington Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Fourteenth Annual Session, 1 to 5 July 2005 - OSCE Parliamentary Assembly Resolution on Terrorism by Suicide Bombers (18 January 2006): http://194.8.63.155/documents/atu/2006/01/17767_en.pdf
- Edinburgh Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Thirteenth Annual Session (5 - 9 July 2004):
<http://www.oscepa.org/admin/getbinary.asp?FileID=531>
- Rotterdam Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted during the Twelfth Annual Session (5 – 9 July 2003):
<http://www.oscepa.org/admin/getbinary.asp?fileid=98>
- Berlin Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted during the Eleventh Annual Session (6 – 10 July 2002):
<http://www.oscepa.org/admin/getbinary.asp?fileid=104>
- Paris Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted during the Tenth Annual Session (6 – 10 July 2001):
<http://www.oscepa.org/admin/getbinary.asp?fileid=110>
- Bucharest Declaration of the OSCE Parliamentary Assembly (10 July 2000):
<http://www.oscepa.org/admin/getbinary.asp?fileid=116>

- Helsinki Declaration (9 July 1993):
http://www.osce.org/documents/pa/1993/07/200_en.pdf
- etc.

4.2.4 OSCE Mission to Bosnia and Herzegovina

- OSCE Mission to Bosnia and Herzegovina. Mission Directive 52 - Prohibiting the Promotion or Facilitation of Prostitution and Trafficking in Persons (2 August 2002): http://www.osce.org/documents/odihr/2002/08/2115_en.pdf

5 NORTH ATLANTIC TREATY ORGANIZATION

The North Atlantic Treaty Organisation (NATO) is an alliance of 26 countries from Europe and North America committed to fulfilling the goals of the North Atlantic Treaty. The principal decision-making bodies are: The North Atlantic Council, the

Defence Planning Committee and the Nuclear Planning Group (decisions are taken by consensus).⁵⁶

Up-to-date information of the NATO approach to the fight against terrorism and human trafficking can be found online under: <http://www.nato.int> - Topics – Terrorism / Topics – Trafficking in Human Beings. Additionally recommended are the publications *New Horizons*, *Examining NATO's Transformation*, *NATO's Response to Terrorism* and the quarterly *NATO Review*.⁵⁷

5.1 Fighting Terrorism

- Riga Summit Declaration (29 November 2006):
<http://www.nato.int/docu/pr/2006/p06-150e.htm#terrorism>
- Defence against Terrorism (DAT) Programme - Countering Terrorism with Technology (25 October 2005): <http://www.nato.int/issues/dat/index.html>
- The Istanbul Declaration - Our Security in a New Era (28 June 2004):
<http://www.nato.int/docu/pr/2004/p04-097e.htm>
- Istanbul Summit Communiqué (28 June 2004): <http://www.nato.int/docu/pr/2004/p04-096e.htm>
- Partnership Action Plan against Terrorism (22 November 2002):
<http://www.nato.int/docu/basicxt/b021122e.htm>
Through the Partnership Action Plan, the Euro-Atlantic Partnership Council (EAPC) States will identify, organize, systematize ongoing and new EAPC/PfP activities, which are of particular relevance to the international fight against terrorism.
- Prague Summit Declaration (21 November 2002):
<http://www.nato.int/docu/pr/2002/p02-127e.htm>

⁵⁶ The NATO considers as its fundamental role the safeguarding of the freedom and security of its members countries by political and military means. Detailed information about the NATO, its members, its decision-making etc. can be found in the *NATO Handbook*. See: Public Diplomacy Division (ed), *NATO Handbook*, NATO, Brussels, 2006. Available online at: <http://www.nato.int/docu/handbook/2006/hb-en-2006.pdf>.

⁵⁷ NATO Public Diplomacy Division, *New Horizons*, *NATO Review* (Special Issue Winter 2005), Winter 2005, at pp. 16-20, 24-27, 32-35. Available online at: http://www.nato.int/docu/review/2005/new_horizons/winter_2005.pdf; NATO Public Diplomacy Division, *Examining NATO's Transformation*, *NATO Review* (Special Issue Spring 2005), Brussels, Spring 2005, at pp. 56–62. Available online at: http://www.nato.int/docu/review/2005/transform/transform_en.pdf; NATO Public Diplomacy Division, *NATO's Response to Terrorism*, Brussels, March 2005. Available online at: <http://www.nato.int/docu/briefing/rtt/rtt-e.pdf>; *NATO Review* (Journal): <http://www.nato.int/docu/review.htm>.

