

February 28, 2002

Dear Council of Europe Secretary-General Walter Schwimmer:

We are non-governmental organizations from Council of Europe member and observer nations who share a common desire to protect human rights on the global Internet. Many of the undersigned organizations had previously sent you three letters as members of Global Internet Liberty Campaign (dated Oct. 18, Dec. 12, 2000, and Feb. 6, 2002) that raised a number of concerns regarding the Council of Europe activities on computer-related crime and international co-operation.

We understand that a second draft protocol is under discussion within the Council of Europe 'to cover also terrorist messages and the decoding thereof [1]. It appears to be a derivative effort from the Racist and Xenophobic activities [2]; and could serve as a basis for the revision of the Convention on Suppressing Terrorist activity [3].

We are writing to ask for the public release of this discussion draft as soon as it is completed, as well as preliminary meeting documents in order to provide us with the opportunity to participate in your discussions. Given the potentially serious ramifications of the proposed second protocol and related work of the CoE, we believe its draft text must be disclosed to allow vigorous and wide-ranging debate over its merits.

The signatories are of the unanimous view that the development of any protocol or treaty should conform with principles of transparency and democratic decision-making. Over the past 18 months, GILC and its member organizations have appealed to you personally and the CoE committees on many occasions to open up the development processes, to allow for broader participation, while we repeatedly offered our time and experience for consultation. As the CoE expands even further the powers of law enforcement authorities and definitions of offences, it manages to do so under increasingly closed and secretive conditions. We continue to be disappointed by the CoE's practice of creating important international conventions and treaties under the protection of obscurity. This opaque and non-democratic process is particularly surprising in contrast with the CoE's previous important contributions to liberty and human rights.

For these reasons, we urge you to release information and draft documents regarding this second protocol to the general public if it is finished, or to release the document as soon as it is completed.

Sincerely,

American Civil Liberties Union (US)  
ARTICLE 19-The Global Campaign for Free Expression  
Association for Progressive Communications  
Associazione per la Liberta nella Comunicazione Elettronica Interattiva (IT)  
Bits of Freedom (NL)  
Bulgarian Institute for Legal Development (BG)  
Center for Democracy and Technology (US)  
Chaos Computer Club (DE)  
Cyber-Rights & Cyber-Liberties (UK)  
Derechos Human Rights (US)  
Digital Freedom Network (US)  
Digital Rights (DK)  
Electronic Frontiers Australia (AU)  
Electronic Frontier Foundation (US)  
Electronic Privacy Information Center (US)  
Equipo Nizkor (ES)  
Feminists Against Censorship (UK)  
Förderverein Informationstechnik und Gesellschaft (DE)  
Foundation for Information Policy Research (UK)  
Human Rights Network (RU)  
Human Rights Watch  
Imaginons un Réseau Internet Solidaire (FR)  
Internet Society of Bulgaria (BG)  
Liberty (UK)  
The Link Centre, Wits University, Johannesburg (ZA)  
Networkers against Surveillance Taskforce (JP)  
Online Policy Group (US)  
Privacy International (UK)  
Privacy Ukraine (UA)  
Quintessenz (AT)  
Swiss Internet User Group (CH)  
VIBE!AT - Verein für Internet-Benutzer Österreichs (AT)  
XS4ALL (NL)

#### Footnotes

1. Committee of Ministers, 776th meeting – 6 December 2001, Item 1.6. <[http://cm.coe.int/stat/E/Decisions/2001/776/d01\\_6.htm](http://cm.coe.int/stat/E/Decisions/2001/776/d01_6.htm)>
2. Parliamentary Assembly of the CoE, Recommendation 1534 (2001)1 - Democracies facing terrorism.  
<[http://www.coe.int/T/E/Legal\\_affairs/Legal\\_co-operation/Fight\\_against\\_terrorism/e\\_Rec1534\(01\).asp#TopOfPage](http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Fight_against_terrorism/e_Rec1534(01).asp#TopOfPage)>
3. Multidisciplinary Group on International Action Against Terrorism (GMT), Meeting Report of 1st meeting, Strasbourg, 12-14 December 2001.  
<[http://www.coe.int/T/E/Legal\\_affairs/Legal\\_co-operation/Fight\\_against\\_terrorism/Texts\\_&\\_documents/GMT%20\(2001\)%207%20E%20-%20meeting%20report.asp#TopOfPage](http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Fight_against_terrorism/Texts_&_documents/GMT%20(2001)%207%20E%20-%20meeting%20report.asp#TopOfPage)>