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Letter dated 18 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/456).

The Counter-Terrorism Committee has received the attached supplementary report from France, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: French]

Letter dated 10 July 2002 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Enclosed please find the supplementary report submitted by France to the Committee pursuant to Security Council resolution 1373 (2001).

(*Signed*) Jean-David **Levitte**

Enclosure

Supplementary report submitted by France to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)*

Subparagraph 1 (a)

- **Are natural or legal persons other than banks (e.g. attorneys, notaries) required to report suspicious transactions that might be linked to terrorist activities to the public authorities? If so, what penalties apply to persons who omit to report either wilfully or by negligence?**

Act No. 90-614 of 12 July 1990, as amended, concerning participation of financial organizations in the fight against laundering of proceeds from drug trafficking, which is now part of the Monetary and Financial Code, set up a dual regime based on either a report concerning facts or a report concerning suspicions according to the circumstances.

Report concerning facts

Pursuant to article L561-1 of the Monetary and Financial Code, individuals who are not covered by the regime of reports concerning suspicions who, in the exercise of their profession, carry out, monitor or provide advice in respect of operations involving movements of capital, are required to report to the Public Prosecutor's Office operations of which they have knowledge involving monies that they *know* to be the proceeds of drug trafficking or the activities of criminal organizations.

A circular from the Ministry of Justice No. CRIM.90/-F.3 of 28 September 1990 states, in this connection, that this was aimed at the regulated professions such as bailiffs, real estate brokers, notaries, auditors, jewellers, antique dealers and attorneys.

Report concerning suspicions

Article L562-2 of the Monetary and Financial Code, which initially applied only to financial agencies and which requires the latter to report to TRACFIN, in writing or orally, monies on their books that might be the proceeds of drug trafficking or of organized crime and operations relating to such funds, has been amended and now applies also to certain non-financial professions. Thus the mechanism for the reporting of suspicions was broadened, in 1998, to include persons who carry out, monitor or provide advice in respect of operations relating to the acquisition, sale, transfer or rental of real estate and, in 2001, to legal representatives and heads of casinos and to persons who habitually engage in trade or organize the sale of precious stones, precious materials, antiques and works of art.

* The annexes are on file with the Secretariat and are available for consultation.

This broadening of the obligation to be vigilant in respect of the fight against money-laundering to non-financial professions will continue when Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001, amending Council Directive 91/308/CE preventing the use of the financial system for the purpose of money-laundering, becomes part of French law. Pursuant to this text the obligation to be vigilant is extended to include auditors, external accountants, tax advisers, notaries, lawyers and other members of independent legal professions. In accordance with the time frame set at the European level this directive will become part of French law by June 2003.

Pursuant to article L562-2 of the Monetary and Financial Code, the obligation to report suspicions relates inter alia to operations connected with organized crime. This includes terrorist activities.

Consequently, professionals outside the financial sphere who are covered by the regime of reports concerning suspicions, may perfectly well, if necessary, draw the attention of TRACFIN to suspicious transactions that might be connected with terrorist activities.

In fact, anti-terrorist action by TRACFIN proceeds essentially, in terms of reports of suspicious transactions, from its partnership with the banking network and public financial establishments. This is perfectly understandable given the nature of the majority of transactions believed to fuel terrorist networks: transfers, deposits and withdrawals of cash.

In the event of a blatant omission … or grave negligence, following the example of the modalities for the operation of the mechanism to combat money-laundering, TRACFIN — which has no power to sanction — alerts the monitoring authority or the federative body of the professional involved.

Concerning the penalty for failure to comply with one or other of the above-mentioned obligations to report suspicions, French law does not spell out any penalty. However, aside from the administrative and/or disciplinary liability inherent in that obligation, the penalties provided for the offence of money-laundering may, where appropriate, be incurred by the professional involved, if such failure to report, combined with one or more material acts of money-laundering, can be interpreted as complicity in the commission of the offence.

