

**EUROJUST**

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# **Terrorism Convictions Monitor**

**EUROJUST      Report**

Based on open sources information

**Issue 3**



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## I. Introduction

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**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/or the Internet.

The general objective of the TCM is to inform the National Members and facilitate the process of drafting Eurojust's contribution to the TE-SAT report. Issue 3 of the TCM covers the period **September-December 2008**.

## II. Terrorism Convictions Overview

### 1. Terrorism Convictions/Acquittals per Member State September-December 2008



#### Denmark

##### **September 2008**

The Eastern High Court convicted 6 individuals for selling T-shirts to raise money for Colombian guerrillas and Palestinian militants. The defendants were associated with a Danish company that sold the T-shirts on the Internet with the acronyms FARC, or Revolutionary Armed Forces of Colombia, and PFLP, the Popular Front for the Liberation of Palestine. 5 of the company's employees were sentenced to between 60 days and 6 months in prison. A sixth defendant got 60 days for allowing the company to use his server for the company's Web site. A seventh defendant, a hot-dog vendor, was acquitted. He had put up posters in his stand to promote the T-shirts. The company started selling the T-shirts in January 2006. Each T-shirt was sold at 170 kroner, out of which 37 kroner would be donated to the groups. The company collected nearly 25 000 kroner, but police seized the money before it could be transferred to either group. Part of that money was to be evenly split between a radio station, operated by FARC, and a printing shop making posters for PFLP. The sentences are pending appeal at the Supreme Court.

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

##### **October 2008**

The City Court in Glostrup convicted [REDACTED] of preparing a terrorist attack and sentenced them to 12 and 7 years in prison respectively. The two were filmed mixing and testing triacetone triperoxide, the type of explosive used in the 2005 London transit bombing. Investigators found handwritten bomb-making manuals in the men's homes. [REDACTED] who has a Danish residence permit, would be expelled from the country after serving his sentence.

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

##### **November 2008**

The court acquitted a man, known by the initials [REDACTED] who was part of the [REDACTED] terror case. The man was charged with planning the kidnapping of Danish soldiers abroad, who were then to be used to bargain the release of his two friends who had previously been convicted for planning a terror action in Denmark. He had allegedly chatted on the Internet with an Al-Qaida member about taking the hostages, but prosecutors failed to prove that his plans were anything more than talk.

Source: [JP](#).



#### France

##### **October 2008**

The Paris Criminal Court sentenced 18 presumed members of the **ETA** commando units. Among them were [REDACTED], regarded as the head of the reserve commando units, sentenced to 15 years in prison, and [REDACTED]

■■■■■ given 10 years in prison each. The court pronounced also one sentence of 9 years without remission, two of 8 years, three of 6 years, five of 5 years and finally 5 years in prison, 4 of them suspended, for ■■■■■. All the sentences were accompanied by permanent banishment from French territory. For six of the 18 sentenced, who have never been detained, the court asked for confirmation that arrest warrants had been issued.

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

The Paris Magistrate's Court found ■■■■■ guilty of "criminal conspiracy relating to a terrorist enterprise" and "financing terrorism" and sentenced him to 15 years in prison, not eligible for parole for at least 10 years, for having founded the ■■■■■ group which is said to have planned attacks in France. Eight others received penalties of 1 to 9 years on charges linked to financing of and association with a terror group. The court ruled that one of the group's members, ■■■■■ had received weapons training in Lebanon in 2005 that was designed to help carry out bombings in France; he was sentenced to 9 years without the possibility of parole for at least six. ■■■■■ considered an important organising and financial operative, was given 8 years, without the possibility of parole for at least two-thirds of the term. ■■■■■ who was in charge of "seizing goods" to fund terror attacks, notably by extorting money from prostitutes, was sentenced to 5 years in prison. Two French converts to Islam, ■■■■■ were given 3-year sentences, half of which were suspended by the court. ■■■■■ was one of 36 Islamic militants convicted a decade ago for providing support for bombings that terrorized France in 1995. He received a 10-year term, but won early release in 2003 under police surveillance.

