

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2010 Nr. 244

A. TITEL

*Verdrag van de Raad van Europa ter voorkoming van terrorisme;
(met Bijlage)
Warschau, 16 mei 2005*

B. TEKST

De Engelse en de Franse tekst van het de Verdrag zijn geplaatst in *Trb.* 2006, 34.

C. VERTALING

Zie *Trb.* 2006, 34.

D. PARLEMENT

Artikel 1 van de Rijkswet van 4 maart 2010 (*Stb.* 2010, 120) luidt als volgt:

„Artikel 1

Het op 16 mei 2005 te Warschau totstandgekomen Verdrag van de Raad van Europa ter voorkoming van terrorisme, waarvan de Engelse en de Franse tekst alsmede de Nederlandse vertaling zijn geplaatst in *Tractatenblad* 2006, 34, wordt goedgekeurd voor het gehele Koninkrijk.”.

Deze Rijkswet is gecontrasigneerd door de Minister van Justitie E. M. H. HIRSCH BALLIN en de Minister van Buitenlandse Zaken M. J. M. VERHAGEN.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2007/2008, 31422 (R1853); Hand. II 2008/2009, blz. 1933; Kamerstukken I 2008/2009, 2009/2010, 31422 (R1853); Hand. I 2009-2010, blz. 771-778, 785-798, 822-825, en 840.

E. PARTIJGEGEVENS

Zie *Trb.* 2006, 34.

Partij	Onder- tekening	Ratificatie	Type *	In werking	Opzeg- ging	Buiten werking
Albanië	22-12-05	06-02-07	R	01-06-07		
Andorra	17-11-05	06-05-08	R	01-09-08		
Armenië	17-11-05					
Azerbeidzjan	16-05-05					
België	19-01-06					
Bosnië en Herzegovina	19-01-06	11-01-08	R	01-05-08		
Bulgarije	17-11-05	31-07-06	R	01-06-07		
Cyprus	16-05-05	23-01-09	R	01-05-09		
Denemarken	16-05-05	24-04-07	R	01-08-07		
Duitsland	24-10-06					
Estland	07-09-05	15-05-09	R	01-09-09		
Finland	16-05-05	17-01-08	R	01-05-08		
Frankrijk	22-05-06	29-04-08	R	01-08-08		
Georgië	14-12-05					
Griekenland	17-11-05					
Hongarije	10-10-07					
Ierland	03-10-08					
IJsland	16-05-05					
Italië	08-06-05					
Kroatië	16-05-05	21-01-08	R	01-05-08		
Letland	19-05-06	02-02-09	R	01-06-09		

Partij	Onder- tekening	Ratificatie	Type ^a	In werking	Opzeg- ging	Buiten werking
Litouwen	10-10-07					
Luxemburg	16-05-05					
Macedonië, Voormalige Joegoslavische Republiek	21-11-06	23-03-10	R	01-07-10		
Malta	16-05-05					
Moldavië	16-05-05	13-05-08	R	01-09-08		
Montenegro	16-05-05	12-09-08	R	01-01-09		
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	17-11-05	22-07-10	R	01-11-10		
Noorwegen	09-04-08	01-02-10	R	01-06-10		
Oekraïne	16-05-05	21-12-06	R	01-06-07		
Oostenrijk	16-05-05	15-12-09	R	01-04-10		
Polen	16-05-05	03-04-08	R	01-08-08		
Portugal	16-05-05					
Roemenië	16-05-05	21-02-07	R	01-06-07		
Russische Federatie	17-11-05	19-05-06	R	01-06-07		
San Marino	14-11-06					
Servië	16-05-05	14-04-09	R	01-08-09		
Slovenië	19-05-06	18-12-09	R	01-04-10		
Slowakije	19-05-06	29-01-07	R	01-06-07		
Spanje	16-05-05	27-02-09	R	01-06-09		
Turkije	19-01-06					
Verenigd Koninkrijk, het	16-05-05					
Zweden	16-05-05					

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, =Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Verklaringen, voorbehouden en bezwaren

Andorra, 6 mei 2008

Andorra considers that, as long as it is not a Party to the International Convention for the Suppression of the Financing of Terrorism, adopted in New York on 9 December 1999, this Convention will not be included in the Appendix to the Council of Europe Convention on the Prevention of Terrorism.

Andorra, 11 februari 2009

On 22 October 2008, the Principality of Andorra ratified the International Convention for the Suppression of the Financing of Terrorism which entered into force 21 November 2008. Consequently, the declaration made by Andorra on 6 May 2008, when ratifying the Convention on the Prevention of Terrorism, is no longer valid.

Azerbeidzjan, 16 mei 2005

The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of the Convention in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation.