- **In what circumstances can obligations of professional confidentiality be invoked in the course of judicial investigations?**

Professional confidentiality is one of the basic guarantees accorded to citizens in the exercise of public liberties. It is therefore up to the legislature, under article 34 of the Constitution of 4 October 1958, to determine the legal regime applicable to it.

The legal sense of that notion is stated not in the form of a positive definition, but in the form of a charge. Article 226-13 of the Penal Code states that revelation of confidential information by the person to whom such information has been entrusted because of their status or profession, or because they were temporarily filling or assigned to a post, is punishable by one year in prison and a fine of 15,000 euros.

For certain professions, including that of attorney, this general definition is accompanied by provisions designed to make confidentiality a specific obligation, breach of which entails disciplinary action, and to limit its scope more clearly.

Thus article 66-5 of the Act of 31 December 1971 which amends the judicial and legal professions, as amended by the Act of 7 April 1997, states that in all matters, whether in the area of advice or defence, advice given by an attorney to his client or intended for the latter, correspondence exchanged between a client and his attorney, between the attorney and his colleagues, notes taken during meetings and any documentary evidence in general shall be covered by professional confidentiality.

Since the legislature is responsible for determining the rules for protecting individual liberties, it must also establish limits thereto. Accordingly, article 226-14 of the Penal Code provides inter alia that article 226-13 (mentioned above) does not apply in cases where the law calls for or authorizes revelation of the confidential information. Thus professional confidentiality is not an impediment to judicial proceedings when the law determines modalities for waiving confidentiality. The fact that confidentiality cannot be invoked against a judicial court applies to all professions even though the modalities may vary from one profession to another, particularly in the case of attorneys.

Persons who are called on because of their position or remit to intervene in the application of legislation and regulations concerning financial relations with other countries are bound by professional confidentiality and are liable to the penalties provided for under articles 226-13 and 226-14 of the Penal Code (imprisonment for one year and a fine of 15,000 euros).

However, if regular proceedings have been instituted based on a complaint from the Minister of Economic Affairs, Finance and Industry, these *same persons may not invoke professional confidentiality to the examining magistrate or court wishing to question them about acts which are the subject of the complaint or related acts*.

This provision, which is codified in article 456 of the Customs Code, also applies to financial operations carried out in France by or on behalf of natural and artificial persons referred to in the community regulations adopted pursuant to articles 60 and 301 of the treaty establishing the European Community or in international treaties and agreements that have been duly approved and ratified.

- **Please provide more detail on how the financial tracking system ensures that funds received by associations are not diverted from their stated purposes to terrorist activities.**

The principle of freedom of association remains the principal characteristic of the law governing them. Currently there are two grounds for shutting down an organization as stated in article 3 of the Act of 1901: incompatibility with public order or accepted standards of behaviour and infringement of the republican form of government.

The principle of freedom of association means that associations that have simply been declared are not subject to any specific administrative controls. This rule is limited in the case of associations having special characteristics such as associations that are subsidized or that are of service to the public.

However, Act No. 93-122 of 29 January 1993 (so-called Sapin Act) introduced a number of provisions designed to combat corruption, some of which relate to associations. They are now codified in articles L.612-1 et seq. of the Commerce Code and provide for a certain amount of transparency in the accounts of the largest associations.

The main points of this legislation, which applies to any non-commercial legal person in private law that engages in economic activity, are as follows:

- any association that receives an annual subsidy of more than 150,000 euros (amount set by decree) from the State, a public establishment or local authority shall appoint at least one auditor and prepare a balance sheet, an income statement and an annex each year (art. L.612-4 of the Commerce Code);
- any association engaged in economic activity that exceeds two of the following (50 employees, a turnover of more than 20 million francs duty free, balance sheet of more than 10 million francs) shall appoint an auditor and prepare a balance sheet, income statement and annex each year.