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

## November 2008

The Paris Magistrate's Court found 4 members of a network sending jihad volunteers from Montpellier to Iraq between 2000 and 2005 guilty of "involvement in criminal conspiracy with a view to preparing a terrorist venture". ■■■■■ received a 6-year sentence, with 4 years guaranteed to be served, and a 10-year ban on entering France. A large number of papers and a large quantity of chemical substances which could be used to make explosives were found at his home. ■■■■■ was given a 4-year sentence and a 5-year ban on entering France and ■■■■■ received a 3-year sentence and a 5-year ban on entering France. According to the prosecution, both provided the group with "logistic bases". The "mentor" of the group, ■■■■■ received 2 years' imprisonment.

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

A Paris court convicted an American man, ■■■■■ and his Danish companion, ■■■■■ for having sheltered 2 members of the outlawed ETA. They were given 2-year suspended prison sentences on charges of complicity with criminals in a terror group. The couple hosted a man, who took over ETA's leadership in 1992 and later ran its logistics operations, as well as his alleged accomplice.

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

## December 2008

The Paris Magistrate's Court found four men guilty of having participated in "a criminal conspiracy for terrorist purposes" for having been involved in a Jihad recruitment ring linked to the Belgian network which got a Belgian woman into Iraq in 2005 with the aim of carrying out a suicide attack. It sentenced ■■■■■ to 6 years'

imprisonment, ██████████ to 4 years and ██████████ to 3 years and banned them from staying in France. A committal order was issued for ██████████ and a warrant for the arrest of ██████████ who was absent from the proceedings.

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



## **Germany**

### **September 2008**

The Schleswig State Court convicted the Moroccan ██████████ of helping recruit supporters for Al-Qaida and attempting to smuggle them to Iraq to fight. He was sentenced to 4 years in prison for supporting a foreign terrorist organisation and helping found a terrorist cell. ██████████ was arrested in 2007 in Sweden and later turned over to Germany as part of an investigation into a Europe-based group of radicals aiding Al-Qaida. The group's ringleader ██████████ was convicted in the same court in January of raising money for Al-Qaida in Iraq and supplying fighters for the insurgency. Another member, ██████████ was convicted in February (for details, see TCM, Issue 1).

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

### **November 2008**

The Düsseldorf Higher State Court convicted a former leading official of the banned Kurdistan Workers' Party (PKK) of having been a member of a criminal organisation and imposed a 2-year suspended sentence. The 35-year old ethnic Kurdish Turk was the PKK's area chief in Düsseldorf and Cologne between June 2003 and July 2006.

Source: [External News Intranet](#).

### **December 2008**

The Düsseldorf State Court found ██████████ of multiple counts of attempted murder and attempting to cause an explosion and sentenced him to life in prison. He was one of two main suspects accused of planting bombs on two regional trains at Cologne's main station in July 2006. The bombs failed to detonate.

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



## **Italy**

### **October 2008**

The Court of Cassation confirmed the conviction of international terrorism charges of ██████████ one of the chief suspects in the 2004 Madrid train bombings, and upheld the 8-year prison sentence given by a Milan appeals court. ██████████ has already served 4 years of his sentence. He was also tried by Spanish courts and was acquitted on mass murder charges for insufficient evidence, while judges ruled that because he had been sentenced in Italy for association with a terror group, he could not be condemned again for the same crime.

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

### **November 2008**

The Court of Milan convicted ██████████ an ex-military of **Prima Linea**, and sentenced him to 9 years and 9 months in prison. He was charged with arson attacks to mosques and Islamic cultural centres in and around Milan. ██████████ a chemical expert, involved with ██████████ in a series of actions against Islamic places of worship, received a 4-year prison sentence.

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

The Court of Appeal in Milan confirmed the sentence of 3 years and 8 months of ■■■ the imam of a Milan mosque. He was accused of having helped to organise a terrorist cell, aiming to provide logistical support to suicide bombers going to Afghanistan and Iraq. He had been given the same sentence by a lower court in December 2007 when he was tried together with 10 other people accused of terrorism offences. The Court of Appeal reduced the sentences of 4 of them. 5 of those 10 individuals are fugitives.

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



## The Netherlands

### October 2008

The Appeal Court in The Hague ruled the so-called **Piranha network** is a criminal organisation with a terrorist objective and sentenced the main suspect, ■■■ to 9 years in prison. He participated in a terrorist organisation in which he had a coordinating role and which plotted terrorist attacks against politicians. He also recruited Jihad warriors, the court established. The judges gave an 8-year sentence to ■■■. who was an active and leading member of the network. He is currently serving a 5-year sentence for his activities in the Hofstadgroep. ■■■ got 6 years, ■■■ unofficially married to ■■■ got 4 years and ■■■ H. got 3 months in prison. In 2006, a Rotterdam district court ruled that the Piranha suspects maintained insufficient structured contact among one another to be able to speak of a criminal organisation with a terrorist objective but the suspects were given various sentences.