- NATO's Military Concept for Defence against Terrorism (21 November 2002):
<http://www.nato.int/ims/docu/terrorism.htm>
- Statement by the North Atlantic Council (12 September 2001):
<http://www.nato.int/docu/pr/2001/p01-124e.htm>
- Washington Summit Communiqué (24 April 1999):
<http://www.nato.int/docu/pr/1999/p99-064e.htm>
- The Washington Declaration (23 and 24 April 1999):
<http://www.nato.int/docu/pr/1999/p99-063e.htm>
- The Alliance's Strategic Concept (23 and 24 April 1999):
<http://www.nato.int/docu/pr/1999/p99-065e.htm>
The Strategic Concept of 1999 already identifies terrorism as one of the risks affecting NATO's security (see for example Point 24 of the Concept).
- North Atlantic Treaty – Article 5 (4 April 1949):
<http://www.nato.int/docu/basicxt/treaty.htm#Art05>

5.2 Fighting Organized Crime

- Guidelines for NATO Staff on Preventing the Promotion and Facilitation of Trafficking in Human Beings (9 July 2004):
<http://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic-app3.htm>
- NATO Guidance for the Development of Training and Educational Programmes to Support the Policy on Combating the Trafficking in Human Beings (9 July 2004): <http://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic-app2.htm>
- NATO Guidelines on Combating Trafficking in Human Beings for Military Forces and Civilian Personnel Deployed in NATO-led Operations (9 July 2004):
<http://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic-app1.htm>
- NATO Policy on Combating Trafficking in Human Beings, Policy Document (29 June 2004): <http://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic.htm>
- Istanbul Summit Communiqué (28 June 2004): <http://www.nato.int/docu/pr/2004/p04-096e.htm>
- The Alliance's Strategic Concept (23 and 24 April 1999):
<http://www.nato.int/docu/pr/1999/p99-065e.htm>
The Strategic Concept of 1999 identifies organized crime as one of the risks affecting NATO's security (see for example Point 24 of the Concept).

6 EUROPEAN UNION

The main decision-making organs of the now 27-members encompassing European Union are the Council of the European Union, the European Parliament and European Commission.

It has to be noted that among the investigated organizations the European Union has a special stand, due to its complexity and supranationality.⁵⁸ As a consequence a comprehensive number of legally binding and non-binding decisions relevant for terrorism and organized crime exist. Thus – in this introduction paper - only the major decisions are named. Generally all the legal decisions can be found on the EUR-Lex homepage (<http://eur-lex.europa.eu/en/index.htm>).

6.1 Fighting Terrorism

The fight against terrorism is an area subject to inter-governmental cooperation (Art. 11-28 of the Treaty of the European Union). However as the European Commission points out: “*Many EU policies that fall within the first pillar ... have an important security component which must now be adapted to counter the different dimension that the threat of terrorism has taken.*”⁵⁹

An overview of the European Union’s approach to the issue of terrorism is given on the EU website *Freedom, Security and Justice* (http://ec.europa.eu/justice_home/fsj/intro/fsj_intro_en.htm - Terrorism and Organized Crime). Additionally, the publications *The International Fight against Terrorism and the Protection of Human Rights, A Secure Europe in a Better World* and *EU Action Plan on Combating Terrorism* provide a short overview about the policy of the EU.⁶⁰

6.1.1 Treaties

- Treaty of the European Union: http://eur-lex.europa.eu/en/treaties/dat/12002M/pdf/12002M_EN.pdf

⁵⁸ The Commission proposes new laws, the Parliament and Council adopt them. (Available online at: http://europa.eu/institutions/index_en.htm).

For a comprehensive introduction to the legal system of the European Union see: Streinz, Rudolf, *Europarecht*, C.F.Müller Verlag, Heidelberg, 2005.

⁵⁹ Commission website:

http://ec.europa.eu/justice_home/fsj/terrorism/institutions/fsj_terrorism_institutions_commission_role_en.htm#part_2.

⁶⁰ Heinz, Wolfgang and Jan-Michael Arend, *The International Fight against Terrorism and the Protection of Human Rights*, German Institute for Human Rights, August 2005; Solana, Javier, *A Secure Europe in a Better World, European Security Strategy*, European Union, Brussels, December 2003.

Available online at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>; Presidency and EU Counter Terrorism Coordinator, *EU Action Plan on Combating Terrorism, Council of the European Union*, Brussels, February 2006. Available online at: <http://register.consilium.europa.eu/pdf/en/06/st05/st05771-re01.en06.pdf>.

