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Committee on Civil Liberties, Justice and Home Affairs

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COMPROMISE AMENDMENTS PROPOSED BY THE RAPPORTEUR

Draft report **(PE 347.130v02-00)**
Rosa Díez González
EU anti-terrorism Action Plan (2004/2214(INI))

Proposal for a recommendation

Compromise Amendment 1 - A
(Replacing Amendments 4 (Voggenhuber), 5 (Alvaro), 7 (Catania), 35 (Cederschiöld) and the original text)

Recital A

A. whereas human rights are non-negotiable, indivisible and non-transferable, and the most important task of democracy is to protect the freedom and the fundamental rights of the citizens, and whereas in the interests of the fight against terrorism, no legislation should be drawn up which may have consequences running counter to that objective,

Or. es

Compromise Amendment 2 - B
(Replacing Amendments 8 (Mastenbroek), 9 (Díez González) and the original text)

Recital B

B. whereas terrorism, on the other hand, attacks fundamental freedoms, stimulates harmful social polarisation and seeks to destroy democracy itself by violent means, creating a climate destroying people's right to live in peace and freedom,

Or. es

Compromise Amendment 3 - C
(Replacing Amendments 13 (Díez González), 14 (Guardans), 15 (Duquesne), 16 (Reul) and the original text)

Recital D

D. whereas terrorism is one of the most serious threats to democracy and one of the main problems facing European citizens, and whereas it seriously undermines the freedoms protected by the EU Charter of Fundamental Rights,

Or. es

Compromise Amendment 4 - D
(Replacing Amendments 20 (Lambrinidis), 21 (Voggenhuber), 22 (Díez González), 62 (Voggenhuber) and the original text)

Recital H

H. whereas the best way of fighting terrorism and combating extremism and intolerance is by promoting human rights; whereas action needs to be taken on the social environment which legitimises terrorist acts and on the actions which justify them, and whereas the use of or incitement to violence as a method of resolving political, economic, social or any other type of conflict must be condemned,

Or. es

Compromise Amendment 5 - E
(Replacing Amendments 24 (Díez González), 25 (Guardans), 26 (Reul), 27 (Duquesne), 23 (Alvaro) and the original text)

Recital I

I. whereas the fact that different forms of terrorism coexist in Europe and throughout the world makes it essential for specific measures to be taken to combat each form,

Or. es

Amendment 6 - F
(Replacing Amendments 30 (Díez González), 31 (Díaz de Mera) and the original text)

Recital K

K whereas only democracy and absolute respect for human rights and fundamental freedoms can guarantee an effective European response in the fight against terrorism,

Or. es

Compromise Amendment 7 - G
(Replacing Amendments 32 (Díez González), 33 (Guardans), 34 (Duquesne/Lax), 35 (Cederschiöld), (?), 37 (Voggenhuber), 38 (Díez González) and the original text)

Recital M

M. whereas the murders, torture, persecution, kidnappings and threats perpetrated by terrorists are human actions so base and reprehensible that they can in no way be justified. The exclusion of their acts from any moral, causal or political consideration is a necessary means of defeating them, although this will not preclude consideration of and action regarding the context and the environment which may drive people to become terrorists,

Or. es

Compromise Amendment 8 - H
(Replacing Amendments 39 (Reul), 40 (Díaz de Mera) and the original text)

Recital N

N. whereas the EU has already demonstrated its solidarity with the victims of terrorism**,** inter alia through:

- the Declaration of 25 March 2004, in which the European Council declared 11 March to be the European day of the victims of terrorism;
- the adoption of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, including those who are the victims of terrorist acts;
- the establishment in 2004 of a pilot programme to fund projects for psychological, medical and social assistance to victims of terrorism and their families,

but whereas these measures should be extended and updated,

Or. es

Compromise Amendment 9 - I
(Replacing Amendments 42 (Díez González), 43 (Voggenhuber), 44 (Reul), 45 (Guardans), 46 (Reul) (?), 47 (Díez González) and the original text)

Recital P

P. whereas the victims of terrorism are a reference for democracy and whereas the public authorities must heed their voice and their reality and ensure that these are taken into account in the places where decisions are made to combat those who have made them unwilling protagonists,

Or. es

Compromise Amendment 10 - J
(Replacing Amendments 51 (Reul), 52 (Díez González), 53 (Fava), 54 (Guardans/Duquesne) and the original text)

Paragraph 1, letter (a)

(a) that a European unit responsible for policies designed to assist the victims of terrorism be created under the direct authority and responsibility of the European Anti-Terrorism Coordinator. This unit will be a reference point for European policy in this field and its purpose will be to take in, listen to, inform and assist victims and to promote implementation of the measures which are necessary if it is to operate successfully.

Each year the Commission and the European Anti-Terrorism Coordinator will provide the European Parliament with a report on their activities. The European Parliament will assess that report and, where appropriate, suggest any action which it thinks should be taken.