Source: [Nu.nl/Dutch News](#), [External News Intranet](#)/[External News Intranet](#).



## Spain

### September 2008

Twenty-one defendants in the trial of the **Gestoras Pro Amnistia**, a support group for ETA prisoners, accused of being leaders of a terrorist organisation and of controlling ETA convicts inside prison, have been sentenced to between 8 and 10 years' imprisonment each. The leaders of the group, ■■■ were given 10 years each, while eight others were sentenced to 8 years each. ■■■ were acquitted. The Pro-Amnesty Committees were provisionally banned in 2001. They were renamed Askatasuna, but it was banned the following year as well. After reading out the sentences, the judge announced a definitive ban on both groups.

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

The Spanish court convicted **ETA's** ■■■ alias ■■■ and ■■■ and sentenced them to almost 1 500 years imprisonment each for their part in the terrorist attack on 6 November 2001 in Madrid that injured 94 people. They were also accused, *inter alia*, of car robbery, conspiracy to kill, forgery of official documents, possession of arms and explosives. ■■■. received a 20-year sentence for her part in the attack. She was considered to be responsible for the cell in France and charged with directing the activities of ■■■, as well as o ■■■ sentenced to more than 1 000 years in prison for their actions. ■■■ were also prohibited to come close to their victims or the location of the attack for a period of 10 years after released from prison.

Source: [Adn](#).

## October 2008

The Supreme Court acquitted 14 of the 20 people convicted in February in connection with a 2006 plot to attack emblematic targets in Madrid. Most of those acquitted that have been released will be expelled from Spain in accordance with the law on aliens. The leader of the cell, ██████████ received a 14-year prison sentence, ██████████ – a 10-year sentence, ██████████ – 7-year sentences, and ██████████ – a 5-year sentence. ██████████ was absolved of terrorism charges but was sentenced to 2 years in prison for forgery with the purpose of terrorism. In February, 20 of the 30 people on trial had been sentenced to a total of 173 years in prison (*for details, see TCM, Issue 1*).

Source: [Virgilio Notizie/International Herald Tribune](#), [External News Internet](#).

## United Kingdom

### September 2008

The Woolwich Crown Court found ██████████ guilty of conspiracy to kill in relation to the plot to blow up transatlantic flights with liquid explosives. The terrorism case prompted bans on carrying liquids onto flights. The court found ██████████ not guilty on all charges and failed to reach a verdict on the four remaining men – ██████████

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

The Blackfriars Crown Court sentenced ██████████ the youngest person in Britain to be convicted on terrorism charges, to 2 years in a young offenders' institution. He was found guilty in August of distributing detailed instructions over the Internet on how to make napalm, explosives, detonators and grenades, and was also convicted of making a record of information, but not possessing it (*for details, see TCM, Issue 2*).

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

The Southwark Crown Court cleared ██████████ of possessing items of use to a terrorist. Accused of seeking to amass a library about making explosives, he claimed he did not own the items found in his house and did not know how they got there. In January, charges against ██████████ of conspiring to possess money for terrorist purposes had been dropped.

Source: [BBC](#).

### December 2008

The Belfast Crown Court sentenced ██████████ one of the most notorious terrorists from the Troubles in Northern Ireland and former **Ulster Defence Association** gunman, to 16 years in prison for the attempted murder of Sinn Féin leaders ██████████ in a raid on the Northern Ireland assembly two years ago. He was also convicted of six charges including possession of weapons and explosive devices. Eight years ago, ██████████ was freed early on licence, under the Good Friday agreement. However, he now faces the revocation of his licence on an outstanding 30-year tariff.

Source: [Guardian](#), [External News Internet](#).

The Grimsby Crown Court found ██████████ guilty of possession of material for terrorist purposes and of racially aggravated harassment. The neo-Nazi had bomb-making materials at his flat and harassed a mixed-race couple. He was sentenced to 6 years for the terror offence and 15 months for the harassment, to run consecutively, giving a total of 7 years and 3 months.