Especially: Art. 29, 31(e)

- Treaty Establishing the European Community: http://eur-lex.europa.eu/en/treaties/dat/12002E/htm/C_2002325EN.003301.html

Especially: Art. 61 to 69

- Europol Convention (18 July 1995):
<http://www.europol.europa.eu/index.asp?page=legalconv>

6.1.2 Council of the European Union

- Council Decision of 12 February 2007 Establishing for the period 2007 to 2013, as Part of General Programme on Security and Safeguarding Liberties, the Specific Programme Prevention, Preparedness and Consequence Management of Terrorism and other Security Related Risks (12 February 2007): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:058:0001:01:EN:HTML>
- Council Decision on the Exchange of Information and Cooperation Concerning Terrorism Offences (20 September 2005): http://www.eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_253/l_25320050929en00220024.pdf
- Council of the European Union, Brussels European Council 16 and 17 June 2005 Presidency Conclusions (Point 17 cont.: “Fight against Terrorism”), 10255/05 (18 June 2005): <http://www.consilium.europa.eu/uedocs/cmsUpload/85349.pdf>
- Council of the European Union, Brussels European Council 16/17 December 2004 Presidency Conclusions (Point 24 cont.: “Terrorism”), 16238/04 (17 December 2004): http://www.consilium.europa.eu/uedocs/cmsUpload/EC16.17-12.04_16238.en04.pdf
- Council of the European Union, Brussels European Council 4/5 November 2004 Presidency Conclusions, 14292/04 (5 November 2004):
http://consilium.europa.eu/uedocs/cmsUpload/EU_4.5-11.pdf
- Council of the European Union, Brussels European Council 17 and 18 June 2004 Presidency Conclusions, 10679/2/04 (19 July 2004):
http://www.consilium.europa.eu/uedocs/cmsUpload/EU_17.18-6.pdf
- Council of the European Union, Declaration on Combating Terrorism (25 March 2004): <http://www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf>

- Decision on the Implementation of Specific Measures for Police and Judicial Cooperation to Combat Terrorism in Accordance with Article 4 of Common Position 2001/931/CFSP (19 December 2002) – no longer in force: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32003D0048&model=guichett
- Council of the European Union - Framework Decision on Combating Terrorism (13 June 2002): http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32002F0475&model=guichett

Here the EU adopted a (rather vague) definition for terrorism: Criminal acts are considered to be acts of terrorism if they are committed with the aim of “...*seriously intimidating a population, or unduly compelling a Government or 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...*” (Article 1)
- Council Decision Setting up Eurojust with a View to Reinforcing the Fight against Serious Crime (28 February 2002):
http://eurojust.europa.eu/official_documents/Eurojust_Decision/l_06320020306en00010013.pdf
- Declaration by the Heads of State or Government of the European Union and the President of the Commission (19 October 2001):
http://ec.europa.eu/justice_home/news/terrorism/documents/conseil_gand_en.pdf
- Council Regulation (EC) No 2580/2001 on Specific Restrictive Measures Directed against Certain Persons and Entities with a View to Combating Terrorism (27 December 2001): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001R2580:EN:HTML>
- Conclusions and Plan of Action of the Extraordinary European Council Meeting (21 September 2001):
http://ec.europa.eu/justice_home/news/terrorism/documents/concl_council_21sep_en.pdf
- Conclusions Adopted by the European Council (20 September 2001):
http://ec.europa.eu/justice_home/news/terrorism/documents/concl_council_20sep_en.pdf

- Framework Decision on Money Laundering, the Identification, Tracing, Freezing, Seizing and Confiscation of Instrumentalities and the Proceeds of Crime (26 June 2001):
<http://www.legislationline.org/upload/old/54641650984d04067412260518a39dc8.pdf>
- Council Recommendation on Cooperation in Combating the Financing of Terrorist Groups (9 December 1999): [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y1223\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y1223(01):EN:HTML)
- Tampere European Council Conclusions (15 to 16 October 1999):
http://www.europarl.europa.eu/summits/tam_en.htm
- Council Decision of Instructing Europol to Deal with Crimes Committed or Likely to be Committed in the Course of Terrorist Activities against Life, Limb, Personal Freedom or Property (3 December 1998): [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999D0130\(02\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999D0130(02):EN:HTML)
- Council Joint Action 96/610/JHA of Concerning the Creation and Maintenance of a Directory of Specialised Counter-terrorist Competences, Skills and Expertise to Facilitate Counter-terrorism Cooperation between the Member States of the European Union (15 October 1996): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996F0610:EN:HTML>
- La Gomera Declaration (15 and 16 December 1995):
http://www.europarl.europa.eu/summits/mad2_en.htm#annex3

