

HELP Cross-border launch of the course on Gathering and Use of Evidence in Counter Terrorism Cases

Strasbourg, 23-24 September 2019

Concept paper

Date	23-24 September 2019
Location	Strasbourg, France
Language	English
Participation	Judges and Prosecutors from EU Member States (participation is taken in charge by the project)
Registration	As indicated in the call circulated by your national training institution.

Background

The **Council of Europe (CoE) Programme for Human Rights Education for Legal Professionals (HELP)**¹ is aimed at supporting the CoE member States in implementing the European human rights standards at the national level, focusing on the European Convention on Human Rights (ECHR), other key CoE instruments, and since 2015, EU law. This is done by raising the capacities of legal professionals to apply those instruments in their daily work.

The objective of HELP is to provide high quality education on human rights to judges, lawyers and prosecutors throughout Europe. Law enforcement authorities such as police and prison staff are also targeted by HELP. Thanks to HELP courses, legal professionals can better protect human rights on a national level and keep up to date with the ever-evolving standards and case law of the European Court of Human Rights (ECtHR). HELP courses specifically designed for EU countries increasingly incorporate relevant EU laws.

HELP is:

1. the only pan-European Network of national training institutions for judges, prosecutors and lawyers in the 47 CoE Member States.
2. an e-learning platform with free on-line courses on human rights.
3. a human rights training methodology for legal professionals.

The HELP in the EU Project

The joint EU-CoE project 'European Programme for **Human Rights Education for Legal Professionals in the European Union**' (**HELP in the EU**²) supports legal professionals from EU Member States in acquiring the knowledge and skills on how to effectively and coherently apply European fundamental rights standards at the national level, mainly referring to the EU Charter on Fundamental Rights (the Charter), the European Convention on Human Rights (ECHR), the (revised) European Social Charter (ESC) and relevant EU and Council of Europe Law. Furthermore, they will become familiar with the relevant European jurisprudence. It

¹ For more information on HELP please visit HELP's website: www.coe.int/help

² For more information about the EU-CoE HELP in the EU project, please go to <https://www.coe.int/en/web/help/help-in-the-eu>

EU-CoE HELP in the EU Project

also reinforces the HELP Network of National Institutions (NTI's) and Bar Associations (BA's) in the EU; and through the use of cross-border trainings – which bring together legal professionals from a number of EU Member States - increases mutual trust and exchanges between EU practitioners.

The HELP course on Gathering and Use of Evidence in Counter Terrorism Cases

Recent years have seen the highest number of terrorism related deaths in Europe in more than two decades. An estimated 5000 EU nationals have joined terrorist organisations in countries experiencing conflict such as Syria and Iraq. The majority of the terrorist suspects implicated in the recent terrorist atrocities in the EU were European citizens, born and raised in our societies. However, as the Council of Europe points out, the operations conducted by a number of states in the context of the so-called "war on terrorism" in recent years have shown that a wide range of human rights are affected by counter terrorism measures. Forfeiting human rights in the fight against terrorism is a grave mistake and an ineffective measure that may help the cause of the terrorists.



It is a fundamental requirement of international human rights law that a fair trial depends on a fair and impartial investigation conducted in full compliance with legal and human rights standards. This becomes crucial in the collection and use of evidence in terrorism cases. Convictions are rendered unsafe due to several reasons, among which:

- The use of torture to procure confessions (see *Al Nashiri v. Poland* and *El Haski v. Belgium*)
- Breaches of the respect for private and family life during surveillance (see *Szabó and Vissy v. Hungary*) and interception of communication (see *Klass and Others v. Germany*)
- The use of secret evidence (see *In Nedim Şener v. Turkey* and *Şık v. Turkey*)
- Racial profiling: a study by the Institute of Race Relations found that hundreds of Muslims have been arrested under terrorism powers before being released without charge.

The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism 2005 (also known as CETS 198 or the Warsaw Convention) aims to facilitate international co-operation and mutual assistance in investigating crime and seizing the proceeds thereof. However it also sets out the rights of the requested party to restrict the use of the information they provide and to keep information confidential. The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism 2015 (or the Riga Protocol) aims to further strengthen the efforts to prevent and suppress terrorism in all its forms, while respecting human rights and the rule of law. Similarly, the EU Counter-terrorism strategy 2005 commits to combatting terrorism globally, while respecting human rights and allowing its citizens to live in an area of freedom, security and justice.

It is crucial that the judiciary is informed about these complexities so they can effectively maintain the balance between security and human rights.

The development of the course considers the involvement and work of relevant CoE departments, especially the Council of Europe Counter-Terrorism Committee ([CDCT](#)), particularly the *CODEXTER database on ECtHR case law relevant for counter-terrorism*. The present course has synergies with the course on Radicalisation Prevention, developed under the Eu-CoE HELP Radicalisation prevention project.

