

Terrorism constitutes a major threat to security in the European Union. Horrific terrorist attacks since 2015 have killed and injured hundreds of innocent people and have left many more in shock and grief.

Prosecutors and investigative judges play a key role in tackling terrorism. They are the **guarantors of a lawful criminal justice process** and have a **central operational role** right from the start of the investigation: they often lead the investigations, ensure coordination across national borders, plan and instruct the police to arrest suspects and collect

evidence, define the prosecution strategy and finally **bring the suspects before a court of law.**

Eurojust, the EU Agency for Criminal Justice Cooperation, operating from The Hague, is a unique **hub** where national judicial authorities get hands-on support to **work together in the fight against serious cross-border crime**, including terrorism. Each Member State has a National Member at Eurojust and can use various forms of **practical assistance** to enable **efficient collaboration in criminal investigations** and to promote the development of crucial **expertise:**

Cross-border actions – Facilitation of **European Arrest Warrants**, **European Investigation Orders** and **MLA**, some-times at very short notice if the individuals are suspected of planning to carry out an attack in the EU; arranging **arrests**, conducting **hearings** of suspects and witnesses; **seizing** criminal assets; and **collecting evidence** to be used in court.

Joint investigations of terrorist crimes – In terrorist attack cases, investigations may be initiated in the **State in which the attack took place** as well as in the **State in which nationals fell victim**. There are also cases in which a terrorist group or network was **active in more than one Member State** or had **international links**.

The concerned States get hands-on support to **cooperate through Eurojust**, including exchanging information, analysing data and support in forming **joint investigation teams**.

Support to victims of terrorist attacks

In terrorist attacks on European soil, a large **number of victims have been of foreign nationality**. Judicial authorities from all concerned countries can immediately work closely together through Eurojust to **help first responders assist victims of terrorist attacks** and their families.

Compensation of victims of terrorist attacks is another key issue discussed at European level, in which Eurojust takes active part.

Defining a response to foreign terrorist fighters (FTFs)

Eurojust supports judicial authorities to **analyse and define an effective criminal justice response** to FTFs. Many specific **investigations and prosecutions** of FTFs and FTF returnees are coordinated through Eurojust.

Counter-Terrorism Register (CTR)

The CTR was launched on 1 September 2019. It will **centralise information on judicial investigations and proceedings against suspects of terrorist attacks** and will be managed by Eurojust. The CTR will help prosecutors to identify **cross-links** to support their investigations and make possible the analysis and further improvement of the work of prosecutors to **bring suspects of terrorism to justice.**



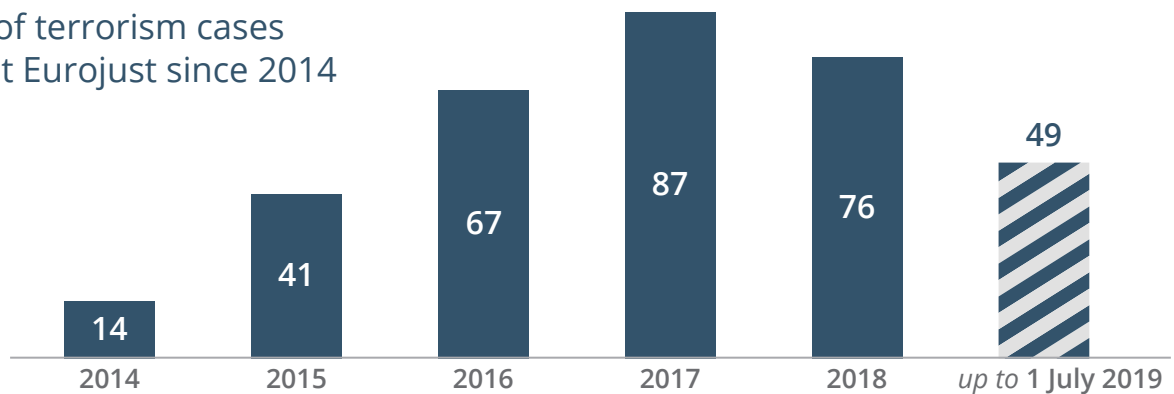
Working together to bring suspects of terrorism to justice

In 2018, Member States requested coordination through Eurojust in nearly **200 active cross-border terrorism investigations**, including through **11 joint investigation teams**. Ongoing investigations focus on achieving justice for the victims of already **committed terrorist acts** or a **suspicion of preparing or attempting to commit**

a terrorist crime, **membership** in a terrorist group and **financing** terrorism.

Member States have more frequently turned to Eurojust for support in new investigations into terrorist crimes. From 2014 to 2017, a **six-fold increase** was experienced.

