



**COUNCIL OF
THE EUROPEAN UNION**



EU-U.S. and Member States 2010 Declaration on Counterterrorism

*3018th JUSTICE and HOME AFFAIRS Council meeting
Luxembourg, 3 June 2010*

Forging a durable framework to combat terrorism within the rule of law

The European Union, its Member States and the United States of America,
Recalling and reaffirming their commitments to counterterrorism cooperation contained in the 2004 EU-U.S. Declaration on combating terrorism, as well as in the 2009 EU-U.S. Washington Declaration and the January 2010 Toledo Joint Statement;

Noting that the enduring EU-U.S. partnership is and will continue to be built upon shared values and the corresponding actions which give them substance and meaning; and

Recommitting to the proposition that respect for the rule of law and international law, including human rights law, international humanitarian law, and refugee law, are fundamental in the national and international efforts in the fight against terrorism and are at the basis of our shared action, in contrast to the acts of terrorists which undermine the enjoyment of human rights and fundamental freedoms.

Have come together to declare their resolve to cooperate in combating terrorism within the following framework:

Section 1. Our efforts against terrorism are to be in accord with our fundamental values and with full respect for the sovereignty of nations and the rule of law. In this respect, we:

- Acknowledge that terrorism is one of the most serious threats to international peace and security.

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- Reaffirm the need to underline, in international fora and instruments, that acts of terrorism are criminal and are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, religious, ethnic or other nature.
- Underline that the application of rule of law includes the prosecution and conviction of the perpetrators of terrorism as well as support to the victims of terrorism.
- Reaffirm that any measures undertaken by States to prevent and combat terrorism, including international cooperation, must comply with the State's obligations under international law, in particular human rights law, international humanitarian law and refugee law.
- Reaffirm our commitment to implementing prohibitions on torture, as well as on cruel, inhuman and degrading treatment or punishment.
- Emphasize the need to ensure that States do not resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic, and/or religious grounds in the fight against terrorism.
- Promote environments where robust freedoms of religion and expression are enjoyed.
- Emphasize the importance of continued efforts to ensure that all terrorist suspects' trials occur within a legal framework that provides for meaningful due process rights and ensures that the proceedings are fair, public to the maximum extent possible, and effective.
- Underscore that, to avoid impunity in the fight against terrorism, the State whose personnel are alleged to have committed abuses relating to efforts to combat terrorism generally has responsibility in the first instance for the investigation and consideration of criminal prosecution of such conduct.
- Commit to continue working together in semi-annual meetings involving the Legal Advisers to the Foreign Ministries of the European Union Member States (COJUR), representatives of the General Secretariat of the Council of the European Union and the European Commission, and the U.S. Department of State Legal Adviser in the dialogue on international legal issues relevant to combating terrorism.

Section 2. Our efforts to combat terrorism, both jointly and with the broader international community, need to bring to bear a comprehensive range of action-oriented assets, including law enforcement, judicial cooperation, intelligence, diplomatic, financial, and security. To this end, we:

- Commit to foster appropriate information sharing and cooperation in the prevention, investigation, and prosecution of terrorism related offences, including fully utilizing the new tools provided by EU-U.S. Mutual Legal Assistance and Extradition Agreements.
- Reaffirm that the EU and the U.S. share a deeply rooted fundamental value in the protection of personal data and privacy, and that our information sharing and cooperation in preventing, investigating, and prosecuting terrorism takes place with full respect for our obligations under applicable international and domestic constitutional law.

- Encourage the development of comprehensive and efficient border security processes, and more efficient controls on issuance of identity and travel documents, to prevent the movement of terrorists or terrorists groups across national borders.
- Continue efforts to prevent access by terrorists to financial and other economic resources.
- Enhance efforts to access and share terrorist financing information, so as to better track, investigate, disrupt, and prosecute terrorist activity, while ensuring protection of personal and private data.
- Encourage the global ratification and effective implementation of all relevant international conventions and protocols on counterterrorism, including ratification by the US and EU Member States of the recent conventions and protocols from 2005.
- Support enhancing international counterterrorism legal instruments where there are identified legal challenges.
- Reaffirm our commitment to implement the United Nations Global Counter-Terrorism Strategy adopted in September 2006, as a unique instrument to enhance national, regional and international efforts to counter terrorism through a comprehensive approach, and to support the work of the Counter-Terrorism Implementation Task Force to ensure overall coordination and coherence in the counterterrorism efforts of the United Nations system.
- Emphasize the importance of closer EU-U.S. coordination on capacity building, technical assistance, and a close working relationship with UN bodies and regional organizations so that all UN Member States can fully implement counterterrorism obligations.
- Reaffirm that the consolidated list, established and maintained by the UN Security Council's 1267 Committee, remains a vital and effective multilateral tool to respond to the threat posed by al-Qa'ida and the Taliban, and consider ways to promote further use of this tool while improving the process for listing and delisting so it is as fair and transparent as possible and keeping in mind that robust identifying information is essential for the effective implementation of the asset freeze.
- Commit to fully implement the improved transparency and procedures foreseen by UNSCR 1904, inter alia, the functions of the Ombudsperson, to further strengthen the effectiveness, and fairness of the sanctions regime.
- Reaffirm our joint commitment to ensure the effectiveness of our asset freezing and transaction block efforts by taking concrete steps to implement all relevant provisions of the UN Security Council Resolution 1373.
- Maintain efforts within the existing legal framework to designate terrorists and terrorists groups and share information relating to the designation of such groups when possible so as to facilitate coordinated and comprehensive measures against such groups and deny them safe haven, freedom of travel, and access to financial resources in accordance with international law.
- Enhance efforts to counter the risks of chemical, biological, radiological and nuclear (CBRN) material being obtained or used by terrorists, including by building a stronger global non-proliferation regime, securing all nuclear material.

- Seek to build a more permanent joint mechanism for EU-U.S. cooperation on explosives and critical infrastructure protection.
- Strengthen the resolve of governments and private actors to not make concessions to terrorists.

Section 3. An effective and comprehensive approach to diminish the long term threat of violent extremism is a vital component of our efforts to combat terrorism. In this respect we:

- Acknowledge that a fundamental principle in our approach to counter terrorism is to protect and uphold democracy and human rights. Respect for human rights is fundamental to stability. We will build upon efforts to incorporate rule of law and human rights components into capacity building programs.
- Acknowledge the importance of countering the threat of home-grown violent extremism and of the sharing of lessons learned and best practices.
- Commit to deny safe havens to terrorists and terrorists groups which they can use to radicalize, indoctrinate and train individuals who use, support, or facilitate violence.
- Acknowledge the important role of civil society to help isolate terrorism and strip it of the false façade of legitimacy, and the importance of addressing legitimate concerns and grievances regarding civil rights and civil liberties from minorities and individuals in order to build their opposition to violent extremists.
- Acknowledge the need to adopt measures to address the conditions conducive to violent radicalization and recruitment into terrorism, including the absence of the rule of law.
- Promote, under the auspices of the UN, international efforts to enhance dialogue and broaden understanding among civilizations.
