



Bonn, Villa Hammerschmidt  
26.–27.09.2008

Meeting of the Interior Ministers of Germany, France, Italy, Poland, Spain, the United Kingdom and the Secretary of Homeland Security of the United States of America  
26. / 27. September 2008  
Villa Hammerschmidt / Bonn

### **Conclusions**

1. The interior ministers of France, Germany, Italy, Poland, Spain, the United Kingdom and the secretary of homeland security of the United States met in Bonn on 26–27 September 2008 to further deepen the transatlantic dialogue on counter-terrorism. Following on the meetings in Venice on 11–12 May 2007 and in Schielowsee near Potsdam on 30 November and 1 December 2007, the ministers reflected on developments in the field of international terrorism and increased their exchange on the development of effective counter-measures.
2. In view of global networks and the cross-border nature of international terrorism, the interior ministers reaffirmed their aim of working together to develop counter-terrorism strategies in an international framework. To this end, the interior ministers intend to continue and increase their productive cooperation and information-sharing in this area.
3. The interior ministers agree that the relevant areas of law require ongoing examination in order to respond adequately to the threat of international terrorism and effectively protect their citizens.

#### **I.**

4. The interior ministers believe that, over the long term, one effective method for preventing terrorism is to address the causes and roots of the conditions that

produce support and followers for terrorism. They realize that international terrorism is a multi-faceted phenomenon.

5. The interior ministers identified processes of radicalization and recruitment as a key factor in the rise of terrorism. Building on strategies developed at the UN and EU level, they therefore intend to increase efforts to isolate terrorists and remove potential recruits from their influence.
6. The interior ministers are aware that some of these processes are carried out in third countries. For this reason, in the field of anti-radicalization measures abroad, they wish to use their experience for mutual benefit and coordinate their regional activities, cooperating with the key third countries.
7. Processes of radicalization are at work not only abroad, but also within our countries. For this reason, the interior ministers seek to share experience also regarding anti-radicalization measures at home.

## **II.**

8. Fighting the causes of terrorism requires a strategy designed for the long term. The interior ministers therefore agree that this long-term strategy must be accompanied by counter-terrorism measures which immediately lead to greater security.
9. The interior ministers emphasize that all state responses to the threat of terrorism must fully respect the international legal framework on the protection of human rights and the rule of law.

## **III.**

10. According to all relevant systems of national law, terrorist acts are punishable offences. Criminal law constitutes one of the central instruments of terrorism prevention. The interior ministers are aware, however, that criminal law may have limitations as a tool of terrorism prevention. These include limitations resulting from its primarily punitive nature and the practical and legal difficulties of securing evidence that is usable in a criminal trial.
11. The interior ministers note the necessity of closing gaps in the prosecution of terrorist acts as for example by expanding criminal laws against terrorism to include preparatory acts whether conducted domestically or abroad.

## **IV.**

12. The interior ministers are of the view that a large number of administrative measures can be applied and further developed as needed, allowing the authorities to respond flexibly to the relevant threat situation. The exchange of experience in this area should continue.
13. Given the terrorists' use of modern information technology, countries must take effective counter-measures especially in this area, and make them productive also for intergovernmental cooperation. The interior ministers note that almost all partner countries have or intend to have in the near future national laws allowing access to computer hard drives and other data storage devices located on their territory. However, the legal framework with respect to transnational searches of such devices is not well-developed. The interior ministers will therefore continue to seek ways to reduce difficulties and speed up the process in future.

#### V.

14. In addition to measures under criminal law, expulsion and deportation are relevant tools for fighting terrorism. However, they sometimes cannot be carried out because it is not possible to guarantee that the expellee/deportee will receive fair treatment in the country of destination. The interior ministers believe that under certain circumstances, these difficulties could be overcome using inter alia the instrument of diplomatic assurances. The interior ministers stress that the use of diplomatic assurances must take place in full compliance with the international legal framework on the protection of human rights.
15. The interior ministers stress the importance of noting that the countries of destination are themselves responsible for upholding human rights on their own territory. The ministers therefore call on all countries to respect obligations under international law, in particular the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to protect human rights.
16. If in appropriate cases diplomatic assurances are used, monitoring compliance with diplomatic assurances following deportation and increasing the awareness of the responsible agencies may help improve the human rights situation in the countries of destination. The interior ministers believe that improving means to assess and monitor the human rights situation in the countries of destination can help make deportation safer and more efficient. In this context, the interior ministers seek greater sharing of experience on diplomatic assurances.

#### VI.

17. The interior ministers believe that, as part of a comprehensive counter-terrorism effort, international law may be, in cooperation with all relevant persons responsible in this field, explored further as an instrument for preventing terrorism. In doing so, they draw on the assessment expressed in the UN Security Council resolutions passed in the wake of the attacks of 11 September 2001 and further reinforced by the subsequent state practice, according to which armed attacks by non-state actors may also trigger a state's inherent right to self-defence as recognized in Art. 51 of the UN Charter. In this regard the interior ministers also take into account the UN and EU initiatives already developed to prevent and fight terrorism, in order to explore any further possibility to cooperate and to improve our operational, legal and technical procedures and tools against terrorism as comprehensively as possible.
18. The interior ministers deem it important to explore the issue of self defence fighting against terrorist targets in order to determine to what extent further tools, procedures and international legal cooperation is required. The interior ministers recall in particular Resolution 1373 (2001) of the UN Security Council, which obligates member states to refrain from providing any form of support to entities or persons involved in terrorist acts and to deny safe haven to those who finance, plan, support, or commit terrorist acts.
19. The need for ongoing examination and possible amendment applies to all relevant areas of the law which provide counter-terrorism instruments. The interior ministers agree that applying international humanitarian law is not always clear due to this new – asymmetric – threat situation. The circumstances under which force may be used in self-defence against terrorist attacks and the specific authority over terrorists and terrorist suspects are appropriate for further discussion and development in order to be prepared for different circumstances and changeable situations. In this context, the interior ministers are engaged in the discussion of whether international law also requires new legal instruments allowing preventive measures against terrorist threats. The interior ministers therefore reaffirm their intention to continue the dialogue on this issue.