Number of terrorism cases opened at Eurojust since 2014



The steady **increase in demand for multilateral coordination** is a direct result of the fact that the terrorist groups that have committed the major attacks in Europe are **highly organised** and more and more often **operate across borders**. The terrorists also **combine various forms of serious criminal activity**, including money laundering,

human trafficking, migrant smuggling and terrorism financing. This *modus operandi* makes the investigations to bring the perpetrators of terrorist attacks to justice **increasingly complex**. Judicial authorities from different countries therefore need to work together closely and effectively.

“ The quality of judicial cooperation in the fight against terrorism is a big challenge. We cannot work in silos in our countries anymore. We need an overall approach. To strengthen and bolster judicial cooperation, we need to go through Eurojust, the only European agency able to do that. ”

Francois Molins, former District Chief Prosecutor of Paris (2018-2019) and leader of the investigation following the Paris terrorist attacks, at a press conference on counter-terrorism at Eurojust, 20 June 2018



Coordinated follow-up to Paris attacks of November 2015

Eurojust coordinates the transmission and execution of numerous **mutual legal assistance (MLA)** requests.

The French Desk at Eurojust organises **17 coordination meetings** between **January 2016** and **February 2019** at the request of the judicial authorities in charge of the investigation.

The collaboration uncovers possible links between the attacks in Paris and other terrorism cases.

Joint investigation team (JIT)

A JIT is signed between France and Belgium in November 2015. It is extended to Eurojust and Europol in December 2015, and to the Netherlands in January 2018.

26/11/2015 Case referred to Eurojust

The French Desk at Eurojust opens the case towards 14 Member States and the USA, and takes a coordinating role.

13/11/2015 Coordinated terrorist attacks in Paris and Saint-Denis

130 people are killed, 495 injured and more than 1 000 left in a state of shock.


Paris attacks
13 November 2015



EUROJUST

Supporting judicial authorities in the fight against terrorism



Photos © Shutterstock



Cracking down on extremist propaganda

Eurojust helped coordinate a joint action against the propaganda operations of the so-called Islamic State (IS). The operation, which was led by the Belgian Federal Prosecutor's Office and also involved prosecutors and law enforcement authorities from Member States and other countries, as well as Europol, resulted in the take-down of several IS-backed media outlets, including the Amaq News Agency, al-Bayan radio, Halumu and Nashir news. IS's ability to broadcast and publicise terrorist material in Europe was severely compromised as a result of the action. Shortly after the successful operation, the Belgian Desk organised a meeting to **coordinate the follow-up actions** and discuss **where the suspects should be prosecuted**.



Investigating terrorist attacks in West Africa

In March 2019, the first-ever coordination meeting with West African countries was held at Eurojust to **exchange operational information on ongoing investigations and share information on victims after terrorist attacks** in Mali (2015), Burkina Faso (2016) and Ivory Coast (2016). These attacks resulted in 74 fatalities and many others injured. Judicial representatives from Mali, Burkina Faso and Ivory Coast, EU Member States and third countries that were affected by the attacks discussed the cases during an **intensive 2-day meeting**, with the participation of Europol and INTERPOL.



Arrests and house searches to stop training of PKK terrorist fighters

In 2017, Belgian judicial authorities initiated a criminal investigation into an alleged terrorist organisation belonging to some of the military wings, including People's Defence Forces (HPG), of the Kurdistan Workers' Party (PKK). The members of the alleged terrorist organisation are suspected of recruiting and training terrorist fighters, using training camps in various countries. Several **meetings at Eurojust served as a platform to swiftly exchange case-related information and efficiently coordinate the next judicial and operational steps**. In June 2019, Belgian judicial authorities apprehended 2 suspects. Eurojust facilitated the issuance and transmission of several **European Investigation Orders for house searches** that were **swiftly executed** in Austria, Belgium, France, Germany and Switzerland.



Rapid intervention enables arrest of high-profile IS target, suspected of killing 20 people

In a rapid intervention coordinated by Eurojust, the Hungarian authorities arrested a **high-profile target suspected of committing terrorist activities** in Syria, linked to the so-called Islamic State. The 27-year-old Syrian national was suspected of active involvement in the **killing of twenty people**. He was detained at Budapest Airport on 30 December 2018, and was imprisoned for using forged travel documents both for him and for his female partner. Due to the **immediate exchange of crucial information** from the Belgian judicial authorities to their Hungarian colleagues via Eurojust, which worked on an on-call basis, arranging translation and the sharing of information **within 24 hours**, the suspect was detained by the Hungarian authorities on suspicion of **committing terrorist activities**. The rapid exchange of evidence **prevented** the Hungarian migration authorities from arranging for the **imminent return of the suspect to Greece**.