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



The Woolwich Crown Court convicted ██████ a British-Iraqi doctor, of planning to commit "wholesale" murder by carrying out car bomb attacks in London and Scotland in 2007 and gave him a life sentence, with minimum of 32 years to be served concurrently on each count. He was found guilty of conspiracy to murder and two charges of conspiracy to cause explosions following an attack at Glasgow's Prestwick airport and a failed bombing attempt outside a London nightclub. His co-defendant, Jordanian neurologist ██████ was acquitted of the same charges.

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

The Manchester Crown Court convicted ██████ of **Al-Oaida** membership, of one count of professing to belong to Al-Oaida and cleared him of charges of attending a terrorist training camp in Pakistan in 2006. Habib also faced eight charges that he possessed information gained from Internet searches for the use of terrorism but he was convicted on only one count: a document on the explosives used in the 1994 bombing of an Israeli charity premises in Finchley, north London. He was sentenced to a total of 10 years in prison. ██████ was caught in possession of two diaries which had details of top Al-Oaida operatives written in invisible ink and described in court as a terrorist's contact book. The diaries were given to him by co-defendant ██████, who the prosecution said was part of a three-man active service cell on an unknown foreign mission. He was convicted of being a member of a terrorist organisation, of professing to be a member of the terror group, and of directing a terrorist organisation – the first person to be convicted of such an offence in the UK, and was sentenced to life imprisonment with at least 10 years to be served. ██████ was cleared of possessing a rucksack containing traces of explosives for the use of terrorism. The wife of ██████ was cleared of two counts of arranging funding for the purposes of terrorism.

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

## 2. Comparative Analysis

### Terrorism Convictions in the EU Member States

#### September-December 2008

#### Cases highlights

A closer look at the information available in the open sources regarding the terrorism related judgments, the crimes for which defendants were convicted and the sentences they were given, reveals a number of recurring elements, some of which have been summarised below:

- Recruitment, training and logistic support to potential fighters and suicide bombers (e.g. France, Germany, Italy, the Netherlands);
- Use of Internet as a communication and discussion forum as well as for collecting information that could be used for terrorist purposes (e.g. Denmark, the United Kingdom);
- Financing terrorist activities (*see Case study below*);
- Development of a network of connections with Al-Qaida and affiliated groups across Europe, the Middle East and Africa.

Certain court rulings are of a particular interest due to the nature and implications of the crimes:

- In the United Kingdom the Woolwich Crown Court found 3 individuals guilty of conspiracy to kill in relation to the plot to blow up transatlantic flights with liquid explosives. The terrorism case prompted bans on carrying liquids onto flights.
- In another milestone UK trial the Manchester Crown Court convicted two individuals of Al-Qaida membership and one of them of directing terrorism making him the first person to be convicted of such an offence in the UK. The second individual was caught in possession of two diaries which had details of top Al-Qaida operatives written in invisible ink and described in court as a terrorist's contact book.

Other rulings focused a lot of attention as they been related to previous rulings in the respective country or abroad:

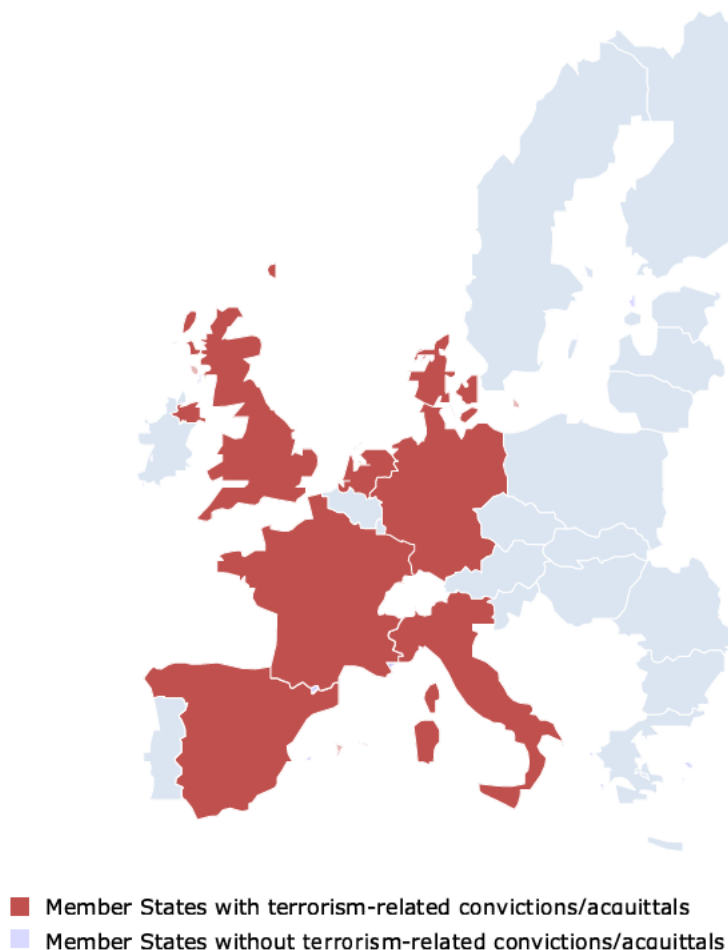
- In France the Paris Magistrate's Court found four men guilty of having participated in "a criminal conspiracy for terrorist purposes" for having been involved in a Jihad recruitment ring linked to the Belgian network which got a Belgian woman into Iraq in 2005 with the aim of carrying out a suicide attack. Sentences range between 6 and 3 years' imprisonment.
- In Germany the Schleswig State Court convicted an individual of helping to recruit supporters for Al-Qaida and attempting to smuggle them to Iraq to fight. The leader of the group, of which he was a part, was convicted in the same court in January of raising money for Al-Qaida in Iraq and supplying fighters for the insurgency, and another member of the group was convicted