6.1.3 European Parliament

- European Parliament Resolution on the External Dimension of the Fight against International Terrorism (15 February 2007):
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0050+0+DOC+XML+V0//EN&language=EN>
- European Parliament Legislative Resolution on the Proposal for a Council Decision Establishing the Specific Programme “Prevention, Preparedness and Consequence Management of Terrorism” for the Period 2007-2013 – General Programme 'Security and Safeguarding Liberties (14 December 2006):

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0584+0+DOC+XML+V0//EN&language=EN>

- European Parliament Resolution on the Implementation of the European Security Strategy in the Context of the ESDP (16 November 2006):
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0495+0+DOC+XML+V0//EN&language=EN>
- European Parliament Recommendation to the Council - The Negotiations for an Agreement with the United States of America on the Use of Passenger Name Records (PNR) Data to Prevent and Combat Terrorism and Transnational Crime, Including Organised Crime (7 September 2006) :
[http://www.europarl.europa.eu/registre/seance_pleniere/textes_adoptes/definitif/2006/09-07/0354/P6_TA\(2006\)0354_EN.pdf](http://www.europarl.europa.eu/registre/seance_pleniere/textes_adoptes/definitif/2006/09-07/0354/P6_TA(2006)0354_EN.pdf)
- European Parliament Recommendation to the European Council and the Council on the EU Anti-terrorism Action Plan (7 June 2005):
[http://www.europarl.europa.eu/registre/seance_pleniere/textes_adoptes/definitif/2005/06-07/0219/P6_TA\(2005\)0219_EN.pdf](http://www.europarl.europa.eu/registre/seance_pleniere/textes_adoptes/definitif/2005/06-07/0219/P6_TA(2005)0219_EN.pdf)
- European Parliament Recommendation to the European Council and to the Council on the Protection of Critical Infrastructure in the Framework of the Fight against Terrorism (7 June 2006): (link not available)
- European Parliament Recommendation to the European Council and the Council on Combating the Financing of Terrorism (7 June 2006): (link not available)
- European Parliament Recommendation – The European Union’s Role in Combating Terrorism (5 September 2001): <http://europa.eu/eur-lex/en/dat/2002/ce072/ce07220020321en01350141.pdf>
- etc.

6.2 Fighting Organized Crime

An overview of the European Union’s approach to the issue of organized crime is given on the EU website *Freedom, Security and Justice – Fight against Fraud/Foreign and Security Policy/Justice, Freedom and Security* (http://ec.europa.eu/justice_home/fsj/intro/fsj_intro_en.htm). Additionally

recommended are the publications *A Secure Europe in a Better World*, *EUROPOL Annual Report 2005* and the diverse reports from EUROPOL.⁶¹

6.2.1 Treaties

- Treaty of the European Union: http://eur-lex.europa.eu/en/treaties/dat/12002M/pdf/12002M_EN.pdf
Especially: Art. 29 to 42
- Treaty Establishing the European Community: http://eur-lex.europa.eu/en/treaties/dat/12002E/htm/C_2002325EN.003301.html
Especially: Art. 61 to 69
- Europol Convention (18 July 1995):
<http://www.europol.europa.eu/index.asp?page=legalconv>

6.2.2 Council of the European Union

- Council Decision on the Stepping up of Cross-border Cooperation, Particularly in Combating Terrorism and Cross-border Crime (27 February 2007):
<http://register.consilium.europa.eu/pdf/en/07/st06/st06566.en07.pdf>
- Council Resolution on Simplifying the Cross-border Deployment of Undercover Officers in Order to Step up Member States' Cooperation in the Fight against Serious Cross-border Crime (22 February 2007): The content of this document is not accessible
- Council Decision Establishing for the period 2007 to 2013, as Part of General Programme on Security and Safeguarding Liberties, the Specific Programme Prevention of and Fight against Crime (12 February 2007): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:058:0007:01:EN:HTML>
- Council Conclusions on Simplifying the Cross-border Deployment of Undercover Officers in Order to Step up Member States' Cooperation in the Fight against Serious Cross-border crime (25 January 2007): The content of this document is not accessible

⁶¹ Solana, Javier, *A Secure Europe in a Better World*, *European Security Strategy*. EUROPOL: <http://www.europol.europa.eu>.