Dealing with foreign terrorist fighters

Foreign terrorist fighters (FTFs) are defined by the UN as *'individuals who travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict'*.

Each judicial authority works within the confines of national legislation to seek justice for crimes committed by suspects falling under this category. **Evidence-gathering and investigation in the conflict zone are, however, extremely complicated tasks.** Some suspects may be presumed to have died in the conflict zone, but their death may not be officially confirmed.

Many specific investigations and prosecutions of FTFs or FTF returnees are coordinated through Eurojust. In many EU Member States, the most common offences committed by FTFs and/or returnees coming back to their country of origin are participation in, or support to, the activities of a terrorist group. The maximum sentences for the above-mentioned offences vary between States.

A number of Member States have identified alternative measures, which may include withdrawal of an identity card or passport, deprivation of nationality, control and surveillance measures, travel bans, seizures, or mandatory participation in de-radicalisation programmes. Since 2013, Eurojust has held **regular meetings to discuss and analyse the Member States' criminal justice response to FTFs** to help judicial authorities define an effective response.

Depending on national legislation, FTF suspects may be prosecuted for:

- ▶ participation in, or support to, the activities of a terrorist group
- ▶ preparation for terrorist acts (e.g. making travel plans, booking tickets, visiting certain websites, etc.)
- ▶ travelling for the purpose of terrorism
- ▶ recruitment for terrorism
- ▶ providing and receiving training for terrorism
- ▶ terrorism financing
- ▶ (unlawful) participation in an armed conflict abroad
- ▶ material support to terrorism
- ▶ money laundering
- ▶ war crimes, crimes against humanity and genocide
- ▶ other offences (murder, kidnapping, abduction, manslaughter)

“ The majority of the 2013 and 2014 returnees are young people. What position should we adopt, after they have gone down a path not compatible with the values of our society, as they have collaborated actively with terrorist groups? [...] Eurojust can unite different authorities and find common procedures in accordance with the fundamental values of our societies. ”

Frédéric Van Leeuw, Federal Prosecutor, Belgium, at a press conference on counter-terrorism at Eurojust, 20 June 2018

Crucial in this process is the collection of battlefield evidence

A crucial element in this process is the collection of **battlefield evidence**. In 2017, Eurojust, in close cooperation with the national correspondents for Eurojust for terrorism matters and the Genocide Network, started mapping best practice and challenges in the **use of information collected by the military from armed conflict zones as evidence** in terrorism and/or war crimes proceedings and/or as the basis for opening criminal investigations or prosecutions.

This cooperation continued throughout 2018, working with the **U.S. Government Battlefield Information Project**, a joint initiative of the US Dept. of Justice and US Dept. of Defense, to support the use of battlefield information collected by military personnel (in Syria and Iraq) in counter-terrorism cases in civilian courts. The project fosters close cooperation between the authorities in the USA and the EU Member States in operational counter-terrorism matters.



Photos © Shutterstock

The changing role of women

The role of women in terrorist activity is changing. Women were limited to domestic chores at the beginning of the conflict in Syria, such as teaching or raising children. Today, a number of women are found to be involved in fighting, terrorist training and suicide attacks, and may play a key role in the departure of foreign terrorist fighters to Syria. If such evidence exists, women are arrested and prosecuted, just like their male counterparts, upon their return.

However, Member States have different approaches towards non-combatant women returnees. In some States, a woman joining her husband in Syria or Iraq may be prosecuted, while in other States, the mere presence of a woman in a conflict zone is not sufficient to prosecute.



#JusticeDone: Life sentences for mother and two daughters belonging to the first female terrorist cell in the UK – In 2018, the Central Criminal Court of England and Wales sentenced a mother and a daughter who belonged to the first female terrorist cell in the UK to life imprisonment, with a minimum of 16 years to be served. The daughter had planned to carry out a knife attack close to the Houses of Parliament in London, and was assisted by her mother. Her sister was also convicted of planning to commit another attack close to the British Museum in London. She was sentenced to life imprisonment in August, with a minimum of 13 years to be served. She had married a so-called IS fighter online and had planned to join him in Syria before being stopped by the Security Service. The mother is believed to have played a major role in radicalising her daughters. A fourth young woman was also found guilty of possessing information about terrorist acts.

