

striking at the rule of law. Accordingly, they called for specifically European action.

4. Following this initiative, the 24th Plenary Session of the European Committee on Crime Problems (ECCP) held in May 1975, decided to propose to the Committee of Ministers of the Council of Europe the setting up of a committee of governmental experts to study the problems raised by certain new forms of concerted acts of violence.

5. At the 246th meeting of their Deputies in June 1975, the Committee of Ministers authorised the convocation of a committee of governmental experts.

6. Mrs. S. Oschinsky (Belgium) was elected Chairman of the committee. The Secretariat was provided by the Directorate of Legal Affairs of the Council of Europe.

7. During its first two meetings, held from 6 to 8 October 1975 and from 2 to 6 February 1976, the committee prepared a European Convention on the Suppression of Terrorism.

8. The draft convention was submitted to the 25th Plenary Session of the ECCP in May 1976 which decided to forward the result of the committee's work to the Committee of Ministers for approval.

9. At their 10th Conference, held on 3 and 4 June 1976 in Brussels, the European Ministers of Justice took note of the draft convention and expressed the hope that its examination by the Committee of Ministers be completed as quickly as possible.

10. At the 262nd meeting of their Deputies in November 1976, the Committee of Ministers approved the text which is the subject of this report and decided to open the convention to the signature of member States.

General considerations

11. The purpose of the Convention is to assist in the suppression of terrorism by complementing and, where necessary, modifying existing extradition and mutual assistance arrangements concluded between member States of the Council of Europe, including the European Convention on Extradition of 13 December 1957 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, in that it seeks to overcome the difficulties which may arise in the case of extradition or mutual assistance concerning persons accused or convicted of acts of terrorism.

12. It was felt that the climate of mutual confidence among the likeminded member States of the Council of Europe, their democratic nature and their respect for human rights safeguarded by the institutions set up under the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, justify opening the possibility and, in certain cases, imposing an obligation to disregard, for the purposes of extradition, the political nature of the particularly odious crimes mentioned in articles 1 and 2 of the Convention. The human rights to which regard has to be had are not only the rights of those accused or convicted of acts of terrorism but also of the victims or potential victims of those acts (cf. Article 17 of the European Convention on Human Rights).

13. One of the characteristics of these crimes is their increasing internationalisation; their perpetrators are frequently found in a State other than that in which the act was committed. For that reason extradition is a particularly effective measure for combating terrorism.

14. If the acts is an offence which falls within the scope of application of existing extradition treaties the requested State will have no difficulty, subject to the provisions of its extradition law, in complying with a request for extradition from the State which has jurisdiction to prosecute. However, terrorist acts might be considered "political offences", and it is a principle – laid down in most existing extradition treaties as well as in the European Convention on Extradition (cf. Article 3 paragraph 1) – that extradition shall not be granted in respect of a political offence.

Moreover, there is no generally accepted definition of the term "political offence". It is for the requested State to interpret it.

15. It follows that there is a serious lacuna in existing international agreements with regard to the possibility of extraditing persons accused or convicted of acts of terrorism.

16. The European Convention on the Suppression of Terrorism aims at filling this lacuna by eliminating or restricting the possibility for the requested State of invoking the political nature of an offence in order to oppose an extradition request. This aim is achieved by providing that, for extradition purposes, certain specified offences *shall ne-*