These provisions make it possible to monitor the use of funds of the largest associations.

In the context of the reports concerning suspicious transactions that it receives, TRACFIN sometimes hears of financial transactions carried out or destined for associations headed by foreign nationals or by French nationals with close ties to foreign circles.

When the unit looks into these reports it conducts an initial examination of the real use to which the funds concerned have been put and, if appropriate, it may conclude that funds have been diverted to terrorist groups.

In the event that the case is referred to the courts, any police investigation that follows will take over from the financial investigations already conducted.

- **As a member of the G-20, France has pledged to stop abuse of informal banking networks. How will this commitment be given effect in French legislation?**

Pursuant to article L511-5 of the Monetary and Financial Code, only artificial persons that have been approved as credit establishments may carry out banking operations (receipt of funds from the public, credit operations and provision to the clients or handling of payment means).

Failure to abide by the provisions of article L511-5 of the Monetary and Financial Code is punishable, under article L571-3 of that same Code, by three years' imprisonment and a fine of 375,000 euros.

Consequently, informal banking activities are already unlawful in France. Implementation of the FATF special recommendation concerning informal banking networks requires no additional legislation.

Subparagraph 1 (c)

- **According to the report (French original text), France can freeze funds of non-resident natural and legal persons. Can it freeze the funds of persons resident in France?**

Articles L151-1 and L151-2 of the Monetary and Financial Code require a report, prior authorization or monitoring of currency exchange operations, movements of capital and payments of any kind between France and another country. Consequently, these restrictive measures relate only to non-resident persons. However, this matter is currently under review. In addition, the assets and property of persons residing in France can be seized by means of judicial proceedings.

- **Please clarify whether France has an autonomous administrative power, in the absence of any directly applicable EC Regulation to freeze funds and other financial assets or economic resources, to freeze funds etc. belonging to alleged terrorists or alleged members of terrorist organizations.**

Under paragraph (c) (1) of the report submitted by France to the Counter-Terrorism Committee, the Government, pursuant to articles L-151.1 and L-151.2 of the Monetary and Financial Code, has the power to freeze assets by decree (prescribed administrative measure taken by the Government) issued on the basis of the report of the minister of economic affairs, finance and industry and prepared by the Treasury Department, without reference to any Community Regulation.

In addition, under article 9 of regulation EC 2580/2001 of 27 December 2001, each member State determines the penalties to be imposed in the event of a violation of the said regulation.

Under article 459 of the Customs Code, the penalties incurred, which are mentioned in article 459 of the Customs Code, are imprisonment for from one to five years, confiscation of the corpus delicti, confiscation of the vehicle used for perpetrating the fraud and a fine equal to or double the amount involved in the offence.

This penalty can be applied to both natural and artificial persons.

Subparagraph 2 (a)

- **Is there any provision in French law to prohibit the acquisition of firearms without a licence?**

French legislation applicable in respect of the acquisition and possession of firearms is based, not on the principle of the need for a permit, which in the absolute would confer upon the bearer the ability to purchase any type of weapon, but on the application of specific procedures, which vary according to the nature and purpose of the weapon in question, and determine which of the eight categories it is placed in at the national level (see table below).

Category	*Brief description*
1	Firearms and ammunition designed or intended for land, naval or air warfare
2	Equipment intended for the transport or use of firearms in combat (tanks, armoured vehicles, warships, air weaponry)
3	Equipment to protect against gas and products intended for use in chemical or incendiary warfare, complete isolation or filtration suits and their individual elements (masks)
4	Defensive firearms and ammunition the acquisition and possession of which is subject to authorization (handguns and their ammunition)
5	Hunting weapons and ammunition
6	Steel weapons used in hand-to-hand combat (anything that could endanger public security — bayonets, sabres, daggers … or used to dispense aerosol incapacitants or tear gas)
7	Shotguns, air rifles and airguns and ammunition
8	Antique black powder firearms and reproductions thereof

French legislation forbids anyone from acquiring certain firearms — those in categories 1 and 4 — without prior authorization (this amounts to a “permit”). This classification corresponds to weapons in the “B” category according to Directive 91-477 of 18 June 1991.

