



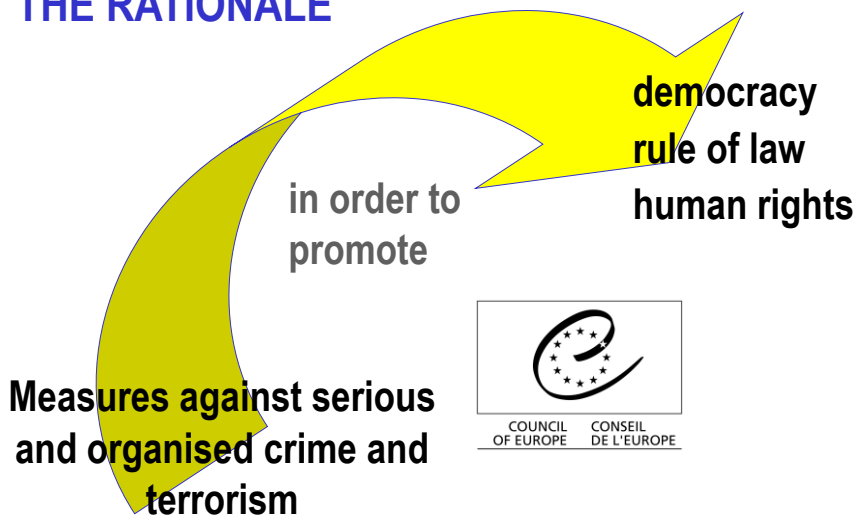
Cooperation against terrorism, corruption and organised crime

Regional workshop, United Nations Office on Drugs and Crime
Croatia, 7-9 March 2005

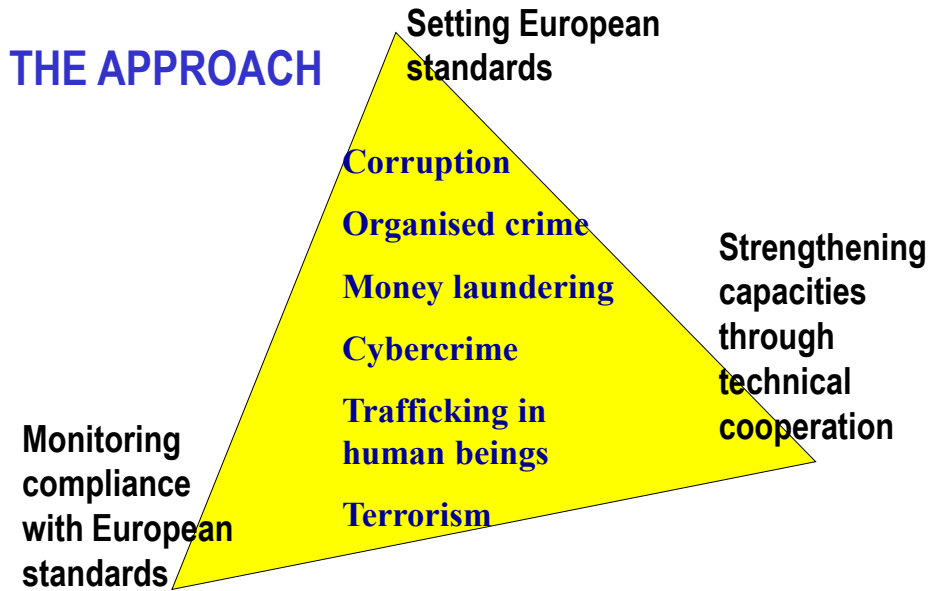
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Strategy against serious and organised crime THE RATIONALE



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1 Standards

Council of Europe standards on terrorism

- European Convention on the Suppression of Terrorism (1977) – ETS 90
- Protocol amending ETS 90 (2003) – ETS 190
- Draft European Convention on the Prevention of Terrorism (2005)
- Draft Recommendation on Special Investigative Means (2005)
- Draft Recommendation on Witness Protection (2005)
- Draft Recommendation on Identity Documents (2005)
- Draft Convention on Laundering, the Financing of Terrorism, Search, Seizure and Confiscation of the Proceeds from Crime (2005)

European Convention on the Suppression of Terrorism (1977) – ETS 90 and the Amending Protocol (2003)

Obligation (Article 1) - or possibility (Article 2) - to disregard, for the purposes of extradition, the political nature of the crime

Amending Protocol (2003)

- extends the list of offences to be "de-politicized" (include all offences described in the relevant UN anti-terrorist Conventions and Protocols)
- introduces a simplified amendment procedure to add new offences (Article 13)
- open for accession by observers states and possibly other states

Draft European Convention on the Prevention of Terrorism (2005)

- **Background: Role of CODEXTER**
- **Definition : Terrorist offence**
- **Provisions on new offences:**
 1. **public provocation to commit a terrorist offence,**
 2. **recruitment for terrorism**
 3. **training for terrorism**
- **It reinforces international cooperation: e.g. extradite or prosecute.**
- **Entry into force**

Draft Recommendation on Special Investigative Techniques (SIT) (2005)

- **Definition of SIT**
- **Scope of the recommendation**
- **Content of the recommendation:**
 - e.g making SIT available to a wide extent of authorities
 - legality principle
 - control of the implementation

Draft Recommendation on the protection of witnesses and collaborators of justice (2005)

Background

Scope of the recommendation

Content of the recommendation:

- **protection programmes**
- **anonymity**
- **non-procedural protection measures**

Draft Recommendation on identity and travel documents and terrorism (2005)

