



AGREEMENT TO STRENGTHEN UNITY IN DEFENCE OF LIBERTY AND IN THE FIGHT AGAINST TERRORISM

Terrorism is the worst enemy of democracy and liberty. The people of Spain are fully aware of this because we have been facing terrorism for far too long already, but we have always set a fine example in our endeavour to do so calmly, firmly and responsibly.

The people of Spain are strongly aware of the serious and difficult nature of this phenomenon, both at a domestic and international level. We are especially concerned by such events as the recent attacks in Paris, which have again highlighted the serious and real threat from Jihadi terrorism that no country can escape, regardless of how it is expressed or manifests, including those who act alone and returning terrorist combatants.

Despite the new and different formulas adopted by the terrorist threat, as democrats, we know which instruments are best for combating the irrational and unjustified violence of terror: action by the State law enforcement agencies, action by judges and courts, and international cooperation. In short, a response from all institutions that starts with governments and parliaments.

This conviction stems from our own experience. We have successfully built and consolidated a sound democracy. Terror has been unable to prevent its progress, nor has it succeeded in reversing our system of liberty. However, it has caused irreparable losses that remain intact in our memory and will never be forgotten.



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For that reason above all others, solidarity, affection and support for the victims of terrorism must always be a benchmark for democratic society. Keeping their memory alive and paying them the tribute they deserve is an ethical imperative that we reaffirm through this agreement.

An ethical imperative that reaffirms our democratic conviction. All that the enemies of democracy and liberty have achieved is to bolster the conviction that our greatest strength lies in the law and in unity. It is that strength enjoyed by the rule of law that underpins the response to terror given by our institutions. It is the law that guarantees people's rights and ensures respect for their liberty.

Furthermore, the law gains increased vigour and effectiveness when it is firmly supported by and enjoys unity of action from democratic political forces.

A law based on our democratic commitment to people's rights and on the moral and permanent recognition of the victims of terrorism.

In Spain, the path of unity taken by democratic society has been marked by important agreements between the political forces. Historic evidence of this can be found in the 1987 Madrid Agreement, the 1988 Ajuria Enea Agreement and the 2000 Agreement in favour of Freedom and against Terrorism. The latter agreement expressly states the need to implement a legal response to the various guises that the threat of terrorism may adopt. This new agreement constitutes the latest response to that mandate.

In the same way that internationally agreed concerns and initiatives are tackled, such as the Resolution from the United Nations Security Council of 24 September 2014 (2014 S/RES/2178), which urged States to undertake the necessary legislative amendments to enable returning combatants, lone wolves and those acting alone to be tried and convicted.

Mindful of the danger posed by all forms of the terrorist threat, it is necessary for democratic society to successfully translate our unity into the utmost ability to improve and update our legal response - especially in terms of criminal matters - to the new and terrible forms of action adopted by those who jeopardise our lives and our liberty.



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Public well-being and respect for people's rights require the defence of liberty against the risk and vulnerability that terrorism represents for the general public. This requires strengthening confidence in the exercise of that liberty, as part of its very essence. Generating that confidence must be and, indeed, is the main and priority objective behind increasing the security of our people and nations.

Furthermore, the defence of liberty is an expression and benchmark of pluralism in any democratic society. For that reason, it should be remembered that tolerance also forms part of the very basis of people's rights and that discriminatory attitudes, whatever form they may take, are entirely unjustifiable in a democratic society and deserve the maximum social and legal reproach.

In light of the above, the *Partido Popular* (PP) [People's Party] and the *Partido Socialista Obrero Español* (PSOE) [Spanish Socialist Workers' Party] express our firm desire to maintain the highest level of democratic unity against terrorism, and to assume and meet the commitments listed below.

Under no circumstances shall this agreement be affected by any possible changes to the system of sentences that may take place in the future based on any potential positions adopted by the parties during the course of the passage of the reform of the Criminal Code:

1. To promote amendments to the Criminal Code with regard to terrorist offences by means of a Constitutional Bill undersigned by the two parties, which we call on the other parliamentary forces to sign or support.

The changes to the Criminal Code that this Bill contains shall classify the various types of terrorist offence, regardless of whether the same are committed as part of a terrorist group or organisation, based on the purpose for which they are committed, the common factor for which is that of causing a state of terror in the population. Hence, it shall define travel overseas to join a terrorist organisation or to collaborate therewith as a terrorist offence.



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Furthermore, it shall refer to the conduct inherent to the new forms of terrorism, especially such aspects as the recruitment and training of terrorists, including passive training, the use of information and communication technology networks to said effect, the financing of terrorist organisations and the various forms of active collaboration therewith.

2. To agree that, as already expressed in our legal system, those terrorist offences resulting in death shall always be subject to the maximum custodial sentence as contained in the Criminal Code.

3. To foster the necessary legislative reforms to update and strengthen the legal framework that enables judges, public prosecutors and State law enforcement agencies to be most effective in the criminal investigation of terrorist offences. In this regard, the amendments to be incorporated in the future reform of the Criminal Procedure Act must enable the strengthening of guarantees regarding the rights and freedoms of the people and the evidential value of investigations into terrorism.

4. To maintain the memory of the victims of terrorism, honour their memory with due dignity and promote the testimony of gratitude towards those to whom we shall be always indebted. To ensure the recognition deserved by victims and their loved ones, as well as to provide support for their associations and representative organisations.

5. To guarantee the necessary human and material resources within the administration of justice, the State law enforcement agencies and intelligence services to most effectively combat terrorism. Furthermore, to continue promoting the specialisation of the State law enforcement agencies and the administration of justice to better prevent, prosecute and punish these offences.

6. To implement active policies of an effective nature for the eradication of all forms of violent radicalisation, including expressions of racism, xenophobia and discrimination motivated by intolerance regarding different opinions, beliefs or religious groups.



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7. At the level of the European Union and international institutions, to promote the adoption of policies of prevention, persecution, cooperation and criminal sanctions for terrorism, actively participating in international forums and, to that end, highlighting Spain's role in the United Nations Security Council.

8. To promote initiatives in parliament inspired by this agreement in order to reach the broadest possible consensus between those political forces represented in parliament.

2 February 2015