in February.

- In Spain the Supreme Court acquitted 14 of the 20 people convicted in February in connection with a 2006 plot to attack emblematic targets in Madrid. Most of those acquitted that have been released will be expelled from Spain in accordance with the law on aliens. In February, 20 of the 30 people on trial had been sentenced to a total of 173 years in prison.

### EU Member States with convictions

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



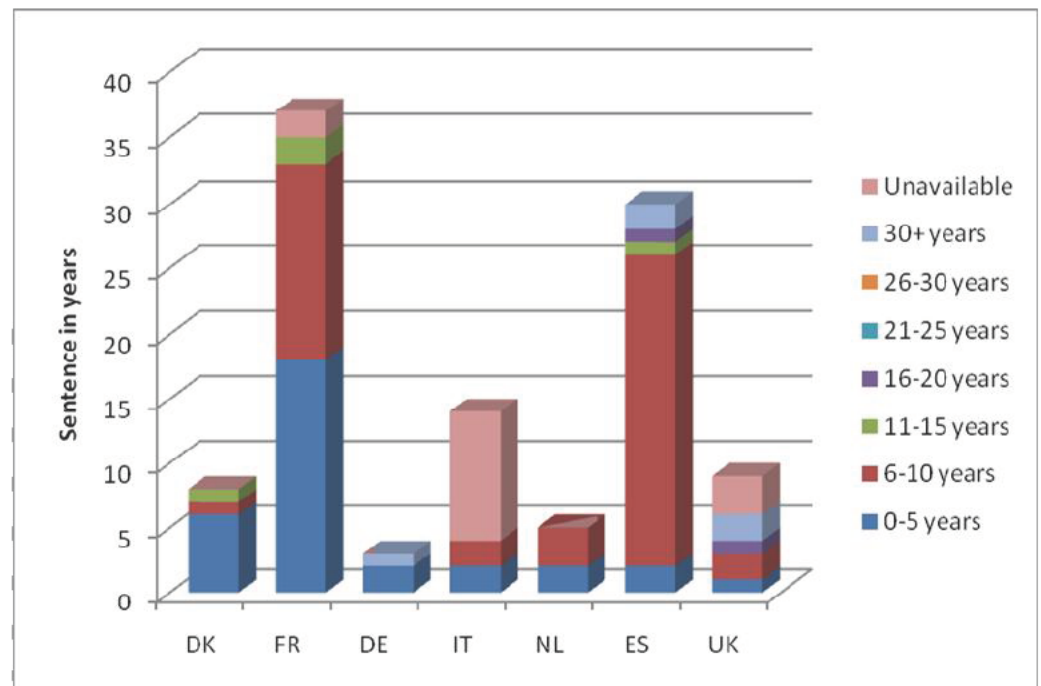
Based on the information available in the open sources, several comparative charts have been drawn to illustrate some facts of particular interest:

### Number of convictions/acquittals per member state

COUNTRY	CONVICTED	ACQUITTED	TOTAL	ACQUITTED (%)
DENMARK	8	2	10	20
FRANCE	37	0	37	0
GERMANY	3	0	3	0
ITALY	14	0	14	0
NETHERLANDS	5	0	5	0
SPAIN	30	14	44	32
UK	9	4	13	31
<b>TOTAL</b>	<b>106</b>	<b>20</b>	<b>126</b>	<b>16</b>

The chart contains the information, available in the open sources, regarding the number of convictions/acquittals per Member State over the period September-December 2008.