Guidelines on human rights and the fight against terrorism (2002)

CoE - UN instruments on terrorism

CoE instruments:

- Refer to offences listed in the UN conventions
- Complement UN treaties
- Fill lacunae in international law
- Regional approach (addressing European concerns)

Cooperation with CTC

Council of Europe standards related to organised crime, corruption, money laundering and other crimes

Council of Europe

Draft Convention on Laundering, the Financing of Terrorism, Search, Seizure and Confiscation of the Proceeds from Crime (2005)

Strasbourg convention of 1990 (ETS 141) +:

- Financing of terrorism (i.e. acts set out in Art 2 of the UN Convention for the suppression of financing of terrorism 1999)
- Confiscation
- Conviction for money laundering w/o prior conviction for predicate offence
- Preventive measures
- Corporate liability
- Requests for information on bank accounts, monitoring of banking transactions
- Financial intelligence units (and their cooperation)
- International cooperation for the postponement of suspicious transactions

Cooperation against terrorism, corruption and organised crime ¹³

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Council of Europe

Criminal Law Convention on Corruption (ETS 173) **Civil Law Convention on Corruption (ETS 174)**

- Both conventions are in force
- Implementation monitored by GRECO

Criminal Law Convention ratified by 30 countries

Civil Law Convention ratified by 21 countries

Cooperation against terrorism, corruption and organised crime ¹⁴

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Instruments on cooperation in criminal matters

Treaties on:

- mutual legal assistance in criminal matters
- extradition
- transfer of proceedings
- transfer of sentenced persons
- international validity of judgments
- etc.

2nd Additional Protocol to the Convention on Mutual Legal Assistance in Criminal Matters (ETS 182)

- More effective channels of communication
 - Audio-video hearings
 - Cross-border observation
 - Controlled deliveries
 - Joint investigative teams
 - Covert investigations
- Reflects the provisions of the EU Convention on MLA

Entered into force on 1 February 2004

29 Signatures followed by 7 ratifications so far

Convention on Cybercrime (ETS 185)

- Entered into force on 1 July 2004
 - 9 ratifications so far, and
 - 32 Signatures, including non-member States (Canada, Japan, South-Africa, USA)
-

Need for broad ratification and implementation

Protocol on Xenophobia and Racism (ETS185)

Draft Convention on Trafficking in Human Beings (2005)

Added value:

- THB a violation of human rights and an offence to the dignity and integrity of the human being
- Covers all forms and types of trafficking (national and transnational, whether or not related to organized crime);
- Stronger, mandatory measures to protect victims
- Monitoring mechanism (GRETA)

2 Monitoring compliance

COSTER

Conference of the Parties

MONEYVAL

GRECO



Group of States against Corruption (GRECO)

Monitors compliance with anti-corruption standards

Peer evaluations - peer pressure

Currently
38 members

Second round of evaluations underway

Evaluation themes:

- Proceeds of Corruption
- Public Administration and Corruption
- Legal Persons and Corruption

MONEYVAL

- **Monitoring compliance with anti-money laundering standards**
- **Created in 1997**
- **24 countries now participating**
- **Transparent peer evaluation - peer pressure**

**Second round of evaluations
underway: Functioning of the
systems and practical results**

3 Technical cooperation

- **Building capacities to implement standards**
- **Support implementation of recommendations from monitoring**
- **Feed into monitoring and standard setting**

Ongoing Projects

Organised crime situation reports

Best practice studies

Octopus Interface



Ongoing Projects

Projects against money laundering

- MOLI Project Russian Federation (Start: Feb 2003)
- MOLI Project Ukraine (Start: Feb 2003)
- MOLI Project “the former Yugoslav Republic of Macedonia (Start: May 2004)

International workshop on the financing of terrorism (Moscow October 2004)

Funded by the European Commission

Implemented by the Council of Europe

Ongoing Projects

PACO IMPACT

Supporting the implementation of
anti-corruption strategies in South-
eastern Europe
Start: 1 March 2004



Funded by Sweden

Implemented by the Council of Europe

Ongoing Projects

CARPO

Strengthening capacities of police against
serious crime in South-eastern Europe

Start: 1 March 2004

Funded by the European Commission's CARDS
Programme and the Council of Europe

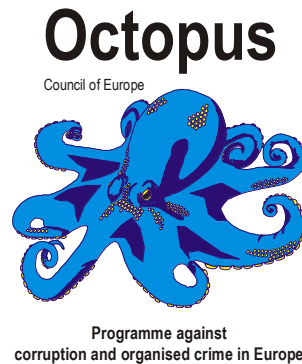
Managed by the Council of Europe and implemented in
cooperation with IOM and other consortium partners

Ongoing Projects

Funded from Council of Europe Cooperation Programme or joint programmes with the EC

Some 100 activities in 2005 on:

- Police cooperation and ethics
- Money laundering
- Corruption
- Financing of political parties
- Organised crime
- Criminal law reform
- Trafficking in human beings
- Cybercrime
- Including: Octopus Interface on economic crime



Ongoing Projects

PACO Moldova

Supporting the implementation of the national anti-corruption strategies of Moldova
Start: January 2005



Funded by the European Commission and Switzerland

Implemented by the Council of Europe

Ongoing Projects

„RUCOLA“

Harmonising Russian legislation
with international standards
Start: January 2005

Funded by the European Commission and the Council of Europe

Implemented by the Council of Europe

Pipeline

Design specific projects on
terrorism, financing of terrorism

