

Combating terrorism: criminalisation of offences linked to terrorist activities. Framework Decision

2007/0236(CNS) - 23/04/2008 - Legislative proposal

PURPOSE: to update the 2002 Council Framework Decision on combating terrorism.

BACKGROUND: terrorism threatens the fundamental freedoms on which the EU is founded. In recent years, however, the threat of terrorism has grown. At the same time the *modus operandi* of certain terrorist organisations has changed. They have evolved from structured and hierarchical groups to semi-autonomous cells loosely tied to each other. Such cells inter-link international networks and increasingly rely on the use of new technologies, in particular the Internet, which acts as a “virtual training camp”. The Internet has allowed terrorists to provoke the public to commit terrorist offences; to recruit terrorists and to train terrorists at very low cost and risk.

In November 2007, therefore, the Commission presented a proposal to amend Framework Decision 2002 /475/JHA on combating terrorism. The main objectives of the proposal are to update the Decision and align it with the Council of Europe Convention on Prevention of Terrorism. This will include new references to: (i) public provocation to commit terrorist offences; (ii) recruitment for terrorism; and (iii) terrorist training. In April 2008, the Council reached a general approach on this proposal, subject to further parliamentary scrutiny in some Member States and the opinion of the European Parliament

CONTENT: this proposal amends the 2002 Council Framework Decision, by setting out and specifying three key concepts relating to the combating of terrorism namely,

Public provocation to commit a terrorist offence: this will mean the distribution, or otherwise making available of a public message, that includes:

- public provocation to commit a terrorist offence;
- recruitment for terrorism;
- training for terrorism;
- aggravated theft with a view to committing any of the offences mentioned above;
- extortion with a view to the perpetration of any of the offences mentioned above; and
- drawing up false administrative documents with a view to committing any one of the offences listed above.

Recruitment for terrorism: this will mean soliciting another person to commit any of the offences list above.

Training for terrorism: this will mean providing instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing any one of the offences list above.

For an act to be punishable, it will not be necessary for the offence to have actually been committed. The Member States will be responsible for ensuring that aiding or abetting any of the offences set out in the proposed Council Framework Decision will be made punishable. The Member States will not be expected to take measures that contradict the fundamental principles relating to the freedom of expression, the freedom of the press and the freedom of expression in other media.