Combating terrorism. Framework Decision

2001/0217(CNS) - 13/06/2002 - Final act

PURPOSE : adopted a Framework Decision on combating terrorism. COMMUNITY MEASURE : Council Framework Decision 2002/475/JHA on combating terrorism. CONTENT : the Council adopted a Framework Decision on combating terrorism. The aim of the Framework Decision is to approximate the definition of terrorist offences in all Member States, including those offences relating to terrorist groups. Furthermore, it provides for penalties and sanctions for natural persons having committed or being liable for such offences. It concerns constituent elements and penalties in the field of terrorism, ensuring that terrorist offences will be punished by effective, proportionate and dissuasive criminal penalties. As a direct result, it will also facilitate police and judicial cooperation, since common definitions of offences should overcome the obstacles of double criminality requirement as long as it is a prerequisite for certain forms of judicial assistance. Furthermore, the existence of a common framework in the fight against terrorism in the EU will facilitate closer cooperation with third countries. The key concept on which this proposal is based is the concept of a terrorist offence. Terrorist offences can be defined as offences intentionally committed by an individual or a group against one or more countries, their institutions or people, with the aim of intimidating them and seriously altering or destroying the political, economic, or social structures of a country. On the other hand, directing, creating, supporting or participating to a terrorist group must be considered independent criminal acts and must be dealt with as terrorist offences. The Framework decision stipulates that each Member State shall take the necessary measures to ensure that offences are punishable by custodial sentences. The following intentional acts are punishable : a) directing a terrorist group (with a maximum sentence of not less than fifteen years); b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group (maximum sentence of not less than eight years). In addition, Member States shall ensure that investigations into, or prosecution of, offences covered by this Framework Decision are not dependent on a report or accusation made by a person subjected to the offence, at least if the acts were committed on the territory of the Member State. In addition to the measures laid down in the Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, each Member State shall, if necessary, take all measures possible to ensure appropriate assistance for victims' families. Member States shall take the necessary measures to comply with this Framework Decision by 31 December 2002. By 31 December 2002, Member States shall forward to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. On the basis of a report drawn up from that information and areport from the Commission, the Council shall assess, by 31 December 2003, whether Member States have taken the necessary measures to comply with this Framework Decision. It should be added that the Framework Decision respects fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they emerge from the constitutional traditions common to the Member States as principles of Community law. ENTRY INTO FORCE : 22 June 2002. This Framework Decision shall apply to Gibraltar.