

FOREWORD

Terrorism is one of the most blatant forms of assault on human rights, democracy and the rule of law. Yet the Council of Europe was set up to stand for these values and it has dedicated the last 56 years to upholding them. Consequently, its determination to combat terrorism is absolute and its response to date has been based on three cornerstones: strengthening legal action against terrorism, safeguarding fundamental values and addressing the causes of terrorism.

Since the terrorist attacks of 11 September 2001, the Council of Europe has put together a significant legal framework and its task today is to put it into action, to make sure the various guidelines, declarations and provisions of the conventions related to the fight against terrorism are applied in practice. In this connection, the protection of witnesses and collaborators of justice, and other persons participating in proceedings involving persons accused of terrorist crimes, is currently at the forefront of its legal action against terrorism.

This is due to the growing recognition of the special role of witnesses in criminal proceedings. Their evidence is often crucial to securing the conviction of offenders, especially in respect of serious crime. However, in some areas of criminality, such as organised crime and terrorism, there is an increasing risk that witnesses will be subjected to intimidation. This is particularly true for those who are closely connected to terrorist groups and who are often even more vulnerable than others to the use of intimidation against them or against people close to them.

It is against this backdrop that the Council of Europe undertook to study the means of strengthening the protection of witnesses and collaborators of justice in relation to acts of terrorism, including those at international level, with a view to preparing an appropriate legal instrument, bearing in mind the links with related criminal activities. This work resulted in the adoption in 2005 of Recommendation Rec(2005)9 of the Committee of Ministers to member states on the protection of witnesses and collaborators of justice.

In this Recommendation, governments of the 46 Council of Europe member states are encouraged, when formulating their internal legislation and reviewing their criminal policy and practice, to be guided by the principles and measures it contains. Emphasis is placed on international co-operation, which is all-important, not only because a number of terrorist organisations have branches all over the world, but also because international co-operation can help increase the level of protection of those persons whose

protection would prove difficult on a merely national basis, given the conditions in the country where they are located.

This publication contains a survey of national laws and practice in 27 Council of Europe member states and two observer states together with an analytical report which examines the protection of witnesses and collaborators of justice, its regulations and use, and international co-operation in this field. It constitutes a further Council of Europe contribution to the international community's efforts to combat terrorism.

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