French legislation allows a person to acquire firearms in category 5 upon presentation of a hunting permit or other document showing that he engages in hunting, or a sports licence. These are weapons used for hunting and trapshooting. Some of the weapons also require a report.

Acquisition of certain firearms in category 7 also requires a report.

Lastly, no one is permitted to carry a handgun — this includes alarm pistols and gas pistols — although specific waivers may be granted for the officials of certain national administrations responsible for security (police, gendarmerie, customs) and professions which may be open to especial dangers (armoured car guards, jewellers).

- **Apart from measures providing for the dissolution of associations mentioned in the report (subparagraph 2 (d), point (3)), please outline the measures, both legislative and practical, which prevent entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside France, including, in particular:**
  - **the carrying out, within or from France, of recruiting, electing of funds and soliciting of other forms of support from other countries; and**
  - **deceptive activities such as recruitment based on the representation to the recruit that the purpose of the recruitment is one (e.g., teaching)**

different from the true purpose and collection of funds through front organizations.

All activities for the support of terrorism described are likely to be regarded as terrorist acts in that they assume participation in "a grouping formed, or an entity established, for the purpose of preparation, characterized by one or more specific actions, of one of the terrorist acts" specified by the law. The penalty for this offence is 10 years' imprisonment. Even if the act of terrorism in question is committed abroad, that does not mean that the conspiracy did not take place in France.

Moreover, even if it cannot be proved that such activities constitute a crime, they may serve as basis, at the discretion of the administrative courts, for specific decisions if the people engaging in them are aliens: measures of expulsion, denial of authorization to reside in or enter France.

In practice, surveillance of suspect activities is carried out in several ways:

- Surveillance of locations or facilities where activities in support of terrorism are likely to occur, in particular through front organizations.
- Surveillance of Internet sites that may be used for recruitment activities, in particular where such recruitment is misrepresented as being of a religious nature, or for the collection of funds.

This task, which has been performed for many years in the context of the threat of terrorism from Islamic extremism, has given rise to many prosecutions or administrative decisions. It must, however, be emphasized that their effectiveness is sometimes limited by the difficulties of collecting evidence at the international level with respect to the transfer of capital, and by the less rigorous legislation obtaining in certain countries with respect to Internet activities.

Subparagraph 2 (b)

- **Which countries are members of the Berne Club mentioned in the report?**

The Berne Club is composed of the heads of the security and intelligence services of the member countries of the European Union, plus those of Switzerland and Norway.

Subparagraph 2 (e)

- **In the report (subparagraph 2 (a), point (1)), it is mentioned that the crimes prohibited by the Act of 29 July 1881 can be prosecuted in France regardless of whether terrorist activities are to be carried out in France or abroad. Is this true for all terrorist acts listed in subparagraph 2 (e), irrespective of the nationality of the perpetrator?**

Article 23 of the Act of 29 July 1881 covers and punishes public incitement to crimes where such incitement is acted on or results in an attempt to commit a crime.

This provision covers the commission of terrorist acts whether they are committed in France or abroad, as the text does not specify that the terrorist offence must be committed in the national territory, by a French national or against French interests.

Article 24 of the Press Act contains two provisions concerning terrorism:

- Public incitement to the commission of a terrorist act where such incitement is not acted on. It is not necessary that the terrorist act which, by definition, has not taken place, might have been perpetrated in the national territory, as article 24 makes no distinction between a terrorist act that might have been committed in France and an act that might have been perpetrated abroad.
- Advocacy of a terrorist act by depicting an act of terrorism that has been perpetrated, or those responsible, in a favourable light. Here again there is no distinction to be made between a terrorist act committed in France or abroad. The actions covered by article 24 are crimes that are punishable by five years' imprisonment and a fine of 45,000 euros.
- **Are the above-mentioned terrorist acts included among the offences for which foreigners can be extradited for acts committed abroad in accordance with article 3 of the law of 10 March 1927, as mentioned in the report (subparagraph 2 (f), point (2))?**

Under the consistent case law of the Court of Cassation, offences committed through the printed word, including those referred to above, are offences of a political nature that are not extraditable.