Denemarken, 24 april 2007

In accordance with article 20 (2) of the Convention, the Government of the Kingdom of Denmark declares that it reserves the right to not apply article 20 (1) as far as extradition in respect of the offences referred to in Article 5, including article 5 in relation to article 9, is concerned.

The Government of the Kingdom of Denmark declares that the Convention will not apply to Greenland or to the Faroe Islands until further notice.

Denemarken, 27 mei 2010

Renewal of a reservation:

In accordance with Article 20, paragraph 2, of the Convention, the Government of the Kingdom of Denmark declares that it upholds wholly its reservation made at the time of ratification of the Convention for the period of three years set out in Article 20, paragraph 5, of the Convention. The Council of Europe Convention on the Prevention of Terrorism was implemented into Danish law by Act No. 542 of 8 June 2006 to amend

the Criminal Code, the Administration of Justice Act and various other acts (strengthening efforts to combat terrorism, etc.).

In respect of reservations under Article 20 of the Convention, it appears from paragraph 9.4 of the general notes to the Bill that the Ministry of Justice found it most appropriate to make use of the right to make a reservation as regards the actions referred to in Article 5 and Article 9 read with Article 5 of the Convention on public provocation to commit a terrorist offence. The reason for this is that the subject matter of this offence is the perpetrator's expressions and that the assessment of them is related to the scope of the freedom of expression. In this connection, it is not deemed appropriate to preclude the Danish authorities in advance from regarding a violation of Article 5 or Article 9 read with Article 5 of the Convention as a political offence in specific situations. Based on this, the Government of the Kingdom of Denmark introduced the current section 5(4) of the Extradition Act, according to which extradition for an act covered by Article 5 or Article 9 read with Article 5 of the Council of Europe Convention on the Prevention of Terrorism may be refused in special situations, if the assessment is that the offence concerned was political. This provision means that the Danish authorities will not be precluded, based on a specific assessment, from regarding a violation of Article 5 or Article 9 read with Article 5 of the Convention as a political offence, as well as, in such situations, the Danish authorities will not be precluded from refusing extradition for this reason alone.

On this background, and in accordance with Article 20 (5) and (6), the Government of the Kingdom of Denmark notified the Secretary General of the Council of Europe that it is upholding its reservation made in accordance with Article 20 (2).

Hongarije, 10 oktober 2007

In the context of public provocation to commit a terrorist offence under Article 5, paragraph 1, of the Convention, the Republic of Hungary interprets "danger" as "clear and present danger".

Moldavië, 13 mei 2008

In accordance with Article 14, paragraph 2, of the Convention, the Republic of Moldova declares that the offences specified in Articles 5-7 and 9 of the Convention are going to be under its own jurisdiction in cases mentioned in Article 14, paragraph 2, of the Convention.

In accordance with Article 25 of the Convention, the Republic of Moldova declares that, until the full re-establishment of its territorial integrity, the provisions of the Convention will be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

Nederlanden, het Koninkrijk der, 22 juli 2010

With due regard to Article 20, paragraph 2, of the Convention, the Kingdom of the Netherlands reserves the right to refuse to extradite an

alleged offender for any of the offences referred to in Articles 5 to 7 and 9 of the Convention that are regarded as political offences or as offences connected with a political offence, where such offences do not relate to the offences described in the Conventions referred to under points 9 and 10 of the Appendix to the Convention.

Noorwegen, 1 februari 2010

In accordance with Article 1, paragraph 2, of the Convention, the Kingdom of Norway declares that, in the application of this Convention to Norway, the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted in New York on 13 April 2005, shall be deemed not to be included in the Appendix.

Oekraïne, 21 december 2006

In accordance with Article 18, paragraph 2, of the Convention, Ukraine declares that it shall not extradite citizens of Ukraine to another State. For the purpose of this Convention any person shall be considered as a citizen of Ukraine who in accordance with the Ukrainian laws is a citizen of Ukraine at the moment of decision making about his/her extradition.

In accordance with Article 19, paragraph 2, of the Convention, Ukraine declares that in case of receiving of a request about extradition of a transgressor from a Party to this Convention with which the extradition treaty is not available, it shall consider this Convention as a legal basis for extradition of the offenders concerning the offences set forth in Articles 5-7 and 9 of this Convention.

In accordance with Article 22, paragraph 4, of the Convention, Ukraine reserves the right not to be bound by the conditions established in accordance with paragraph 2 of this Article by the Party which gives the information, unless it shall receive in advance the notification about the nature of the information given and give its consent to the transfer of the information.

Russische Federatie, 19 mei 2006

The Russian Federation declares that it shall have jurisdiction over the offences established in accordance with Articles 5 to 7 and 9 of the Convention in the cases envisaged in Article 14, paragraphs 1 and 2, of the Convention.

