

Brussels, 18 April 2008

Amendment of the Framework Decision on combating terrorism

Today the Council reached a common approach on the amendment of the Framework Decision on combating terrorism proposed by the Commission on 6 November 2008. The amendment up-dates the Framework Decision making public provocation to commit a terrorist offence, recruitment and training for terrorism punishable behaviour, also when committed through the Internet. The amendment is well-balanced in terms of its effects on freedom of speech and general respect for human rights.

The Council Framework Decision of 13 June 2002 on combating terrorism constitutes a key tool in the fight against terrorism. It harmonises the definition of terrorist offences in all Member States and ensures that they establish for natural and legal persons having committed or being liable for such offences penalties and sanctions, which reflect the seriousness of such offences. It sets out jurisdictional rules to guarantee that terrorist offences may be effectively prosecuted and adopts specific measures with regard to victims of terrorist offences because of their vulnerability.

The proposal intends to up-date the Framework Decision by introducing three new offences: public provocation to commit a terrorist offence, recruitment and training for terrorism. It aims to equip our legal systems across the EU with the adequate tools to bring to justice the criminals who spread violent propaganda providing terrorism tactics and instructions on how to manufacture and use bombs or explosives to provoke others to commit terrorist acts. The new legislation will make it easier for law enforcement authorities to get cooperation from internet service providers, to prevent crimes and identify criminals while, at the same time, ensuring that fundamental rights remain well protected.

The amendment of the Council Framework Decision of 13 June 2002 on combating terrorism is intended to harmonise national provisions on public provocation to commit a terrorist offence, recruitment for terrorism and training for terrorism, so that these forms of behaviour are punishable, also when committed through the Internet, throughout the EU, and ensure that existing provisions on penalties, liability of legal persons, jurisdiction and prosecution applicable to terrorist offences, apply also to such forms of behaviour.

Individuals disseminating terrorist propaganda and bomb-making expertise through the Internet- can therefore be prosecuted and sentenced to prison insofar as such dissemination amounts to public provocation to commit terrorist offences, recruiting for terrorism or training for terrorism and is committed intentionally.

In these cases, courts or administrative authorities will be able to request internet service providers to remove this information according to national rules implementing the Directive on electronic commerce.

The wording which is proposed is as close as possible to the wording of the Council of Europe Convention on the Prevention of terrorism which provides for an excellent example of how the use of the Internet for terrorist purposes can be dealt with in a way which respects the freedom of speech.