Subparagraph 2 (f)

- **What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings relating to the financing or support of terrorist acts is required to be met and how long, on average, does it actually take in practice to implement such a request in France?**

Neither French law nor the conventions currently in force with respect to international legal assistance prescribe a time frame for a response. However, every effort is made to ensure that requests, particularly those relating to counter-terrorism, are dealt with as promptly as possible.

Where the degree of urgency so warrants, even in the event of a request received by facsimile, a few hours may be enough for the competent French authorities to act on a request for judicial assistance.

- **Please describe how the requirement of reciprocity is applied in practice in relation both:**
  - **To judicial assistance and criminal matters; and**
  - **To cases of information exchanged involving TRACFIN.**

France points out that, as a general rule, French law does not make the granting of judicial assistance in criminal investigations subject to the condition of dual criminality, even where the measures requested imply recourse to enforcement measures.

In cases where reciprocal criminal liability is a condition for the granting of assistance by France, the only verification made is whether the specific acts set out in the request are indictable under French law. It is not necessary for the heads of indictment and the penalties provided to be identical in the law of the requesting State and in French law. It is therefore necessary, but sufficient, for the facts to be equally likely to give rise to criminal proceedings under French law, whatever the characterization of the crime.

Reciprocity is one of the three conditions governing the exchange of information between financial intelligence units, both in the field of measures to combat money-laundering and, by extension, in that of counter-terrorism. Such reciprocity is, indeed, a guarantee of real cooperation and of efficacity which, in addition, ensures both legal and operational balance in the context of the two-way flow of intelligence. Intelligence services can collaborate fully only if they wish, and have the capacity, to issue and respond to requests for financial intelligence, within the limits of their legal arrangements.

- **How are decisions on whether to offer assistance made if the only evidence available is meagre or contradictory?**

Even in cases in which reciprocal criminality is a condition for the grant of judicial assistance by France, it is not conditional on the substantiation of specific evidence. It is the existence in the requesting State of a criminal judicial procedure addressing acts that are criminally punishable that forms the basis of France's cooperation.

- **In this context, please indicate how the requirements of subparagraphs 2 (f) and 3 (b) of the resolution will affect French practice in matters relating to terrorist acts.**

As indicated above, French law allows judicial assistance to be granted even in the absence of dual criminality without requiring specific evidence and without any prior evaluation of the relevance or probative value of the prosecution evidence provided by the requesting State in support of its request. France therefore considers that this practice is in keeping with the spirit and letter of the above-mentioned provisions of the resolution.

Subparagraph 3 (c)

- **The CTC would be grateful to know with which countries France has entered into bilateral treaties on:**
  - **Extradition;**
  - **Mutual legal assistance in criminal matters;**
  - **Police cooperation;**
  - **Cooperation in administrative matters which are relevant in the present context.**

See the attached annex listing the agreements.

N.B.: Although the bilateral conventions and other instruments relating to mutual administrative assistance in customs matters do not specifically cover counter-terrorism, those instruments that offer a structured framework for the

exchange of information and for operational cooperation in combating customs fraud (drugs, weapons, explosives, and so forth) are consistent with that objective, in particular on account of the acknowledged links between such illicit trafficking and terrorist networks.

- **Could France please provide the CTC with a list of the countries with the authorities of which TRACFIN has entered into cooperation agreements (subparagraph 3 (b), point (2)).**

On 28 May 2002, TRACFIN signed 22 bilateral cooperation agreements with financial intelligence units.