- Council of the European Union, Council Framework Decision on the Fight against Organized Crime (28 September 2006):
<http://register.consilium.europa.eu/pdf/en/06/st12/st12279.en06.pdf>

Council Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union
- Council Framework Decision on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (24 February 2005): <http://eur-lex.europa.eu/Notice.do?val=396256:cs&lang=en&list=437425:cs,433428:cs,433427:cs,433426:cs,433425:cs,432174:cs,426309:cs,396256:cs,392901:cs,387183:cs,&pos=8&page=1&nbl=34&pgs=10&hwords=crime~&checktexte=checkbox&visu=#texte>
- Council Directive Relating to Compensation to Crime Victims (29 April 2004):
Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims: <http://eur-lex.europa.eu/Notice.do?val=387183:cs&lang=en&list=437425:cs,433428:cs,433427:cs,433426:cs,433425:cs,432174:cs,426309:cs,396256:cs,392901:cs,387183:cs,&pos=10&page=1&nbl=34&pgs=10&hwords=crime~&checktexte=checkbox&visu=#texte>
- Council Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography (22 December 2003):
<http://europa.eu/scadplus/leg/en/lvb/l33138.htm>
- Council Framework Decision on Combating Trafficking in Human Beings (19 July 2002): <http://europa.eu/scadplus/leg/en/lvb/l33137.htm>
- Council Framework Decision on Combating Corruption in the Private Sector (22 July 2003): <http://eur-lex.europa.eu/Notice.do?val=285795:cs&lang=en&list=278943:cs,286156:cs,285795:cs,338223:cs,281139:cs,339020:cs,278539:cs,266126:cs,270163:cs,270054:cs,&pos=3&page=2&nbl=66&pgs=10&hwords=corruption~&checktexte=checkbox&visu=#texte>
- Council Recommendation on Improving Investigation Methods in the Fight against Organized Crime Linked to Organized Drug Trafficking: Simultaneous

Investigations into Drug Trafficking by Criminal Organisations and the Finances/assets (17 April 2002):

<http://register.consilium.europa.eu/pdf/en/02/st07/07920en2.pdf>

- Council Decision Setting up Eurojust with a View to Reinforcing the Fight against Serious Crime (28 February 2002):
http://eurojust.europa.eu/official_documents/Eurojust_Decision/1_06320020306en00010013.pdf
- Framework Decision on Money Laundering, the Identification, Tracing, Freezing, Seizing and Confiscation of Instrumentalities and the Proceeds of Crime (26 June 2001):
<http://www.legislationline.org/upload/old/54641650984d04067412260518a39dc8.pdf>
- Council Decision Setting up Eurojust with a View to Reinforcing the Fight against Serious Crime (28 February 2002):
<http://register.consilium.europa.eu/pdf/en/02/st05/05358en2.pdf>
- Framework Decision on Money Laundering, the Identification, Tracing, Freezing, Seizing and Confiscation of Instrumentalities and the Proceeds of Crime (26 June 2001):
<http://www.legislationline.org/upload/old/54641650984d04067412260518a39dc8.pdf>
- Council Recommendation on Cooperation in Combating the Financing of Terrorist Groups (9 December 1999): [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y1223\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y1223(01):EN:HTML)
- Tampere European Council Conclusions (15 to 16 October 1999):
http://www.europarl.europa.eu/summits/tam_en.htm
- Council Decision of Instructing Europol to Deal with Crimes Committed or Likely to be Committed in the Course of Terrorist Activities against Life, Limb, Personal Freedom or Property (3 December 1998): [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999D0130\(02\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999D0130(02):EN:HTML)
- etc.

6.2.3 European Parliament

- European Parliament Legislative Resolution on the Proposal for a Council Decision Establishing the Specific Programme "Prevention of and Fight against Crime" for the Period 2007-2013, General Programme "Security and Safeguarding Liberties" (14 December 2006): <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0596+0+DOC+XML+V0//EN&language=EN>
- European Parliament Recommendation to the Council on Fighting Trafficking in Human Beings - an Integrated Approach and Proposals for an Action Plan (16 November 2006): <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0498+0+DOC+XML+V0//EN&language=EN>
- European Parliament Resolution on the Implementation of the European Security Strategy in the Context of the ESDP (16 November 2006):
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0495+0+DOC+XML+V0//EN&language=EN>
- European Parliament Recommendation to the Council - The Negotiations for an Agreement with the United States of America on the Use of Passenger Name Records (PNR) Data to Prevent and Combat Terrorism and Transnational Crime, Including Organised Crime (7 September 2006) :
[http://www.europarl.europa.eu/registre/seance_pleniere/textes_adoptes/definitif/2006/09-07/0354/P6_TA\(2006\)0354_EN.pdf](http://www.europarl.europa.eu/registre/seance_pleniere/textes_adoptes/definitif/2006/09-07/0354/P6_TA(2006)0354_EN.pdf)
- European Parliament Recommendation to the European Council and the Council on Combating the Financing of Terrorism (7 June 2006): (link not available)
- etc.

7 G8

G8 consists, as its name already reveals, of eight member states, which are: Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States of America. Countries with enormous economic, military and diplomatic influence and power.