#JusticeDone: Up to 7 years in prison for recruitment of women for IS in Spain

In Spain, four defendants appeared before the National Court, charged with indoctrination and recruitment of supporters of a terrorist organisation. The group was led by a woman who started the recruitment and indoctrination of other women in 2014 with the intention of reaching Syria to join the so-called IS. She was planning to marry one of the other defendants and travel with him to Syria. Moreover, she maintained a close relationship with the other woman in the group whose task also concerned the recruitment of supporters as well as the management of WhatsApp groups. To indoctrinate and recruit supporters, they first used Facebook. After contact with the person was made, they used WhatsApp to continue the indoctrination. This process led to the recruitment of at least three young people of Moroccan nationality. The defendants were given prison sentences of between four and seven years.

Stepping in to support victims of terrorist attacks

Since the terrorist attacks on European soil were carried out at tourist destinations, **a large number of victims have been of foreign nationality**. Working under difficult and pressing circumstances, first responders have needed to quickly **identify, count and register** the victims and witnesses coming from a wide range of countries, clarify their **status**, and inform them of their **rights**.

For the deceased, the painful task of **informing families of the loss of their loved ones** and arranging the return of bodies needs to be swiftly, but lawfully, arranged. In general, authorities only inform families of a death after the human remains have been officially identified according to national law, a process that may take considerable time. **Many actors may need to get involved**, including the police, investigative and judicial authorities and Ministries of Foreign Affairs of the Member States concerned and INTERPOL. The presence of a foreign prosecutor may be essential during the autopsies.

Eurojust has stepped in to assist and coordinate judicial cooperation after the attacks in recent years, to support national authorities in providing efficient support to victims from other States and guaranteeing their rights in the State in which the attack took place.

The **aftermath of a terrorist attack** raises many legal issues. Survivors can be offered the opportunity to be heard via videoconference, copies of **witness hearings** to the authorities need to be transferred to their State of origin, etc. Victims of terrorism are eligible for **compensation**, either under a specific compensation regime for victims of terrorism or under the general compensation system for crime victims, but no uniform rules exist. Minimum standards are in place across the EU for **legal aid and victims' rights in legal proceedings**, but actual arrangements vary considerably across countries. This situation requires continuous close collaboration between judicial actors.

The important role of Eurojust in supporting national authorities in helping victims was recognised in



Action to support the victims of the terrorist attacks in Barcelona and Cambrils

In the aftermath of the 2017 attacks in Barcelona and Cambrils, which involved a large number of foreign victims, Eurojust played a key role in **coordinating judicial cooperation between Member States and third States**. A template that clearly describes the **assistance to which victims are entitled, their procedural rights**, as well as their **rights to compensation and allowances** according to Spanish law, which are extremely detailed on this matter, was drafted to simplify and make understandable to them the list of rights to which they are entitled. It was attached to the request for mutual legal assistance (MLA) sent by the Spanish authorities **to the States of origin or residence** of the foreign victims of the attacks. For injured victims, **forensic medical reports and medical treatments** were also requested. The National Member for Spain at Eurojust proactively facilitated the transmission of the information and assisted with follow-up questions.

the recent Council Conclusions on Victims of Terrorism, adopted at the JHA Council of 4 June 2018, which encourage further cooperation and synergies. **Eurojust's main goal will be to support national authorities and facilitate judicial cooperation to ensure the best possible assistance to victims from different States.**

Eurojust will also continue to collect Member States' experience and best practice in supporting victims of terrorism, **raise awareness** and share lessons learned among judicial authorities. Such support will **help to better implement existing rules on compensation, improve cooperation** among national authorities responsible for compensation and **find new concrete options** for faster and fairer compensation across the EU.

“Caring for victims of terrorism is also a very powerful weapon in the fight against it. By looking after the victims and ensuring that their needs are met, we give a clear message that our society and community values, like human rights and democracy, grow stronger under attack.”

Joelle Milquet, Special Adviser to the President of the European Commission for the compensation of victims of crime, at the Eurojust meeting on counter-terrorism, 20- 21 June 2018

