

Skriftlige spørgsmål til justitsministeren samt dennes svar hérpå

Spørgsmål 3:

»Bygger besvarelsene af spørgsmål, som angår fortolkninger af konventionen, på forarbejder til selve konventionen eller andet materiale, som med sikkerhed ville blive tilagt betydning i tilfælde af en voldgiftssag efter art. 10, eller bygger besvarelsene alene på det danske justitsministeriums bedste overbevisning? (Svaret bedes anført ved hver besvarelse, som vedrører fortolkning af konventionen).«

Svar:

Som nævnt i besvarelsen af spørgsmål 20 har det udvalg under Europarådet, der har udarbejdet udkastet til konventionen, afgivet en »explanatory report«, der indeholder en række bidrag til fortolkningen af konventionen. I det omfang besvarelsen af udvalgets spørgsmål bygger på denne redegørelse, anføres det i de pågældende svar. Redegørelsen vedlægges.

EXPLANATORY REPORT

Introduction

1. During its 25th Session in May 1973, the Consultative Assembly of the Council of Europe adopted Recommendation 703 (1973) on international terrorism "condemning international terrorist acts which, regardless of their cause, should be punished as serious criminal offences involving the killing or endangering of the lives of innocent people" and accordingly calling on the Committee of Ministers of the Council to invite the governments of member States *inter alia* "to estab-

lish a common definition for the notion of 'political offence' in order to be able to refute any 'political' justification whenever an act of terrorism endangers the life of innocent persons".

2. Having examined this recommendation, the Committee of Ministers of the Council of Europe adopted at its 53rd meeting on 24 January 1974, Resolution (74) 3 on international terrorism¹⁾ which recommends the governments of member States to take into account certain principles when dealing with requests for extradition of persons accused or convicted of terrorist acts.

The idea underlying this resolution is that certain crimes are so odious in their methods or results in relation to their motives, that it is no longer justifiable to classify them as "political offences" for which extradition is not possible. States receiving extradition requests related to terrorist acts are therefore recommended to take into account the particular gravity of these acts. If extradition is not granted, States should submit the case to their competent authorities for the purpose of prosecution. As many States have only limited jurisdiction over crimes committed abroad it is furthermore recommended that they envisage the possibility of establishing it in these cases to ensure that terrorists do not escape both extradition and prosecution.

3. At a meeting in Obernai (France) on 22 May 1975, the Ministers of Justice of the member States of the Council of Europe stressed the need for co-ordinated and forceful action in this field. They drew attention to the fact that acts of terrorism were today indigenuous, i. e. committed for specific "political" objectives within the member States of the Council of Europe, which may threaten the very existence of the State by paralysing its democratic institutions and

¹⁾ See text of Resolution (74) 3, in the Appendix.