During G8 meetings major global problems and their solutions are under discussion. *“The summit [...] gives direction to the international community by setting priorities,*

defining new issues and providing guidance to established international organizations."⁶² Binding decisions are not taken, so-called *statements* are published after Ministerial Meetings and the Annual Summit of the Heads of State and Government.⁶³

The G8⁶⁴ does not have an official website, however information can be obtained from the respective G8 websites of the countries chairing G8⁶⁵ or from the G8 Information Center (<http://www.g7.utoronto.ca>).

7.1 Fighting Terrorism

- Statement by the G8, the Leaders of Brazil, China, India, Mexico, South Africa, Chairman of the Council of the Heads of State of the CIS, Chairman of the African Union, and the Heads of the International Organizations (17 July 2006): <http://www.g7.utoronto.ca/summit/2006stpetersburg/outreach.html>
- G8's Statement on Strengthening the UN's Counter-Terrorism Program (16 July 2006): <http://www.g8.gc.ca/strength-coun-terr-en.asp>
- G8 Summit Declaration on Counter-Terrorism (16 July 2006): http://www.g8.gc.ca/declar_counter_terr-en.asp
- Joint Statement by George Bush and Vladimir Putin on the Global Initiative to Combat Nuclear Terrorism (15 July 2006): <http://www.g7.utoronto.ca/summit/2006stpetersburg/bushputin060715b.html>
- Global Initiative to Combat Nuclear Terrorism: Fact Sheet (15 July 2006): <http://www.g7.utoronto.ca/summit/2006stpetersburg/nuclearfacts.html>
- G8 Statement on Counter-Terrorism (8 July 2005): http://www.g8.gc.ca/pdf/g8_Gleneagles_CounterTerrorism-en.pdf

⁶² See online: http://www.g7.utoronto.ca/what_is_g8.html.

⁶³ Although G8 meetings are officially merely regarded as *meetings of friends with similar interests* these statements have, nevertheless, a huge impact on countries, which are not members of G8, International Organizations and the civil society. The website of France describes G8 meetings as "... a club of leading industrialized countries, regularly meeting and consulting to enhance their friendship and synchronize their points of view as regards the major international economic and political issues". See: Questions about the G8. at p. 2. Available online at: http://www.g8.fr/evian/english/navigation/the_g8/questions_about_the_g8.html.

⁶⁴ It has to be noted that the G8 is no legal entity; has no set of rules governing its negotiations and deliberations; does not take binding decisions; has no legal or formal powers; and has no headquarters and therefore no permanent secretariat.

- Statement by the Leaders on the Terrorist Attacks on London (7 July 2005):
http://www.g7.utoronto.ca/summit/2005gleneagles/leaders_050707.pdf
- Chair's Summary (10 June 2004):
<http://www.g7.utoronto.ca/summit/2004seaisland/summary.html>
- Chair's Summary (3 June 2003):
http://www.g7.utoronto.ca/summit/2003evian/communique_en.html
- The Kananaskis Summit Chair's Summary (27 June 2002):
<http://www.g7.utoronto.ca/summit/2002kananaskis/summary.html>
- Statement by G8 Leaders: The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction (27 June 2002):
<http://www.g7.utoronto.ca/summit/2002kananaskis/arms.html>
- G8 Foreign Ministers' Progress Report on the Fight against Terrorism (12 June 2002): <http://www.g8.utoronto.ca/foreign/fm130602b.htm>
- G8 Recommendations on Counter-Terrorism (13 June 2002):
<http://www.g8.utoronto.ca/foreign/fm130602f.htm>
- Statement of G-7 Finance Ministers and Central Bank Governors - Action Plan: Progress Report on Combating the Financing of Terrorism (9 February 2002):
<http://www.g8.utoronto.ca/finance/fm020902.htm#action>
- G8 Counter-Terrorism Cooperation since September 11 (2002):
<http://www.g8.gc.ca/2002Kananaskis/counterterrorism-en.pdf>
- Statement by the Leaders of the G8 over last Week's Terrorist Attacks in New York and Washington (19 September 2001):
<http://www.g8.utoronto.ca/terrorism/sept192001.html>
- Action Plan to Combat the Financing of Terrorism (6 October 2001):
<http://www.g8.utoronto.ca/finance/fm100601.htm#action>
- G8 Communiqué Okinawa 2000 (23 July 2000):
<http://www.g7.utoronto.ca/summit/2000okinawa/finalcom.htm>

⁶⁵ Currently Germany chairs the G8: <http://www.g-8.de>.