At least once a year the unit will organise a European Forum for the Victims of Terrorism, to be attended by representatives of the EU institutions, the Council of Europe and the Member States' parliaments and governments, and also by representatives of associations and foundations for victims of terrorism.

The Forum's most important task will be to ensure that the appropriate authorities listen to what the victims have to say and take relevant action periodically;

Or. es

Compromise Amendment 11 - K
(Replacing Amendments 28 (Reul), 55 (Voggenhuber), 57 (Duquesne/Lax), 58 (Díez González), 59 (Voggenhuber), 60 (Díaz de Mera) and the original text)

Paragraph 1, letter (b)

(b) that the support of the European Union and Member States be enlisted, within the framework of the United Nations, for the moves underway to adopt a global definition of terrorism and to reach as swift an agreement as possible on the Global Convention on International Terrorism, and that, in this context, consideration be given to specific terrorist attacks possibly being listed with the crimes that come within the jurisdiction of the International Criminal Court, thus advocating that these crimes not be time-barred, be prosecutable anywhere in the world and be judicially included among those considered most serious and inadmissible by Community and International law. At the same time, terrorist crimes in the Member States should not be time-barred, thereby reflecting the reprobation of the international community which considers them to be some of the most serious and inadmissible crimes against humanity;

Or. es

Compromise Amendment 12 - L
(Replacing Amendments (Mastenbroek/Fava) and 96 (Alvaro)).

Recital J a (new)

Ja. whereas measures for combating terrorism must be implemented (notably through the promotion of new initiatives for peace-making and mediation in societies which are marked by conflicts and division) through the adoption of long-term trade, aid and investment policies that help to combat poverty and enable democratic institutions and transparency to be strengthened at national and at global level by means of initiatives which may contribute to these goals;

Or. es

Compromise Amendment 13 - M
(Replacing Amendments 63 (Díez González), 64 (Reul) and the original text)

Paragraph 1, letter (c)

(c) that, in accordance with the spirit of the Treaty establishing a Constitution for Europe, judicial cooperation in criminal matters based on mutual recognition and a stronger role for Eurojust be promoted, with a view to the creation of a European Public Prosecutor's Office;

Or. es

Compromise Amendment 14 - N
(Replacing Amendments 65 (Díez González), 66 (Guardans/Duquesne), 67 (Voggenhuber), 68 (Reul), 69 (Díaz de Mera) and the original text)

Paragraph 1, letter (d)

(d) that the transformation of Europol into a EU body under the democratic control of the European Parliament and the Council, and under the jurisdiction of the Court of Justice be promoted;

Or. es

Compromise Amendment 15 - O
(Replacing Amendments 70 (Duquesne), 71 (Alvaro), 72 (Duquesne), 73 (Díez González), 76 (Díaz de Mera) and the original text)

Paragraph 1, letter (e)

(e) that priority be given to strengthening the means for exchanging preventive information by the intelligence services of Member States among themselves and with Europol without ever contravening the principles of data protection; that mechanisms for cooperation and information exchange between Europol and Eurojust be fostered, with

the arrangements for cooperation between the two to be specified;

Or. es

Compromise Amendment 16 - P
(Replacing Amendments 77 (Díez González), 78 (Duquesne/Guardans) and the original text)

Paragraph 1, letter (g)

(g) that the Commission be required to monitor the transposition into national law and the complete and faithful implementation of all judicial anti-terrorist instruments adopted by the EU, and periodically to draw up a list of Member States which have not yet incorporated such measures into national law;

Or. es

Compromise Amendment 17 - Q
(Replacing Amendments 80 (Reul), 81 (Voggenhuber), 82 (Duquesne/Lax), 83 (Catania) and the original text)

Paragraph 1, letter (h)

(h) that a detailed yearly assessment be made, in consultation with the European Parliament, of the implementation of the revised anti-terrorism Action Plan/Work Programme by the end of 2005 in order to ascertain the effectiveness thereof and the extent to which it has been followed, with the dual aim of safeguarding collective security and individual freedom;

Or. es

Compromise Amendment 18 - R
(Replacing Amendment 90 (Mastenbroek))

Paragraph 1, letter j (a) (new)

j(a). that the Commission identify and study best practice in the Member States and third countries in the area of anti-terrorist policies and the prevention of radicalisation, which could form the basis for Commission recommendations;

Or. es

Compromise Amendment 19 - S

(Replacing Amendments 91 (Díez González), 92 (Duquesne and Guardans), 93 (Catania), 94 (Díaz de Mera), 95 (Reul) and the original text)

Paragraph 1, letter (k)

(k) that educational programmes be developed with the media, with a view to:
- combating social environments which may constitute a breeding ground for racial, religious or ideological hatred;
- giving guidance in the development of peace, peaceful coexistence, freedom, tolerance and respect for human rights;
- promoting and fostering dialogue and understanding between different cultures and religions;
- ensuring that the language used does not involuntarily reinforce the terrorists' objectives;

Or. es