Subparagraph 3 (d)

- **Please provide a progress report on the ratification and domestic implementation of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.**

The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, is the only counter-terrorist convention to which France is not yet a party.

This Convention is one of the first international instruments prepared in the early 1970s to respond to the development of acts of international terrorism targeting, in particular, diplomats or diplomatic missions. The risk clearly still continues, in spite of national protection measures.

France, which reaffirms its determination to ensure the protection in its territory or abroad of the categories of persons mentioned, has begun the procedure for ratification of the Convention and the bill authorizing the accession of France is currently being considered by the Council of State.

Subparagraph 3 (e)

- **Have the offences set forth in the relevant international conventions and protocols relating to terrorism been included as extraditable offences in the bilateral treaties to which France is party?**

The Act of 10 March 1927 relating to the extradition of aliens does not specify the list of actions that might justify extradition, but it specifies the general conditions that must be met: the action must, in particular, be an offence under French law and be punishable under French law by a term of imprisonment of at least two years.

It is this rule that is generally applied in bilateral extradition conventions concluded by France. However, the minimum term of imprisonment required is lower in certain conventions (one year in the extradition treaty between France and the United States of America of 23 April 1996).

Only a very small number of bilateral extradition treaties concluded in the nineteenth century or in the early twentieth century and remaining in force envisage restricting extradition in terms of a list of offences. Although acts of terrorism are not included in the list, serious attacks on persons or property are included and on

that basis extradition is possible where such actions are perpetrated in the context of terrorist activity.

Furthermore, it must be emphasized that all the international instruments covered by the resolution specifically provide that the offence or offences they define are included as extraditable offences in any treaty concluded between the Contracting States (see the convention of 16 December 1970, article 8; the convention of 23 September 1971, article 8 — which is also applicable to the protocol of 24 February 1988; the convention of 14 December 1973, article 8; the convention of 17 December 1979, article 10; the convention of 10 March 1988, article 11 — which is also applicable to the protocol of 10 March 1988; the convention of 15 December 1997, article 9; the convention of 9 December 1999, article 11). These provisions adequately supplement the old extradition treaties that may be based on a list of offences.

Subparagraph 3 (g)

- **Subparagraph 3 (g) of the resolution requests States to ensure "that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists". Please clarify whether France intends to modify its State practice as described in the report with a view to achieving compliance with that subparagraph.**

Subparagraph 3 (g) of resolution 1373 (2001) reads: "The Security Council [...] calls upon all States to: [...] (g) Ensure, in conformity with international law, that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists".

French law permits the refusal of extradition where the crime in respect of which extradition is sought is of a political nature. This principle is set forth in article 5, paragraph 2, of the Law of 10 March 1927, which specifies that "extradition shall not be granted [...] 2. where the crime or offence is of a political nature or where owing to the circumstances in question extradition is sought on political grounds".

This legal provision is not incompatible with the applicable international law, since in matters relating to extradition France's relations with third States are basically governed by the European Convention on Extradition of 13 December 1957, article 3, paragraph 1, of which states: "Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence or as an offence connected with a political offence".

In an opinion rendered on 9 September 1995, the Council of State expressed the view that the principle that a State must reserve the right to refuse extradition for offences of a political nature constitutes a fundamental principle recognized by the laws of the Republic that have constitutional status in this respect.

The notion of a political offence in extradition law is not defined by the 1927 Law, whose preparatory documents allow for both an objective concept of a political offence (based on the very nature of the act concerned), and a subjective concept (based on the intention of the author of the act). For many years, the jurisprudence of the Council of State has defined the notion in question.