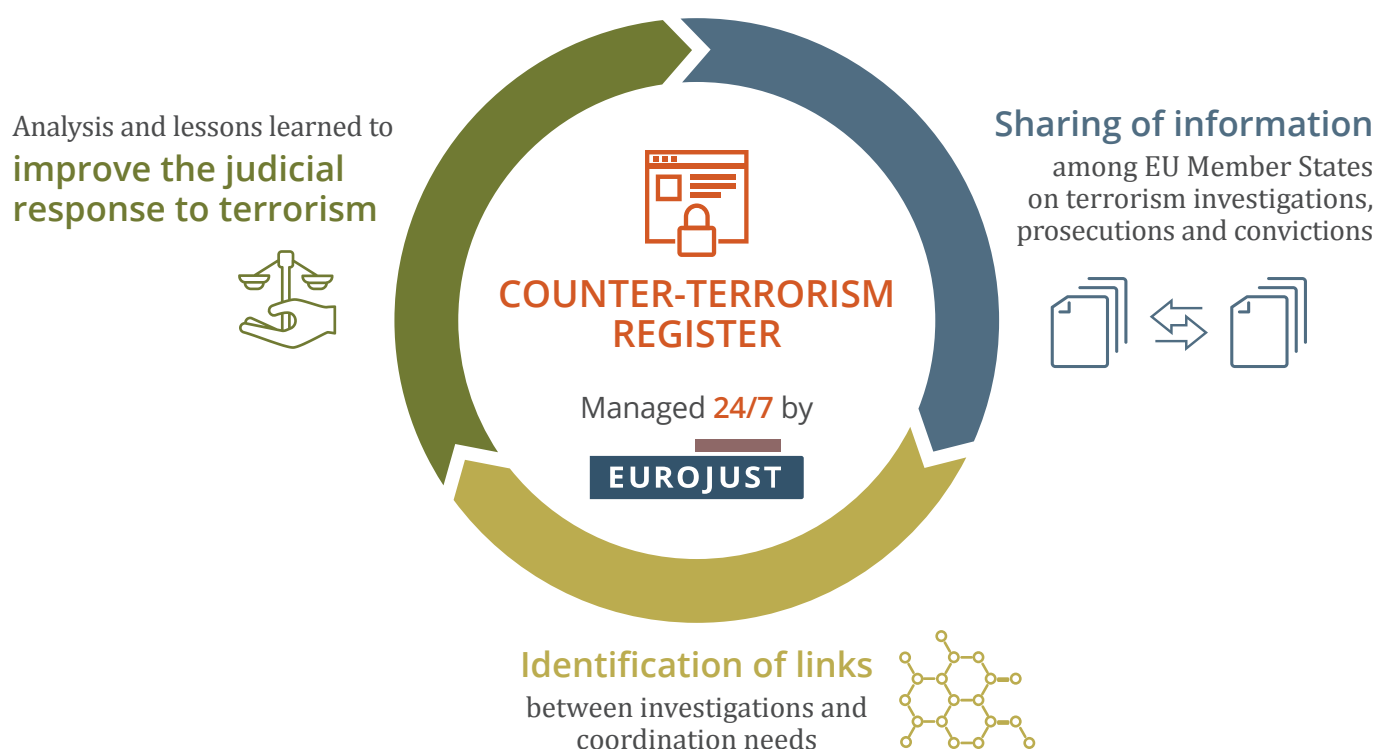


Tributes to victims of terror attacks in various European cities. Photos © Shutterstock

The Counter-Terrorism Register: Speeding up and strengthening the judicial response to terrorism

On 1 September 2019, the **Counter-Terrorism Register (CTR)** was launched. It is a unique **EU-wide database for judicial information on all types of terrorist acts**, and will be managed by Eurojust on a 24/7 basis. The CTR focuses entirely on **judicial proceedings** and will help prosecutors to **quickly identify suspects or networks** and **establish links** in proceedings against suspects of terrorist offences.

The initiative to create the CTR was taken by the Ministers of Justice of France, Germany, Spain, Belgium, Italy, Luxembourg and the Netherlands in November 2018. The initiative is based upon existing rules allowing for the sharing of information (Council Decision 2005/671/JHA) and has been set up with the support of the European Commission, the Special Committee on Terrorism of the European Parliament and the EU Counter-Terrorism Coordinator.



“ In fighting terrorism, we must avoid all blind spots. The experience that we have gained in the case related to the terrorist attacks in Paris and Saint-Denis on 13 November 2015 has shown the necessity of having a complete overview of all the ongoing judicial proceedings in the Member States. With the Counter-Terrorism Register at Eurojust, we will have the tool that we need at operational level to support the coordination of investigations in terrorism cases. ”

Frédéric Baab, until recently French National Member at Eurojust and initiator of the Counter-Terrorism Register



Eurojust, Johan de Wittlaan 9, 2517 JR The Hague, Netherlands

Phone: +31 70 412 5000 - E-mail: info@eurojust.europa.eu - Website: www.eurojust.europa.eu

Follow Eurojust on Twitter and LinkedIn @Eurojust

Print: *Catalogue number* QP-03-19-535-EN-C
PDF: *Catalogue number* QP-03-19-535-EN-N

ISBN 978-92-9490-302-0
ISBN 978-92-9490-303-7

DOI 10.2812/388170
DOI 10.2812/882137