### Length of sentences



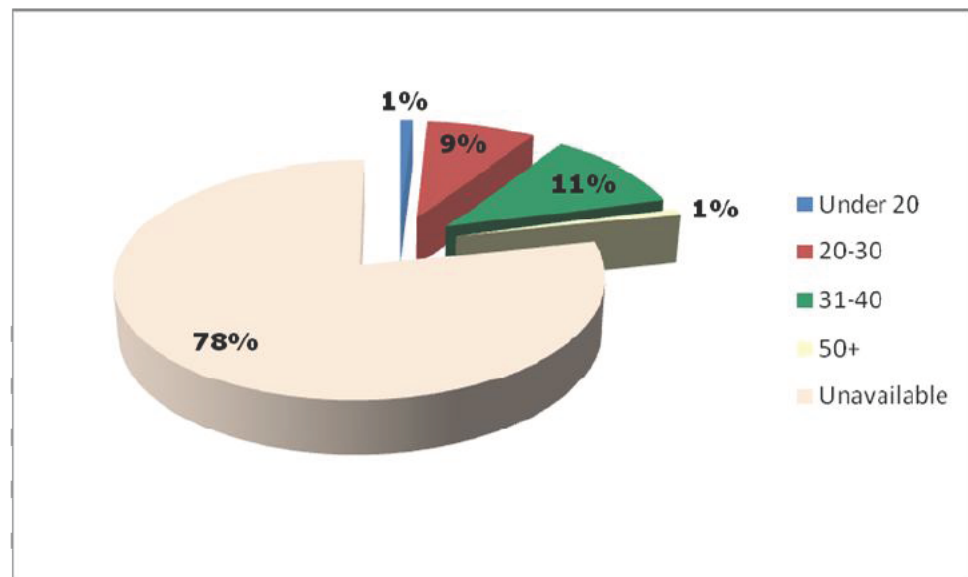
The chart illustrates the information, available in the open sources, regarding the length of terrorism related sentences per Member State over the period September-December 2008.

### Affiliation of convicts

Organisation	Members convicted
ETA	21
Gestoras Pro Amnistia	21
Ansar al-Fath	9
Pirahna network	5
Al-Oaida	2
PKK	1
Ulster Defence Association	1
Prima Linea	1
Unavailable	45

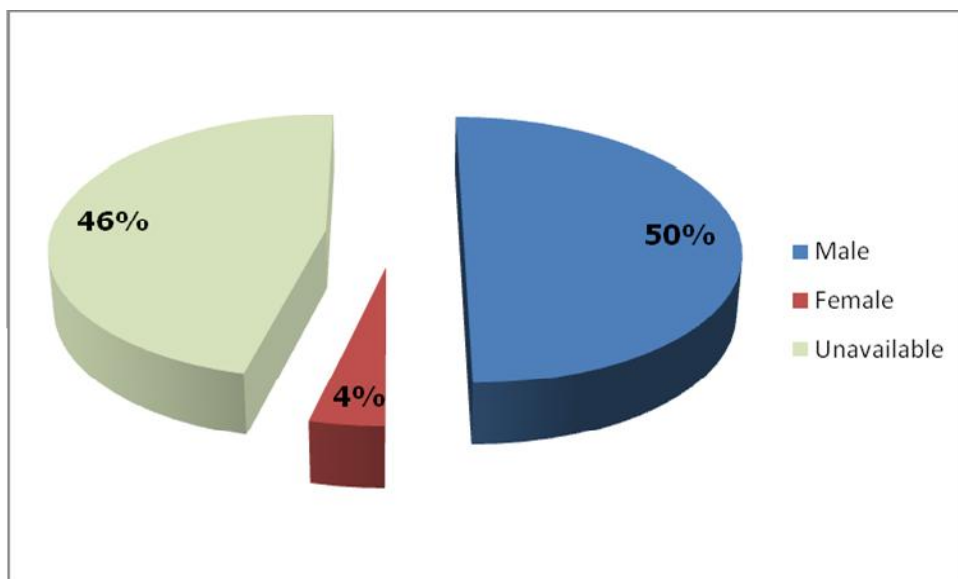
The chart illustrates the information, available in the open sources, regarding the affiliation of convicts, in cases when it was expressly stated, over the period September-December 2008.