- Conclusions of the Meeting of the G8 Foreign Ministers' Meeting (13 July 2000): <http://www.g7.utoronto.ca/foreign/fm000713.htm>
- G8 Justice and Interior Ministers' Virtual Meeting on Organized Crime and Terrorist Funding Backgrounder (15 December 1998):
<http://www.g8.utoronto.ca/terrorism/terror98.htm>
- Communiqué (22 June 1997):
<http://www.g7.utoronto.ca/summit/1997denver/g8final.htm>
- Foreign Ministers' Progress Report (21 June 1997):
<http://www.g7.utoronto.ca/summit/1997denver/formin.htm>
- Ministerial Conference on Terrorism: Agreement on 25 Measures (30 July 1996): <http://www.g8.utoronto.ca/terrorism/terror25.htm>
- Declaration on Terrorism (27 June 1996):
<http://www.g7.utoronto.ca/summit/1996lyon/terrorism.html>
- Ottawa Ministerial Declaration on Countering Terrorism (12 December 1995):
<http://www.g8.utoronto.ca/terrorism/terror96.htm>

7.2 Fighting Organized Crime

- Action Plan Fighting High-level Corruption (16 July 2006):
<http://www.g7.utoronto.ca/summit/2006stpetersburg/corruption.html>
- G8 Recommendations on Transnational Organized Crime:
<http://canada.justice.gc.ca/en/news/g8/doc1.html>
- Fighting Corruption and Improving Transparency (10 June 2004):
http://www.g8.gc.ca/g8_fight_corr-en.asp
- G8 Declaration Fighting Corruption and Improving Transparency (2 June 2003):
<http://www.g8.gc.ca/corruptionpost-2june-en.asp>
- Final Communiqué – Combating Transnational Organised Crime and Drugs (22 July 2001):
<http://www.g8.utoronto.ca/summit/2001genoa/finalcommuniqué.html>
- Fighting the Abuses of the Global Financial System (7 July 2001):
<http://www.g8.utoronto.ca/finance/fm010707-b.htm>

- Conclusions of the Meeting of the G8 Foreign Ministers' Meeting (13 July 2000): <http://www.g7.utoronto.ca/foreign/fm000713.htm>
- G8 Communiqué Okinawa 2000 (23 July 2000):
<http://www.g7.utoronto.ca/summit/2000okinawa/finalcom.htm>
- Ministerial Conference of the G-8 Countries on Combating Transnational Organized Crime: Communiqué (19 - 20 October 1999):
<http://www.g8.utoronto.ca/adhoc/crime99.htm>
- Statement by the Participants of the Moscow Conference of G-8 Ministers on Counteracting Terrorism (19 - 20 October 1999):
<http://www.g8.utoronto.ca/adhoc/crimestatement99.htm>
- G8 Justice and Interior Ministers' Virtual Meeting on Organized Crime and Terrorist Funding Backgrounder (15 December 1998):
<http://www.g8.utoronto.ca/terrorism/terror98.htm>
- The Birmingham Summit Communiqué (15 – 17 May 1998):
<http://www.g7.utoronto.ca/summit/1998birmingham/finalcom.htm>
- Drugs and International Crime (16 May 1998):
<http://www.g7.utoronto.ca/summit/1998birmingham/drugs.htm>
- Communiqué (22 June 1997):
<http://www.g7.utoronto.ca/summit/1997denver/g8final.htm>
- Foreign Ministers' Progress Report (21 June 1997):
<http://www.g7.utoronto.ca/summit/1997denver/formin.htm>
- Chairman's Statement [Political Declaration]: Toward Greater Security and Stability in a More Cooperative World (29 June 1996):
<http://www.g7.utoronto.ca/summit/1996lyon/chair.html>
- Moscow Nuclear Safety and Security Summit Declaration (20 April 1996):
<http://www.g7.utoronto.ca/summit/1996moscow/declaration.html>
- Programme for Preventing and Combating Illicit Trafficking in Nuclear Material (20 April 1996): <http://www.g7.utoronto.ca/summit/1996moscow/program.html>
- Summit Communiqué (9 July 1996):
<http://www.g7.utoronto.ca/summit/1994naples/communique/index.html>

8 CONCLUSIONS AND OUTLOOK

8.1 Conclusions

This paper focused on (normative) decisions related to terrorism and organized crime of six international organizations – the United Nations, the Council of Europe, the Organization for Security and Cooperation, NATO, the European Union and G8.

Very generally, it can be concluded that a large number of treaties, conventions, covenants and protocols, focusing on very specific issues of terrorism and organized crime, of the United Nations and the Council of Europe have evolved over the last thirty to forty years.⁶⁶ However, these treaties (often) do not have effective enforcement provisions and the number of states having signed and ratified them is limited.⁶⁷ These instruments are largely applicable to the Western Balkan region as they have been ratified by South-East European states to a significant extent.