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The course is based on the CoE and EU framework, namely Articles 3, 5, 6, 8, 10 and 14 of the ECHR and CETS 198 2005, Article 4, 6, 7, 8 11, 21 and 47 of the EU Charter and EU Counter-Terrorism strategy.

The course was finalised in **January 2019**.

Course outline

- ✓ Traditional investigation techniques
- ✓ Special investigation techniques
- ✓ Judges and prosecutors' role
- ✓ Due process/fair trial guarantees/procedural safeguards in evidence gathering
- ✓ Transnational dimension



The cross-border launch

The event is organised under the **EU-CoE HELP in EU Project**, funded by the European Union and implemented by the Council of Europe through its HELP Programme. Its main goal is to gather up to 60 participants (judges and prosecutors) from EU countries in the HELP tutored course on Gathering and Use of Evidence in Counter Terrorism Cases in an event combining presentations and exchanges on content with an introduction to the HELP platform and the course pages on which the group will follow the course with the assistance of a tutor.

The cross-border launch will be held on **23-24 September 2019 in Strasbourg, France**. The event will have joint sessions with the third seminar on radicalisation prevention, organised under the EU-CoE Radicalisation Prevention Project.

The working language will be English.

The Course

During the launch, the participants will be registered on the course page, prepared in advance by their tutor. Over the following 2 months and based on the planning set by the tutor, the participants will go through the online course, complemented by the materials prepared by the tutor. The participants who have successfully completed the course and passed the evaluation set by the tutors will receive certificates issued by the HELP Programme of the Council of Europe.

Participation

Participation is open to judges and prosecutors from EU Member States. Interested participants should:

- be available to **attend the launch event on 23-24 September 2019 in Strasbourg** (the participation is taken in charge by the project: travel will be organised by the Council of Europe and accommodation should be organised and paid for by the participants themselves; they will be reimbursed after the event through transfer of per diems of 175 EUR/day, from which the amount allocated for lunch during the first day of seminar – 20% of one per diem- will be deducted)
- undertake to **follow and complete the online tutored course** in the following 2 months (approx. 1-2 hours of work per week)
- have knowledge of **English (B2 level)**

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Preference will be given to participants not having taken part on other launch event organised under the EU-CoE HELP in the EU project.

Preparation

Before the Cross-border launch, participants should:

- ✓ Watch the (5 minute) video on the HELP methodology: <https://www.coe.int/en/web/help/home>
- ✓ Create an account on the [HELP e-learning platform](#), following the instructions available in the attached document 'HELP in 3 steps'

Further information

For additional information, please do not hesitate to contact Ana-Maria Telbis (ana-maria.telbis@coe.int) or Konstantinos Vratsidas (Konstantinos.VRATSIDAS@coe.int) at the HELP Secretariat.

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Agenda*

Monday, 23 September – Room G2 Agora

9.00-9.30	Arrival and registration of participants
9.30-10.00	Welcome address <i>CoE DG I Representative & European Commission Representative</i>
10.00-10.30	The EU/CoE HELP project ‘Radicalisation Prevention’ – Project results <i>Eva Massa, Radicalisation Prevention Project Coordinator, HELP Unit, Council of Europe</i>
10.30-11.00	Coffee break
11.00-12.00	Round table with Tutors of the HELP course on Radicalisation Prevention
12.00-13.00	Presentation- Case-law of the ECtHR related to terrorism <i>Lawyer from the European Court of Human Rights</i>
13.00-14.00	Lunch break
14.00 –14.30	Presentation by CoE Criminal Law Cooperation Unit (CLCU) – Standard setting TBC
14.30-15.00	Presentation by CoE Criminal Law Cooperation Unit (CLCU) – Cooperation TBC
15.00-15.30	Presentation of the HELP Module on ‘Foreign national prisoners’ (EuroPris) <i>Nick Hammond & Isabelle Storme (EuroPris)</i>
15.30-16.00	Coffee break
16.00-17.00	Presentation – Counter-narratives <i>Guest speaker (tbc)</i>

Tuesday, 24 September – Room G2 Agora

9.30 – 10.15	Presentation of the HELP Programme, the EU/CoE ‘HELP in the EU’ project & HELP platform walkthrough <i>Ana-Maria Telbis, EU-CoE HELP in the EU project Coordinator, HELP Programme, Council of Europe</i>
10.15-10.45	Presentation of the HELP Course ‘Gathering and Use of Evidence in Counter-Terrorism cases’
10.45-11.15	Coffee break
11.15-11.45	Presentation by the CoE CLCU
11.45-12.30	Special Investigation Techniques; Case-law of the ECtHR
12.30-13.45	Session with the course Tutors

*Please note that the topics in the agenda may be subject to change.