Although the Council's jurisprudence takes account of the subjective element constituted in particular by the motive or intention of the author in order to characterize an offence under ordinary law as a political offence, an analysis of this jurisprudence shows that subjective factors are actually largely tempered by objective factors. In keeping with its consistent jurisprudence, the Council of State does not take account of the political nature of an offence with respect to which extradition is sought where, even though a political goal is being pursued, the factors involved are particularly serious. The Council normally stresses that, in view of their seriousness, the fact that the acts in question were carried out in pursuit of a political goal is not sufficient for them to be considered as being of a political nature (by way of comparison, see EC, 7 July 1978, Croissant; EC, 15 February 1980, Gabor Winter; EC, 13 October 1982, Piperno). Consequently, the political nature of an offence is not taken into account where it is a question of criminal acts of such a nature that the alleged political goal would not justify the use of unacceptable means.

This jurisprudence is illustrated by many judgements, particularly in connection with offences related to terrorism (for example, by way of comparison see EC, 26 September 1984, Lujambio Galdeano; EC, 23 September 1988, Jimenez Zurbano; EC, 26 October 1988, Arriaga Martinez; EC, 27 February 1987, Trincanato; EC, 8 April 1987, Procopio; EC, 21 December 1988, Fernando de Luis Astarloa; EC, 20 September 1993, Sanchez Del Arco; EC, 9 May 1994, Bracci; EC, 24 February 1995, Persichetti; EC, 26 January 2000, Echevarria Martin).

Moreover, it has enabled France to ratify international conventions containing depoliticization clauses (International Convention of 15 December 1997 for the Suppression of Terrorist Bombings; and the International Convention of 9 December 1999 for the Suppression of the Financing of Terrorism).

The Council of State's established jurisprudence, consisting in non-recognition of a political nature in the case of particularly serious offences, which is the category of offences that applies in the case of terrorist acts, thus provides a sufficient guarantee that claims of political motivation will not be regarded as a justification for rejecting requests for the extradition of alleged terrorists; this means that there is no reason to amend France's domestic legislation or change its "State practice".

- **In particular, please clarify whether France's reservation made in accordance with article 13, paragraph 1, of the European Convention on the Suppression of Terrorism, done at Strasbourg on 27 January 1977, continues to be valid vis-à-vis the States parties to that Convention and whether it reflects France's State practice with regard to other States.**

Article 13 of the European Convention of 27 January 1977 on the Suppression of Terrorism authorizes a State party to declare that it reserves the right to refuse extradition in respect of any offence mentioned in article 1 which it considers to be a political offence, an offence connected with a political offence or an offence inspired by political motives, provided that it undertakes to take into due consideration, when evaluating the character of the offence, any particularly serious aspects of the offence (including by means of the assessment of certain elements).

The French Government, when depositing its instrument of ratification on 21 September 1987, declared that it reserved the right to refuse extradition, in accordance with the provisions of article 13, paragraph 1, of the Convention.

That declaration remains fully valid in the current instance, and the French Government does not plan to amend it in any way; first, in accordance with the jurisprudence of the Council of State, due account was taken of the particularly serious nature of the offence already at the point where the nature of the offence was determined (see above), and, second, the Convention is currently under review in the context of the work of the Council of Europe.

Other matters

- **Could France please provide an organizational chart of the administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that were seen as contributing to compliance with the resolution.**

Organizational chart

Ministry of Foreign Affairs

Directorate of Strategic and Disarmament Affairs — Subdirectorate of Security

Areas of responsibility: Contact point vis-à-vis the Counter-Terrorism Committee.

Ministry of Justice

Office of European and International Affairs

Areas of responsibility: The Office assists in the development of European and international law; it ensures liaison with national and international bodies; and it ensures the transposition into and implementation under domestic law of international instruments.

Directorate of Criminal Affairs and Pardons

Areas of responsibility: Preparation of relevant draft legislation and decrees submitted by the Minister of Justice; drafting and evaluation of general instructions on penal policy for procurators-general; monitoring of public action.