The amount of declarations, resolutions, recommendations, decisions, statements etc. relevant for terrorism and organized crime of the respective organizations and bodies is large. Their contents focus either on very specific issues of terrorism and organized crime or are kept very general. Also, as mentioned already earlier, the importance and influence of non-legally binding sources should not be underestimated. They regularly remind the international community to ratify, to implement and to comply with existing legally binding rules. And sometimes the recommendations and proposals of such non-binding decisions are the starting point for a new treaty, convention, protocol etc.

A special role in the fight against terrorism and organized crime has the European Union – due to its complexity and supranationality. A huge number of legally binding and non-binding decisions relevant for terrorism and organized crime of the European Union exist - falling under the first, second and/or third pillar of the EU. Thus it was not possible to complete the comprehensive research of decisions relevant for terrorism and organized crime within this paper. The most important (normative) decisions, however, have been discussed.

⁶⁶ The number of conventions and protocols relevant for terrorism and organized crime of the United Nations encompasses 15 (for terrorism) and 9 (for organized crime), while the Council of Europe has 7 (focusing on terrorism) and 10 (focusing on organized crime).

⁶⁷ Cassese, Antonio, *International Law*, at pp. 464 to 481.

Additionally, during the ongoing research process, it became apparent that the research itself was very time-consuming, complicated and confusing. Thus the following (critical) points need to be stressed:

- Although each organization and often also each body/organ of an organization have special websites and sub-websites for the issues of terrorism and organized crime, the actually rather simple task of researching all the decisions relevant for terrorism and organized crime of the diverse bodies/organs of one specific organization took a lot of time.

This is due to the fact that these special websites often do not encompass all the respective decisions relevant for terrorism and organized crime of the specific body or organization – mostly listing only the most important decisions. Also, some of these websites are not regularly updated and some of the listed links do not work.⁶⁸ As a consequence, almost always a research (on all the yearly decisions of each body/organ) needed to be conducted in the “legal documents” database of each body/organ.

- A unified agreed definition exists neither for the term ‘terrorism’ nor for ‘organized crime’. Each organization has a different approach (depending on its member countries) to this question. No “universal” treaties for terrorism and organized crime exist.
- It is highly recommended before researching the relevant decisions for terrorism and organized crime to have a basic knowledge about the different forms of decisions and their hierarchy of the respective organizations and bodies.
- A comprehensive database⁶⁹ containing all normative decisions in relevance to terrorism and organized crime does not yet exist. Such a database would simplify the research about (normative) decisions related to terrorism and organized crime immensely.

⁶⁸ Examples would be the diverse sub website of the EU relevant for fighting terrorism and organized crime. Some of these websites were last updated in May 2006 or even in 2005.

⁶⁹ Such as the *Human Security Gateway* (<http://www.humansecuritygateway.info>).

8.2 Outlook

Based on the research results and conclusions of this paper, the following four future activities/tasks are recommended:

First, to focus specifically on to the question which of the before enumerated decisions dealing with terrorism and organized crime are actually relevant for the peace-building process in the region (Western Balkan). Especially as the *Impact of Transnational Terrorist and Criminal Organizations on the Peace-building Process of the Western Balkan Region* will be the focus of the third HUMSEC year.

In this context, the following questions arise:

- which Western Balkan countries have signed, ratified and implemented the convention, protocols etc. relevant for the fight against terrorism and organized crime;
- what is being done from the side of the international organizations (especially the European Union) and also the international community to ensure the ratification and implementation of the respective treaties;⁷⁰
- which national legislations dealing with the issues of terrorism and organized crime exist?

Second, to investigate specifically the overall role of the European Union in the fight against terrorism and organized crime. This research should focus on the one side on all the legal mechanisms (binding and non-binding) of the European Union relevant for the fight against terrorism and organized crime and on the other side on its special role in connection with the Western Balkan region.

Third, to explore which are the relevant governmental and non-governmental *research institutions active in the Western Balkan region* and to investigate their respective programs and activities.

Fourth, as noted in the conclusions (under 8.1), a comprehensive database containing all (normative) decisions in relevance to terrorism and organized crime does not yet

⁷⁰ See for example the: European Neighbourhood Policy Action Plans of the European Union (<http://www.dellbn.ec.europa.eu/en/pev/actionplans.htm>).

exist. Such a database would on the one side simplify the research and would on the other side enable

- a comparative look at the decisions of the diverse bodies of one international organization;
- a comparative look at the decisions of the diverse international organizations and their bodies;
- considering the existing cooperation/non-cooperation of the international organizations in these specific matters.

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