

2019 Eurojust Report on Counter-Terrorism

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With the evolution of the security threat and the changing complexity of terrorist attacks and terrorist activities targeting EU Member States, it has become evident that an efficient judicial response to terrorism often reaches beyond a single jurisdiction. To address challenges efficiently, competent national authorities need to cooperate and coordinate among themselves and with relevant EU and international bodies, and share information in a timely and comprehensive manner.

The *2019 Eurojust Report on Counter-Terrorism* presents Eurojust's activities in the area of counter-terrorism (CT) in 2019, based on Eurojust's mandate and aiming to strengthen the efficient judicial response to terrorism. It provides insights into the growing number of complex and diverse CT investigations and prosecutions coordinated by Eurojust, identifies challenges and best practices and refers to examples of the assistance that Eurojust provided to national authorities.

CT investigations and prosecutions brought to Eurojust for assistance concerned terrorist attacks and other types of terrorist activities committed by terrorist networks, terrorist cells or single individuals. Specific challenges were identified in relation to the execution of requests based on mutual recognition instruments, mutual legal assistance (MLA) requests and the establishment of the (best-placed) jurisdiction to prosecute.

Eurojust's unique mandate and expertise have allowed it to assist national authorities efficiently at all stages of judicial proceedings and in relation to all types of terrorism. With the entry into force of [Regulation \(EU\) 2018/1727](#) on the European Union Agency for Criminal Justice Cooperation (Eurojust) on 12 December 2019, Eurojust's capacity to assist with and coordinate investigations and prosecutions has been further reinforced.

In the CT investigations and prosecutions coordinated by Eurojust, legal and operational assistance tailored to the specific needs of each case was provided. Eurojust's coordination meetings helped build a common understanding of the alleged terrorist activities, identify links between investigations, discuss cooperation and coordination needs and agree on the best way forward. Joint investigation teams (JITs) set up with the assistance of and funding from Eurojust were seen as an efficient judicial cooperation tool to address the challenges faced by the involved States, enabling them to share information and evidence directly and discuss, agree on and coordinate their investigation and prosecution strategies.

The transmission of (copies of) European Investigation Orders (EIOs) and MLA requests and their execution through Eurojust has become an established and efficient practice to ensure that the documents reach the judicial authorities they are addressed to in the swiftest manner possible and to guarantee proper follow-up, whenever needed.

In the CT investigations and prosecutions coordinated in 2019, Eurojust's assistance was instrumental in ensuring the exchange of information on linked proceedings and mapping the scope of investigations and future prosecutions to determine risks of infringement of the *ne bis in idem* principle and develop possible coordinated strategies to avoid such infringements.

CT cases referred to Eurojust for assistance demonstrated that international judicial cooperation is a powerful tool to safeguard and guarantee the rights of victims of terrorism and their families. Through judicial cooperation and with the help of Eurojust, national authorities can ensure that foreign victims

are informed of their rights in the country where a terrorist attack took place and that those rights are guaranteed immediately after the attack, during the investigation and in court.

As CT investigations in EU Member States often reach beyond the EU, Liaison Prosecutors from third States who are posted at Eurojust were very instrumental in ensuring swift and efficient cooperation between the authorities of those third States and EU Member States. Furthermore, Eurojust's network of judicial contact points in third States allows Eurojust and the national authorities to reach out to jurisdictions all over the world to facilitate and speed up cooperation, including in CT cases.

Aiming to support EU Member States in the best way possible, Eurojust continued to cooperate closely with its key partner Europol, ensuring complementarity in the assistance offered to national authorities, in conformity with the respective mandates of the two agencies.

Recognising the fundamental importance of the sharing of information, on 1 September 2019 Eurojust launched the European Judicial Counter-Terrorism Register (CTR), in cooperation and consultation with the EU Member States. The CTR is a unique operational tool at EU level, which collects information on ongoing and concluded judicial CT proceedings in the EU Member States, transmitted to Eurojust on the basis of [Council Decision 2005/671/JHA](#) of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences. The CTR's main objective is to identify (1) potential links between judicial proceedings and (2) possible coordination needs, in full respect of the applicable data protection rules and the confidentiality and ownership of the information.

The transmission to Eurojust of accurate and up-to-date information on judicial CT proceedings results in concrete and tangible benefits for the EU Member States. It contributes to a more efficient detection of links between national judicial proceedings on the basis of CTR information. The links may help national authorities understand better the international dimension of a terrorist cell and/or activity and provide national authorities with a broader range of avenues for cooperation and coordination. In CT proceedings that were not previously known to affect other States, the CTR may help identify international links that reveal the cross-border nature of terrorist cells and/or activities. Inserting the CTR information into the Eurojust Case Management System also makes it possible to identify links between CT proceedings and proceedings concerning other types of serious and organised crime.

When links are confirmed, EU Member States can benefit from the coordination mechanisms that Eurojust offers. Eurojust can help national authorities assess their investigation and cooperation needs more precisely, coordinate national efforts and foster common or cooperative prosecution strategies to achieve better operational results and ensure the successful outcome of investigations and prosecutions.

Based on the experience gained from coordinating CT investigations and prosecutions, and the need to support national authorities in an efficient manner, Eurojust identified the following priority areas on which to focus its efforts and resources in 2020:

- the efficient and timely coordination of CT investigations and prosecutions to help render EU Member States' investigations and prosecutions successful;
- further implementation of the CTR to enhance the timely and comprehensive sharing of information on judicial CT proceedings, optimise the ability to identify links between proceedings and ensure efficient follow-up of each link;
- the coordination of judicial cooperation to provide support to victims of terrorism and guarantee their rights;
- the sharing of experience and input to discussions at EU level concerning judicial cooperation, exchange of information on terrorist offences and challenges and best practices in the judicial response to terrorism to address the evolving nature of the terrorist threat.