Ministry of Economic Affairs, Finance and Industry

Treasury Department

Areas of responsibility: Financing of terrorism. Partner of regulatory authorities (Banking Commission, Insurance Control Commission, Stock-Exchange Operations Commission), banks and other financial institutions. Combating financing of terrorism (prevention); injunctions concerning the freezing of assets, structural and legal questions relating to banking and financial operations, international cooperation. Preparations for and monitoring of summits and international multilateral meetings of a general nature (Group of Seven; Group of Eight, Group of Twenty; International Monetary and Financial Committee (International Monetary Fund); Financial Action Task Force on Money-Laundering).

French Financial Intelligence Unit (TRACFIN)

Areas of responsibility: TRACFIN, which is a financial information service, gathers and processes information from a variety of sources, including statements by financial organizations voicing their suspicions and requests made by their foreign counterparts. In this connection, TRACFIN may have occasion to gather information on the alleged financing of terrorist networks. Once a sufficient volume of information has been collected, the relevant files may be transmitted to the judicial authorities.

Directorate-General of Customs and Indirect Taxes

The Directorate-General’s counter-terrorist action is focused particularly on monitoring the effectiveness of measures to freeze assets and prosecution for non-compliance with such measures, efforts to prevent laundering of money from illicit trafficking in drugs, monitoring of products and strategic technologies, monitoring of arms and materiel, prevention of terrorist acts by means of security

controls at airports (hold baggage and freight) and the Transmanche fixed link (English Channel link), and participation in immigration controls in cooperation with the Border Police (Ministry of the Interior).

Ministry of the Interior

Directorate-General of the National Police

The Directorate-General of the National Police deals with various aspects of counter-terrorism. Counter-terrorist activities as a whole are coordinated by the Anti-Terrorist Coordination Unit (UCLAT). The Office of International Police Technical Cooperation is involved in the execution of cooperative action.

Anti-Terrorist Coordination Unit (UCLAT)

Areas of responsibility: The Coordination Unit, which reports direct to the Director-General of the National Police, is responsible for coordinating and leading the counter-terrorist endeavour by providing a link between the various actors involved, in recognition of the inter-ministerial dimension of the endeavour.

In particular, the Coordination Unit sets up links between:

- The intelligence services (Directorate of Internal Surveillance, and Central Directorate of General Intelligence)
- The services responsible for preventive measures (Central Directorate of the Border Police)
- The services responsible for criminal policing (Central Directorate of the Judicial Police)
- RAID (“Recherche, Assistance, Intervention, Dissuasion”), a specialized intervention unit of the National Police.

Office of International Technical Police Cooperation (SCTIP)

Areas of responsibility: The Office of International Technical Police Cooperation carries out many cooperation activities to combat all forms of international crime, including terrorism, through its 62 delegations at French embassies around the world. The action in question, which may be in the form of internships, visits, or missions, is carried out in all counter-terrorism fields.

Central Directorate of the Judicial Police (DCPJ)

Areas of responsibility: The financial aspects of counter-terrorism are dealt with at the subdirectorate for economic and financial affairs of the Central Directorate of the Judicial Police by the Central Office for the Suppression of Major Financial Crime (OCRGDF) and the National Division of Financial Investigations.

Directorate of Civil Liberties and Legal Affairs

Areas of responsibility: Drafting documents and legal norms on transborder traffic and temporary and permanent residence.

Central Directorate of the Border Police

Areas of responsibility: Legislative and statutory implementation in matters relating to the Border Police.

Ministry of Defence

Directorate-General of the National Gendarmerie (DGGN)

Areas of responsibility: The National Gendarmerie deals with intervention and protection techniques. Its activities cover the entire range of police missions in the area of counter-terrorism, from intelligence gathering to active involvement of units such as the National Gendarmerie Intervention Group (GIGN).

General Armed Forces Inspectorate

The General Armed Forces Inspectorate is responsible for controlling arms traffic (trade in and possession of arms and materiel, monitoring of actors, registration system and criminal penalties regime for violations).