The Russian Federation assumes that the provisions of Article 21 of the Convention shall be applied in such a way as to ensure inevitable liability for the commission of offences falling within the purview of the Convention, without prejudice to the effectiveness of international co-operation in extradition and legal assistance matters.

Spanje, 27 februari 2009

If the Council of Europe Convention on the Prevention of Terrorism were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.
2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.
3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.

Turkije, 19 januari 2006

The Republic of Turkey declares that Article 19 of the Convention should not be interpreted in such a way that offenders of these crimes referred to in the Convention are neither tried nor prosecuted.

The Republic of Turkey declares its understanding that the term “international humanitarian law” in Article 26 of the Convention refers to international legal instruments to which Turkey is already Party to.

The Republic of Turkey declares that the application of the first part of paragraph 5 of Article 26 of the Convention does not necessarily indicate the existence of an armed conflict and the term “armed conflict” describes a situation different from the commitment of acts, whether organised or not, that constitute the crime of terrorism within the scope of criminal law, and the first part of paragraph 5 of Article 26 should not be interpreted as giving a different status to the armed forces and groups other than the armed forces of a State as currently understood and applied in international law and thereby as creating new obligations for Turkey.

The Republic of Turkey further declares that the application or interpretation of paragraph 4 of Article 26 should be in accordance with obligations of States under international refugee law which include, inter alia, the responsibility to ensure that the institution of asylum is not abused by persons who are responsible for terrorist offences stated in this Convention.

The Republic of Turkey declares its understanding that the term “settlement of the dispute” referred to in Article 29 of the Convention shall be interpreted in such a way that the procedure for the settlement of the dispute should only be agreed upon by the parties to the dispute.

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 23, derde lid, op 1 juni 2007 in werking getreden.

Het Verdrag zal ingevolge artikel 23, vierde lid voor het *Koninkrijk der Nederlanden* op 1 november 2010 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag alleen voor Nederland gelden.

J. VERWIJZINGEN

Zie *Trb.* 2006, 34.

Verbanden

Dit Verdrag vormt een aanvulling op:

Titel : Europees Verdrag betreffende uitlevering;
Parijs, 13 december 1957
Laatste *Trb.* : *Trb.* 2006, 168

Titel : Europees Verdrag tot bestrijding van terrorisme;
Straatsburg, 27 januari 1977
Laatste *Trb.* : *Trb.* 2006, 88

Titel : Tweede aanvullend Protocol bij het Europees Verdrag
inzake wederzijdse rechtshulp in strafzaken;
Straatsburg, 8 november 2001
Tekst : *Trb.* 2008, 157

In de Bijlage bij het Verdrag zijn de volgende verdragen opgenomen:

Titel : Verdrag inzake de fysieke beveiliging van
kernmateriaal;
Wenen / New York, 3 maart 1980
Laatste *Trb.* : *Trb.* 2006, 81

Titel : Protocol tot bestrijding van wederrechtelijke daden van
geweld op luchthavens voor internationale burgerlucht-
vaart bij het Verdrag tot bestrijding van wederrechte-
lijke gedragingen tegen de veiligheid van de burger-
luchtvaart, gedaan te Montreal op 23 september 1971;
Montreal, 24 februari 1988
Laatste *Trb.* : *Trb.* 2006, 62

- Titel : Verdrag tot bestrijding van wederrechtelijke gedragingen gericht tegen de veiligheid van de zeevaart;
Rome, 10 maart 1988
- Laatste *Trb.* : *Trb.* 2006, 223
- Titel : Protocol tot bestrijding van wederrechtelijke gedragingen gericht tegen de veiligheid van vaste platforms op het continentale plat;
Rome, 10 maart 1988
- Laatste *Trb.* : *Trb.* 2006, 224
- Titel : Verdrag ter voorkoming van terroristische bomaanslagen;
New York, 15 december 1997
- Laatste *Trb.* : *Trb.* 2010, 158
- Titel : Internationaal Verdrag ter bestrijding van de financiering van terrorisme;
New York, 9 december 1999
- Laatste *Trb.* : *Trb.* 2010, 151

Overige verwijzingen

- Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949
- Laatste *Trb.* : *Trb.* 2007, 146
- Titel : Verdrag betreffende de werking van de Europese Unie¹⁾
Rome, 25 maart 1957
- Laatste *Trb.* : *Trb.* 2010, 40
- Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992
- Laatste *Trb.* : *Trb.* 2010, 41

¹⁾ De titel van het Verdrag luidde vóór 1 december 2009: Verdrag tot oprichting van de Europese Gemeenschap.

Titel : Verdrag tot bescherming van de rechten van de mens
en de fundamentele vrijheden;
Rome, 4 november 1950
Laatste *Trb.* : *Trb.* 2010, 204

Uitgegeven de *zevenentwintigste* september 2010.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN