

EUROJUST

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Terrorism Convictions Monitor

EUROJUST Report

Based on open sources information

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Contents

I. Introduction

II. Terrorism Convictions Overview

1. Terrorism Convictions/Acquittals by Member State
May-August 2008
 2. Other Relevant Decisions
May-August 2008
 3. Comparative Analysis
Terrorism Convictions EU Member States
May-August 2008
 4. Case Study
Terrorism Propaganda on the Internet
-

III. Legal Update

1. EU
 2. EU Member States Overview
-

IV. Conclusions



V. The Way Ahead

Appendix

Contact and Analyst Team

I. Introduction

The Terrorism Convictions Monitor (TCM) is intended to provide a regular overview of the terrorism-related developments throughout the EU area. The Monitor has been developed on the basis of the **open sources information** available to the CMT and methodologies such as individual case studies and comparative analysis. There is a link provided to each of the convictions and acquittals found on the EUROJUST Intranet External News and the Internet.

The general objective of the TCM is to inform and kindly invite the National Members to review and confirm the information retrieved from various open sources. In the cases when such a confirmation and/or follow-up is needed, a special icon  will appear. To this end, the National Desks will be further contacted for specific details. In cases when the information has already been provided, it will be noted by a .

Issue 2 of the TCM covers the period **May-August 2008**.

II. Terrorism Convictions Overview

1. Terrorism Convictions/Acquittals by Member State May-August 2008



Belgium

June 2008

The Appeals Court reduced the sentences of the five people accused in the case of suicide bomber [REDACTED] sentence of 10 years in prison was reduced to 5 years, [REDACTED] received 2 years suspended sentence in place of 5 years. [REDACTED] sentence was also reduced. [REDACTED] were acquitted (for details, see TCM, Issue 1).

Source: [De Standaard](#), [External News Intranet](#)



The Court of Cassation annulled the acquittal of [REDACTED] and 6 other **DHKP-C** members by the Antwerp Appeal Court resulting in the renewal of the criminal proceedings. According to the Court, it is sufficient to be liable to punishment if someone is a member of an organisation, which carries out attacks on property or people even if one has not personally taken part in such attacks or their preparation.

Source: [Today's Zaman](#), [External News Intranet](#)



France

May 2008

The Magistrates' Court in Paris convicted 7 members of the so-called "**19th arrondissement cell**" of having formed or participated in a recruitment ring to send jihadists to Iraq. The two ring organisers, [REDACTED] were sentenced to respectively 6 and 7 years in prison. [REDACTED] who fought in Iraq, [REDACTED] were sentenced to 18 months in prison plus an 18-month suspended sentence. [REDACTED] was found guilty of having supplied false papers to the jihadists and was sentenced to 4 years in prison. [REDACTED] prosecuted for links with numerous Middle East combat networks, was sentenced to 7 years in prison.

Source: [International Herald Tribune](#), [External News Intranet](#)



The Paris Special Court of Assizes sentenced [REDACTED] alias [REDACTED], to 15 years' imprisonment and permanent ban from French territory in his capacity as former head of **ETA's** military apparatus. Four other **ETA** members received sentences ranging from 5 to 12 years' imprisonment and a permanent ban from French territory.

Source: [Daily Spain](#), [External News Intranet](#)



The Paris Special Court of Assizes sentenced [REDACTED] to 12 years in prison for membership of **ETA** and collecting the so-called revolutionary tax. [REDACTED] is undergoing extradition proceedings to Spain.

Source: [Page Crime](#), [External News Intranet](#)



June 2008

The Magistrates' Court in Paris convicted [REDACTED] and [REDACTED] of membership of **ETA**. [REDACTED] was sentenced to 8 years in prison, [REDACTED] to 6 years, and [REDACTED], sentenced in absentia, to 4 years.

Source: [Terra](#), [External News Intranet](#)



A French court convicted 8 **Corsican** nationalists accused of planning or participating in around 30 attacks on the island in 2001 and 2003. The leader, [REDACTED] was sentenced to 15 years in prison, [REDACTED] – to 12 years, [REDACTED] described as the "brains behind the attacks", was given 10 years, [REDACTED] – 6 years, and [REDACTED] – 5 years each. [REDACTED] was acquitted.

Source: [Corse Matin](#), [External News Intranet](#)



Germany

June 2008

The Higher Regional Court in Celle found an Iraqi, [REDACTED] guilty of spreading audio and video messages of Al-Qaida leaders on the Internet and sentenced him to 3 years in prison.

Source: [Reuters](#), [External News Intranet](#)



July 2008

The Stuttgart Higher Regional Court convicted three Iraqi men, [REDACTED] of plotting to kill former Iraqi Prime Minister [REDACTED] during a visit to Germany in 2004 and of belonging to Al-Qaida related **Ansar al-Islam**. [REDACTED] was sentenced to 10 years in prison, [REDACTED] to 8 and [REDACTED] to 7.5 years. The men were all ethnic Kurds. The investigators did not find weapons or explosives with the defendants but the court considered the charges proven on the basis of tapped telephone conversations, monitored e-mail traffic, surveillance findings, and testimonies by witnesses.

Source: [BBC](#), [External News Intranet](#)



Italy

June 2008

The Court of Cassation confirmed the 4-year sentence for international terrorism of the Moroccan [REDACTED] who was acquitted in the first ruling by a Milan Judge for Preliminary Inquiries and later by an appeals court. The Court of Cassation cancelled the acquittal as it did not endorse the distinction between guerrilla warfare and terrorism which had been made earlier. [REDACTED] were also found guilty.

Source: [AGI](#), [External News Intranet](#)



The Court of Cassation confirmed the sentence of 7 years and 4 months of **ETA** member [REDACTED] responsible for bomb attacks in Italy in 1991.

Source: [IMG Press](#), [External News Intranet](#)





Spain

July 2008

The Supreme Court sentenced [REDACTED] the ex-imam of Cremona to 7 years, [REDACTED] to 6 years and [REDACTED] to 5 years and 6 months in prison and confirmed the acquittal granted by the Court of Appeal of Brescia, to the Moroccan [REDACTED] of the charges of membership of an Islamist terrorism group in the prosecution of a plot to attack one of Cremona's main churches and the Metro system. The decision of the Supreme Court also repealed six appeals initiated by [REDACTED] of the charges of belonging to the Islamist terrorist cell of Cremona and the appeal of the [REDACTED] prosecutor requesting the invalidation of the acquittal of [REDACTED]

Source: [Il Tempo](#), [External News Intranet](#)



The Supreme Court invalidated the December 2007 sentence against the former imam of Gallarte, [REDACTED] charged with external aiding to international terrorism and cooperation in illegal immigration. As stated by the Supreme Court, his role or his awareness of the criminal nature of the organisation he was allegedly aiding has not been proven.

Source: [Adnkronos](#), [External News Intranet](#).



June 2008

The Supreme Court overturned a conviction against a Moroccan, [REDACTED] of belonging to a terrorist organisation. He was among 20 radicals sentenced in February to between 5 and 14 years for belonging to an Al-Qaida inspired terrorist cell that recruited Muslims in prison for jihad (*for details, see TCM, Issue 1*).

Source: [Daily Spain](#), [External News Intranet](#).



July 2008

The Supreme Court confirmed the acquittal of [REDACTED] and absolved [REDACTED] in relation to the 2004 Madrid train bombings. The court reduced the sentences of [REDACTED] from 12 to 9 years and of [REDACTED] from 15 to 14 years, and reversed the acquittal of [REDACTED]. The judges convicted him of exchanging explosives used in the attack for drugs and money, and sentenced him to 4 years. Another convict, [REDACTED] was cleared of falsification, but would remain in jail on other charges.

Source: [MSN/AFP](#), [External News Intranet](#)



The National Court cleared the Syrians [REDACTED] and [REDACTED] of indictments for alleged terrorist financing which were issued last year. According to the indictments they had allegedly liquidated a company's accounts of thousands of dollars and diverted the funds to finance Islamist terrorist activities. [REDACTED] is still serving a 9-year sentence for membership in a terrorist group.

Source: [CNN](#), [External News Intranet](#)





United Kingdom

June 2008

The Old Bailey Central Criminal Court convicted [REDACTED] the wife of one of the failed 2005 London suicide bombers, of having information about terrorism and failing to disclose it and sentenced her to 15 years in prison. Her brother [REDACTED]s and sister [REDACTED] were convicted of aiding the plotter and were jailed for 10 years. Her sister's boyfriend [REDACTED] was jailed for 9 years for his assistance and failure to disclose information.

Source: [Agence France Press](#), [External News Intranet](#)



The Court of Appeal overthrew the conviction of [REDACTED] the "lyrical terrorist", who had received a 9-month suspended sentence last year for possessing documents useful to terrorists. She had downloaded Islamist literature from the Internet and her poetry, according to prosecutors, advocated violent extremism. The ruling considered another ruling from February that possession counts as a crime if the documents were actually helpful to a terrorist, rather than merely encouraging terrorism (*for details, see TCM, Issue 1*).

Source: [Guardian](#), [External News Intranet](#)



The Leeds Crown Court convicted [REDACTED] of terrorist offences and of possessing child pornography and sentenced him to 16 years in jail. The neo-Nazi convict intended to cause "havoc" with home-made nail bombs.

Source: [Telegraph](#), [External News Intranet](#)



July 2008

The Birmingham Crown Court convicted the Syrian [REDACTED] "preparation of the acts of terrorism" under the Terrorism Act and sentenced him to 7 years in prison. According to the prosecutor, the numerous items found in his house showed that he was preparing to wage Al Qaida-style jihad but he denied the charges and claimed to have been making fireworks for a religious festival.

Source: [Sky News](#)



August 2008

The Blackfriars Crown Court convicted [REDACTED] of possessing documents useful to terrorists and sentenced them to 12 and 10 years respectively. [REDACTED] who recruited young people to Al Qaida's ideology over the Internet, testified that his interest in violent jihad began at the age of 12. The Court also convicted one of his recruiters, [REDACTED] who is the youngest person convicted of a terrorist offense in Britain. A fourth man, [REDACTED] was found innocent.

Source: [Los Angeles Times](#), [External News Intranet](#)



2. Other Relevant Decisions May-August 2008



Denmark

June 2008

The Western High Appeals Court rejected a lawsuit against the newspaper that first printed the controversial Prophet Muhammad cartoons in 2005, saying that they were not intended to insult Muslims and it was not proven that Jyllands-Posten's purpose was to depict Muslims as criminals or terrorists.

Source: [Associated Press](#), [External News Intranet](#)

The Prosecutor's Office decided against imposing a ban on the Danish branch of a small radical Islamic movement, the Hizb ut-Tahrir, as it had not violated the Danish Constitution although its spokesman has been jailed for printing remarks considered anti-Semitic and for threatening the prime minister.

Source: [Associated Press](#), [External News Intranet](#)



Germany

June 2008

The Interior Ministry banned the activities of the Denmark-based **Roj TV**, the broadcast organ of PKK in Germany, as well as those of the "Mesopotamia Broadcast" institution. According to the Ministry, Roj TV encouraged PKK for violence, and helped the terrorist organisation to find members to stage attacks in Turkey.

Source: [Today's Zaman](#), [External News Intranet](#)



Ireland

July 2008

The Supreme Court dismissed an appeal by [REDACTED] against his conviction for organising terrorist activities for the **RIRA** and the 20-year prison sentence he received 5 years ago. The appeal was founded on over 30 grounds including a challenge to the credibility of the State's key witness, an FBI agent.

Source: [Belfast Telegraph](#), [External News Intranet](#)



United Kingdom

May 2008

The Court of Appeal confirmed the ruling of an appeals panel ordering the removal of the **People's Mujahideen Organisation of Iran** (PMOI) from the list of banned terror organisations. The appeals panel had said the PMOI was not "concerned in terrorism" for the purposes of the 2000 Terrorism Act. The PMOI is illegal in the European Union and the United States.

Source: [BBC](#), [External News Intranet](#)

June 2008

The Special Immigration Appeals Commission granted bail to [REDACTED] described as [REDACTED] right hand in Europe, and subjected him to 22-hours-a-day curfew following his successful appeal against deportation to Jordan where he was convicted in absentia of terrorist offences.

Source: [Agence France Press](#), [External News Intranet](#)

August 2008

The European Court of Human Rights in Strasbourg ruled that the radical Muslim



cleric [REDACTED] should not be extradited to the US until judges could examine his case. The ruling came after the High Court in London ruled earlier in June that the decision to extradite him was "unassailable". He was supposed to be extradited to the US where he faces a trial for allegedly attempting to set up an **Al-Qaida** training camp in Oregon. He could face a total of 11 terrorism charges, including sending money and recruits to assist the Taliban and Al-Qaida.

Source: [BBC](#), [Telegraph](#), [External News Intranet](#).

* * *



Norway

June 2008

[REDACTED] was acquitted of terrorism in Norway's first trial, testing its terrorism law, thus creating a precedent for future judgments. Arfan was convicted of firing shots at a synagogue in Oslo in 2006, and threatening the US and Israeli embassies in Oslo but the judge didn't believe there was enough evidence to convict him of planning or carrying out terrorist attacks.

Source: [Aftenposten](#), [External News Intranet](#).

3. Comparative Analysis

Terrorism Convictions in the EU Member States May-August 2008

Cases highlights

A closer look at the information available in the open sources regarding the terrorism related judgments reveals a number of interesting developments, some of which have been summarised below.

In a decade-long case in Belgium the Court of Cassation reversed the acquittal of several DHKP-C members with the argument that it is sufficient, according to the Belgian legislation, for somebody to be knowingly a member of an organisation which carries out attacks on property or people in order for him/her to be liable to punishment even if the person has not taken part in those attacks or in their preparation. As a result, the criminal proceedings against the group will be resumed.

In another trial in Belgium against an organisation, which the Appeals Court acknowledged to be terrorist, the sentences of its members were significantly reduced and 2 defendants were acquitted.

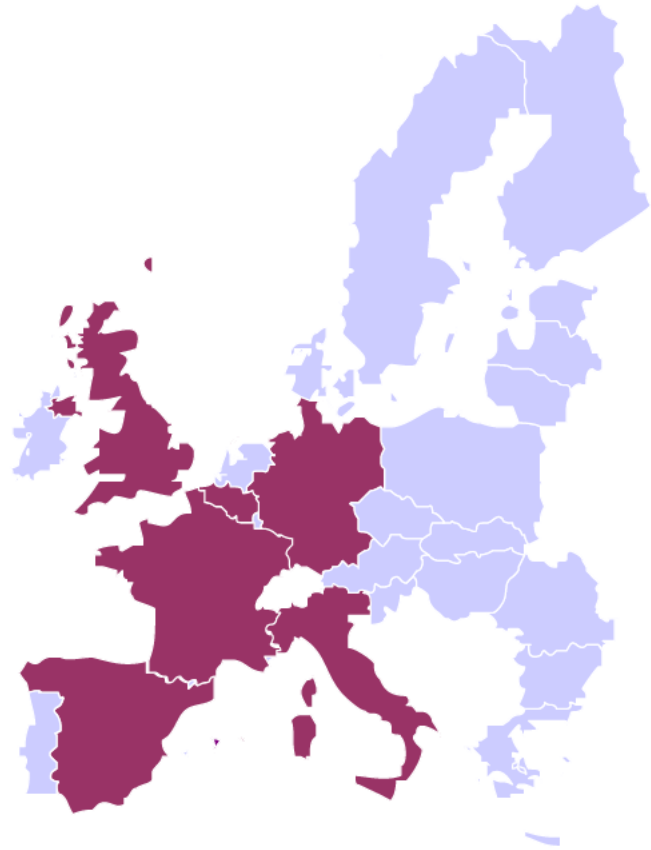
Other cases in which appeals lead to reduced sentences or acquittals include: the invalidation by the Supreme Court in Italy of a sentence against a defendant because his role or his awareness of the criminal nature of the organisation he was allegedly aiding has not been proven; the acquittal by Spain's Supreme Court of one of the 20 radicals, sentenced in February for recruiting Muslims in jail for jihad; the acquittal of 4 people in relation to the Madrid train bombings and reduced the sentences of 2 of the convicts; the overthrown conviction of the so-called "lyrical terrorist", by the UK Court of Appeal, on the grounds that possession of documents counts as a crime if the documents were actually helpful to a terrorist, rather than merely encouraging terrorism.

In a UK trial defendants were held liable for having information about terrorism and without reasonable excuse failing to disclose it and in a trial in Germany tapped phone conversations, monitored e-mail traffic, surveillance and testimonies were enough to reach a conviction although no weapons or explosives had been found with the defendants.

There have also been a number of convictions for terrorism financing (France, Italy) which, because of its significance, will be a special focus of attention in Issue 3 of the TCM.

Member States with convictions

Terrorism related trials in several EU member states have resulted in convictions/acquittals in the period May-August 2008 (see map below).



Based on the information available in the open sources, several comparative charts have been drawn to illustrate some facts of particular interest*:

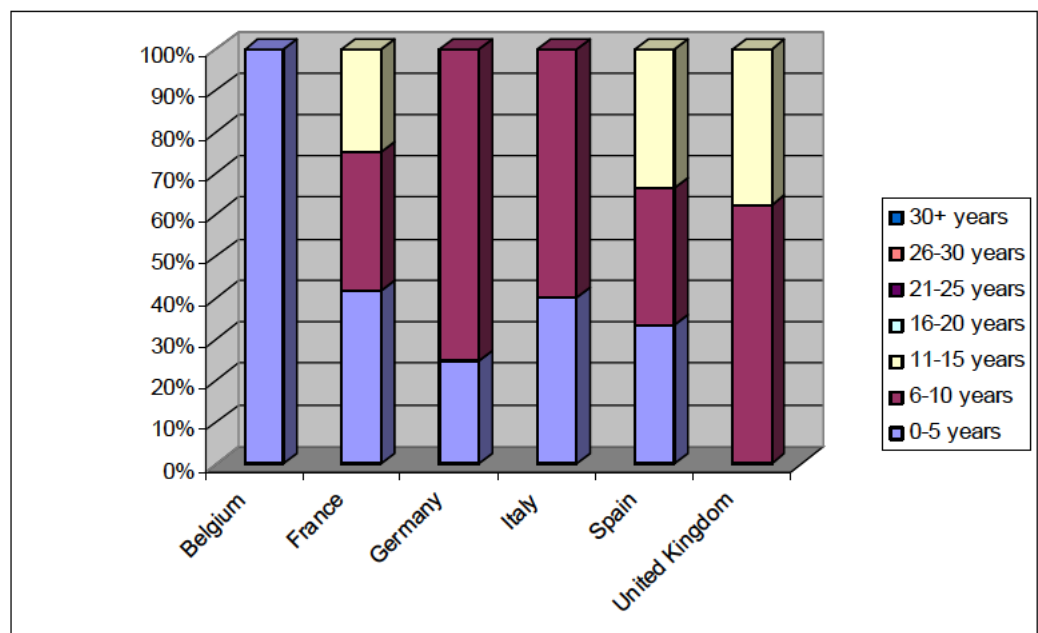
Number of convictions/acquittals per member state

COUNTRY	CONVICTED	ACQUITTED	TOTAL	ACQUITTED (%)
BELGIUM	3	2	5	40
FRANCE	26	1	27	4
GERMANY	4	0	4	0
ITALY	7	2	9	22
SPAIN	3	9	12	75
UK	9	2	11	18
TOTAL	52	16	68	24

The chart illustrates the information, available in the open sources, regarding the number of convictions/acquittals per member state over the period May-August 2008.

* The annulment of the acquittals in Belgium is not included in the charts that follow.

Length of sentences



The chart illustrates the information, available in the open sources, regarding the length of terrorism related sentences per member state over the period May-August 2008.

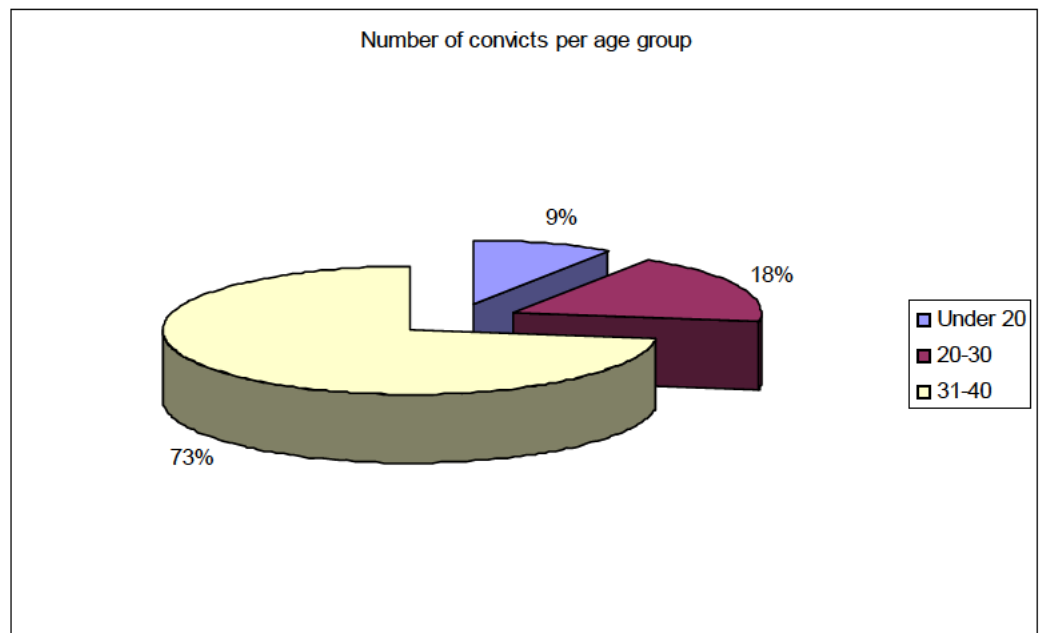
Affiliation of convicts

Links to organisations:

ETA	12
Corsican	8
Ansar al-Islam	3
Al Saar Al Islam	3

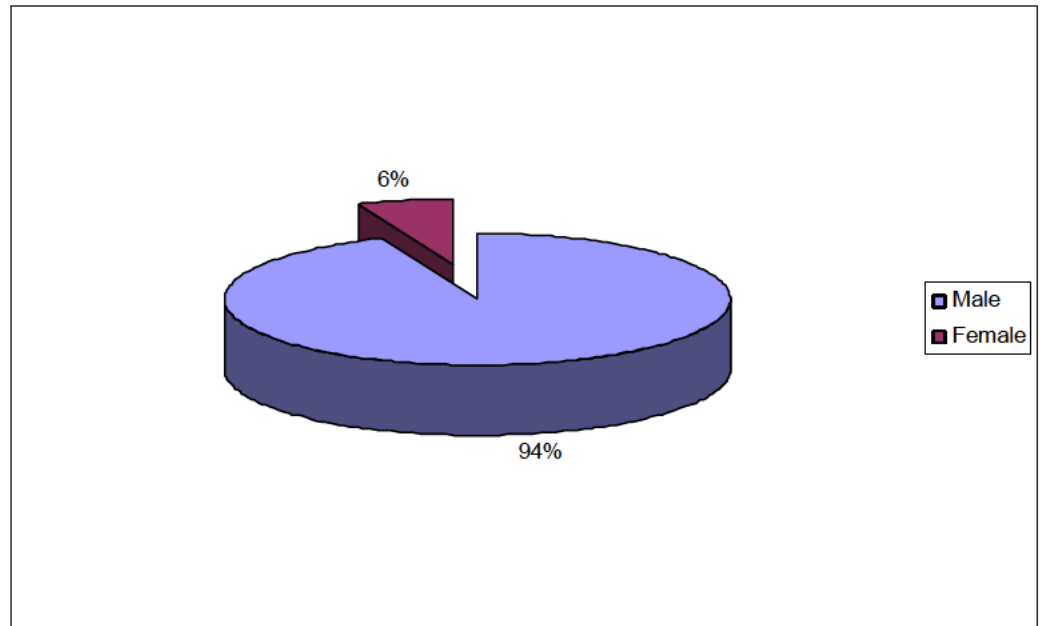
The chart illustrates the information, available in the open sources, regarding the affiliation of convicts, in cases when it was expressly stated.

Age of convicts



The chart illustrates the information, available in the open sources, regarding the age of convicts in the EU member states over the period May-August 2008.

Gender of convicts



The chart illustrates the information, available in the open sources, regarding the gender of convicts in the EU member states over the period May-August 2008.

4. Case Study

Terrorism Propaganda on the Internet

*The present case study is based on the deliberate selection of the topic, **terrorism propaganda on the Internet**, as it has evolved into a steady trend of growing importance and is of a particular interest from an analytical point of view.*

The analysis of the relevant information available in the open sources has been conducted on a case-by-case basis and focused on several attributes:

- *Nature of problem;*
- *Legislation and good practices;*
- *The judicial response.*

Nature of Problem

Internet provides its users a fast, interactive, world-wide channel/means of communication. The easy accessibility and anonymity/"nick name" identity/ make it an excellent venue for radically inclined and one of the most widely used facilitating factors for terrorism and extremism propaganda.

As noted by the TCM, Issue 1, Internet is mostly used as a communication and discussion forum for like-minded as well as for collecting information on targets, posting videos, getting army and other manuals, recruiting fighters, etc. The use of Internet to buy/sell terrorism materials as well as to raise funds for terrorism related activities has also been identified as an emerging trend. According to the EU counterterrorism coordinator Gilles de Kerchove, there are almost 5000 websites that contribute to radicalising European youth.

In the case of Al-Qaida Internet propaganda, the phenomenon has recently been analysed in an [article](#) published by the Italian *Corriere della Sera* (see also [External News Intranet](#)). The analysis focuses on the *modus operandi* of the organisation and provides a propaganda [map](#) of the related activities. It quotes an intercepted letter by [REDACTED] in which he writes that "90 per cent of the battle will take place in the propaganda field". Internet, with its 6000-7000 Islamist sites, is *inter alia* referred to as "an ideological umbrella" and "a non-centralised university for indoctrination" as well as "a mirror of the new Al-Qaida – amorphous, fragmented, and without any fixed hierarchy".

In Italy itself, as reported by the [Adnkronos](#), four pro-Islamist blogs which posted messages by Al-Qaida leaders in Italy and which were hosted by an Italian web server, were closed in February and seven people, all Italians, were charged in connection with the closing. The blogs, written in Italian, called on Muslims to wage "a holy war against the unbelieving Westerners". They praised the deeds of the mujahedeen and published also messages by [REDACTED] following every Al-Qaida attack. Shortly after, one of the most popular Jihadist web forums, the Al-Qaida linked Ekhlās website, launched a section in Italian (see also [External News Intranet](#)).

The intensified online activity of Al-Qaida and other terrorist organisations has raised concerns all over Europe. They have recently been voiced by German security officials following the posting on the Internet of Jihadist videos, narrated

and subtitled in German, that call on German-speaking Muslims to join the "Holy War" against what they call an "American led coalition against Islam that Germany and Austria are a part of." (*for details, see [article](#)*). A part of Al-Qaida's online propaganda campaign, targeting German-speaking Muslims with increasing amounts of terror-related content, is a 16-hour long, professionally produced bomb-making tutorial. Another example of the expertise sharing role of the Internet was discovered by the Bavarian Office for the Protection of the Constitution – a kind of "online university" for Muslim warriors where "teachers" and "students" exchange relevant technical knowledge and data about weapons, construction of bombs, guerrilla fighting, or secret communication (*for details, see [External News Intranet](#)*).

Also recently Internet propaganda messages have been issued by the Islamic Jihad Union, an Uzbek terror organisation linked to an Islamist from Saarland that the Federal Criminal Police Office has been searching in Afghanistan for months (*for details, see [External News Intranet](#)*). They came out just a few months after YouTube was used to disseminate videos threatening Austrian politicians (*for details, see [External News Intranet](#)*).

Another particularly worrying fact, the downloading and spreading of Jihadists videos and other propaganda materials by very young people, has been highlighted recently in an [article](#) in the British *Yorkshire Post* as a 12-year old white schoolboy was caught in the UK downloading Jihadists beheading videos and circulating them around school.

As argued by a former CIA officer in his book presented by the [Daily Star](#), it is the third wave of terrorism, the so-called "terrorist wannabes", that is growing. According to him, this third wave presents a weird species of the Internet culture. They gather in chat rooms and dare each other to take action. Many of them do not speak Arabic or read the Koran. Very few have attended radical religious schools. Nearly all join the movement because they know or are related to someone who is already in it. (*see also [External News Intranet](#)*)

Legislation and Good Practices

The growing use of Internet for terrorism propaganda requires a comprehensive, forward-looking and proactive approach to tackle the problem. It has been attracting the politicians', lawmakers' and experts' attention both on an EU and national level.

EU Level

According to the agreement reached by the EU ministers at the April [JHA Council in Luxembourg](#) the dissemination of terrorist propaganda through the Internet with the purpose of recruiting, training and bomb-making shall also be considered a crime. This is part of a larger agreement to toughen anti-terrorist laws across the EU to punish the incitement of violence and the recruitment and training of people for terrorist attacks. This will help codify terrorist crimes among countries with different histories and experience with terrorism, with the goal of preventing radicalisation and helping police locate and arrest suspects in cross-border investigations. However, it is the member states' responsibility to assess their own legislation and decide on possible amendments needed as well as on the severity of the sentences for terrorism related crimes (*for details, see TCM, Issue 1*).

Recently the European Commission consulted also the European Parliament's Committee on civil liberties on the proposal to amend the framework decision on

combating terrorism to introduce the above mentioned offences into the European law. The MEPs tried to put forward a more balanced text than that of the Council from April. They replaced “public provocation” with “public incitement” and stressed that an act, the publication of a message intending to incite terrorism for example, should only be incriminating if it creates a clear, not hypothetical, danger. A particular attention was paid to the respect of fundamental rights and freedoms, especially the freedom of expression. MEPs will be consulted on the matter at the plenary session in September in Strasbourg. (source: [Agence Europe Bulletin Quotidien Europe No 9707 - 19 Jul 2008](#), [External News Intranet](#))

“Check the Web” project. The project was launched by the German government with the purpose to improve prevention of radicalisation on the Internet. It was embraced by Europol which created an online portal for national authorities, which contains information from the EU member states gathered in the monitoring and analysis of propaganda and other activities conducted by Islamist terrorist groups on the Internet. It is intended to improve the expert coordination and delegation of tasks for the assessment of websites set up by terrorist groups and to facilitate the sharing of information about Islamist websites. (source: [Heise Online](#))

In a [report](#) on the implementation of the EU Counter-Terrorism Strategy which sets out the priorities for further action, the EU the Counter-Terrorism Coordinator stresses the importance of sharing Internet-related information and outlines some point for consideration for the Member States: *“The “Check the Web” project carried out by Europol is a natural consequence of the need to pool resources and to avoid duplication of work with regard to the surveillance of websites advocating Islamist extremist terrorism... The project is entering a crucial phase: it is essential to make sufficient information available to attract national authorities and authorities from third States cooperating with Europol and to persuade them to transmit more information.”*

The Work Programme of the French Presidency of the EU, chapter “A safer Europe for citizens” pledges “continuing with work on the use of the Internet for terrorist purposes (‘Check the Web’); drawing up a manual of best practices, mainly for use by the prison of the Council community, within the context of efforts to prevent radicalisation and the recruitment of terrorists...”.

The use of Internet for terrorism related purposes has also been addressed in the conclusions of the final report of the Future Group in the area of home affairs presented at the informal EU JHA ministers meeting in Cannes in July – the need for increased operational co-operation among EU member states, better information flow between member states’ enforcement authorities, EUROJUST and Europol. According to the report particular focus should be put on recruitment and radicalisation through the Internet. The conclusions will be considered in the next multi-annual JHA programme (2010-2014).

National Level

Several EU Member States have recently amended their legislation in relation to the growing use of Internet for terrorism related purposes:

Sweden – Law on electronic surveillance adopted in June 2008 which enables the Swedish National Defence Radio Establishment (FRA) to tap all cross-border Internet and telephone communication (for details, see also Chapter III Legal Update/Member States Overview).

Germany – A court decision allowing the German police, if authorised by a judge, to

monitor, via Internet, the computers terrorist suspects; measures to build on the "Check the Web" initiative in order to prevent radicalisation on the Internet (source: [External News Intranet](#))

France – A plan to block sites with content linked to terrorism or racial hatred as a part of a larger effort to fight cybercriminality. The plan due to go into effect in September envisages making a "black list" based on the input of Internet users who report sites containing offensive material. Among other countries that have already implemented similar measures include Britain, Sweden, Denmark, and Norway (source: [Fox News](#))

An effective strategy on terrorism related activities on the Internet in the EU in general and the Member States in particular that ensures a coherent and proactive approach is essential in preventing and fighting Militant Islamist radicalisation and recruitment on the Internet. As argued by an [article](#) published in *Europe's World*, Europe needs to strike a careful balance between soft responses, based on knowledge and hard responses, based on censorship.

The Judicial Response 2008

The case analysis performed on the basis of open sources information shows that Internet has been repeatedly used for recruiting terrorists, training for acts of terrorism and provocation to commit acts of terrorism. Some relevant court rulings since the beginning of 2008 have been selected and summarised below:



AT

A lower court (no final verdict) found [REDACTED] found guilty of "belonging to a terrorist organisation" with links to Al-Qaida, and sentenced to 4 years and 22 months respectively in relation to posting a video on the Internet that contained threats to target the European Football Championship as well as Austrian and foreign politicians. The verdict has been revoked by the Supreme Court in August 2008 and sent back for re-trial. (source: TCM, Issue 1 – [France Press](#), [External News Intranet](#))



DE

[REDACTED] found guilty of supporting a foreign terrorist organisation and founding one himself and sentenced to 5 years and 9 months in prison; used an Internet shop in Kiel as a base for communicating with terrorist cells in other countries. (source: TCM, Issue 1 – [Inquirer](#), [External News Intranet](#))

[REDACTED] found guilty of founding a terrorist organisation and sentenced to 2 years in prison; participated in online discussions about setting up a training camp in Sudan. (source: TCM, Issue 1 – [Jordan Times](#), [External News Intranet](#))

[REDACTED] found guilty of spreading audio and video messages of Al-Qaida leaders on the Internet and sentenced to 3 years in prison. (source: [Reuters](#), [External News Intranet](#))



UK

[REDACTED] found guilty of intending to commit acts of terrorism and sentenced to 4,5 years in prison; indicated in web messages that he had been sent to Britain by Al-Qaida for terrorist fundraising. (source: TCM, Issue 1 – [Guardian](#), [External News Intranet](#))

Five young Muslims acquitted of downloading extremist propaganda as it was not proven that they clearly intended to engage in terrorism or that the items they possessed were of practical use to a terrorist. (source: TCM, Issue 1 – [Times Online](#), [External News Intranet](#))

This acquittal is of a particular interest since it states the need to prove that the defendants clearly intended to engage in terrorism or that the items they

possessed were of practical use to a terrorist, thus ruling out the mere possession of materials as a serious criminal offence. It was considered as a reference in the acquittal of ██████████ who had downloaded Islamist literature from the Internet and wrote poetry that advocated violent extremism (*for details, see II Terrorism Convictions Overview/Terrorism Convictions/Acquittals by Member State; source: [Guardian](#), [External News Intranet](#)*) and might have potential implications on future convictions/acquittals.

And the finally, the most recent example – the conviction of ██████████ who recruited young people to Al Qaida's ideology over the Internet, as well as his accomplice ██████████ and one of his recruiters, ██████████

III. Legal Update

May-August 2008

1. EU



May 2008

Commission Regulation (EC) No 400/2008 amending Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against persons and entities associated with ██████████ the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#), [External News Intranet](#)

June 2008

Approval by the JHA Council of the recommendations made by the European Anti-Terrorism Coordinator aimed at increasing EU efforts to tackle the causes of radicalisation among some Muslims.

Source: [Agence Europe](#), [External News Intranet](#)

Commission Regulation (EC) No 580/2008 amending Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with ██████████ the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#), [External News Intranet](#)

Council Decision 2008/633/JHA08 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

Source: [Official Journal of the EU](#), [External News Intranet](#)

July 2008

Council Common Position 2008/586/CFSP updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2007/871/CFSP.

Source: [Official Journal of the EU](#), [External News Intranet](#)

Council Decision implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2007/868/EC. Amendments to the list

of persons and entities to which that Regulation applies.

Source: [Official Journal of the EU](#), [External News Intranet](#)

Commission Regulation (EC) No 678/2008 amending Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with [REDACTED], the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#), [External News Intranet](#)

2. EU Member States Overview



Bulgaria

August 2008

Adoption of a plan for management of crises generated by terrorist activity that creates a streamlined organisation at national level and specifies the procedure of interaction and coordination of the structures of the executive, local self-government, NGOs and partner organisations.

Source: [Government Website](#), [External News Intranet](#)



Czech Republic

May 2008

Introduction of economic sanctions against a number of people and organisations, e.g. ETA, RIRA and UDA, in line with the government's measures against terrorism.

Source: [Vlada](#), [External News Intranet](#)



Hungary

May 2008

Agreement on data exchange between Hungarian and U.S. representatives to help identify terrorists. Pending approval by parliament.

Source: [Agence Europe](#), [External News Intranet](#)



Latvia

July 2008

Amendments in the law against terrorist financing and money laundering, before passing the law in the final reading. Source: [The Baltic Course](#), [External News Intranet](#)



Netherlands

A new law was adopted on 15 July 2008 to fight terrorism financing and money laundering, which was brought about by the combination of two other laws, one on the identification needs in provision of services and one on the reporting of unusual financial transactions (Staatsblad 2008 (303)).



Spain

June 2008

Law on the protection of victims of terrorism approved by the Basque Parliament recognizing the rights of the victims from an ethical and political point of view and regulating welfare and material matters. Source: [EITB24](#), [External News Intranet](#)



Sweden

June 2008

Law on electronic surveillance which enables the Swedish National Defence Radio Establishment (FRA) to tap all cross-border Internet and telephone communication.



United Kingdom

Source: [Newswatch](#), [External News Intranet](#)

June 2008

Redrafted counterterrorism bill adopted by the House of Commons, pending approval by the House of Lords.

Source: [New York Times](#), [External News Intranet](#)

IV. Conclusions

The analysis of the information on terrorism judgments, available in the open sources, has led to the identification of several main conclusions and key developments with possible future implications:

- In many cases the appeals result in reduced sentences and acquittals of the suspects (Belgium, Italy, Spain, UK).
- Belonging knowingly to an organisation that carries out attacks on property or people is considered liable to punishment even without an actual participation in such attacks or their preparation (Belgium).
- Having information about terrorism and without reasonable excuse failing to disclose it is also liable to punishment while the mere possession of terrorism related documents does not count as a crime unless the documents are actually helpful to a terrorist rather than just encouraging terrorism (UK).

V. The Way Ahead

With a view to a more structured approach to the preparation of EUROJUST's contribution to the TE-SAT 2009, the CMT has been following the current developments in several trials where convictions are expected within the next few months. They include *inter alia*:



DE

A trial at the Düsseldorf Regional Appeals Court against a Lebanese, [REDACTED] for attempted murder and attempt to cause an explosion (the so-called "suitcase bomber trial").



FR

An appeal trial of [REDACTED] challenging their 6-year prison sentence for their involvement in financial and logistical support to GISM as well as the trial against eleven young Kurds for a series of fire bomb attacks on Turkish targets in France.



EL

An appeal trial of [REDACTED] **A.**, convicted ELA left-wing terrorists.



ES

A trial at Spain's National Court against 11 men for their alleged role in plotting suicide attacks against Barcelona's transport system.

[REDACTED]

Any further developments, resulting in convictions/acquittals in the above-mentioned or any other trials, will be presented in the next edition of the TCM. The National Members are kindly requested to share, as appropriate, with the CMT any information that they deem relevant and helpful in drafting the TE-SAT 2009.

Appendix: Contact and Analyst Team

Contact

[Redacted Contact Information]

Analysts Team

[Redacted Analysts Team Information]