### 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 September-December 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 September-December 2008.*

### 3. Case Study

#### Terrorist Financing

*The present case study is based on the deliberate selection of the topic, **terrorist financing**, 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

Financing of terrorist activities is a complex phenomenon that has multiple aspects and implications. The overview of terrorist financing shows that there are various types and forms. There are seemingly “legitimate” sources of terrorist financing that include donations, membership dues, sale of publications or other items, etc. Terrorist activities could also be related and/or financed through other criminal activities such as drug trafficking, money laundering, bank robberies, trafficking in human beings, smuggling of various goods, blackmail, etc. The funds are often laundered in order to avoid detection of any link between the source and the final beneficiary. Money transfer services offered by legitimate companies or less formal methods such as Hawala are also used to re-locate funds between jurisdictions.

Organisations like ETA or splinter groups from IRA for example are known for collecting “protection money” or, in the case of ETA the so-called “revolutionary tax”, in exchange for protection of a business and its employers, etc. According to recently published state security estimates (*source: ABC [article](#)*), ETA's support networks raise approximately €15 000 per day through collection boxes placed in some 450 bars in the Basque Country. These bars also obtain money from the sale of objects with pro-ETA or pro-Batasuna slogans, messages, and emblems. The money is used to fund the activities of the various pro-ETA networks, ranging from visits to and presents for ETA prisoners, to street violence campaigns, bail payments for street terrorists, concerts, etc. It is also argued whether bar owners voluntarily place these collection boxes in their bars or they are under pressure to accept what might be considered a new and concealed form of the so-called “revolutionary tax”.

In another example of involvement of members of terrorist organisations in other illegal activities, members of the Real IRA set up a complex network of smuggled alcohol and tobacco in Spain with which they obtained millions of euros' profit (the fraud is estimated at between €70 and 100 million). Three of them, along with several collaborators, were recently sentenced by a court in Northern Ireland for these crimes, although it was not proven that they used the money to finance terrorist activity (*source: ABC [article](#)*).

The relationship between terrorist financing and crime is also highlighted in the 3rd Venusberg Report *Beyond 2010. European Grand Strategy in a Global Age*: “Black holes exist in a number of failed and weak states and provide the perfect production and distribution hubs for drugs, weapons, dirty money, conflict

*diamonds and human trafficking. Indeed, the relationship between terrorism and crime is close precisely because the anarchy that emerges from the dark side of globalisation affords both the opportunities and commodities through which to make a very great deal of money. It also creates safe havens from which to fund operations and groups within European society sympathetic to their goals and as such represents a clear danger to Europe” (Chapter 2. Europe’s World: The Dark Side of Globalisation, 2.3 Vital Interest: Combating Strategic Terrorism, International Crime and the Democratisation of Mass Destruction).*

As stated in a report titled [Terrorist Financing](#), which was published by the Financial Action Task Force (FATF) in February 2008, *“Financing is required not just to fund specific terrorist operations, but to meet the broader organisational costs of developing and maintaining a terrorist organisation and to create an enabling environment necessary to sustain their activities”*. Furthermore, the report identifies *“four areas which could be the focus of efforts to further strengthen counter-terrorist financing efforts: (1) action to address jurisdictional issues including safe havens and failed states, (2) outreach to the private sector to ensure the availability of information to detect terrorist financing, (3) building a better understanding across public and private sectors and (4) enhanced financial intelligence to exploit the value of financial investigation as a tool in fighting terrorism.”*

## Legislation and Good Practices

The implementation of elaborative techniques to explore various sources for the purpose of terrorist financing requires a proactive, comprehensive and efficient approach to tackle the problem. Some core documents and best practices, both on EU and national level, are highlighted below.

### EU Level

Terrorist financing has been identified as a serious problem that needs to be effectively prevented and dealt with. The June 2008 Report of the Informal High Level Advisory Group on the Future of European Home Affairs Policy (“The Future Group”) [“Freedom, Security, Privacy – European Home Affairs in an open world”](#) highlights the importance of a broader approach to the matters concerned: *“14. Terrorist risks could be better taken into account by European policies: weapons control, the fight against explosives, transport protection, control of financial transactions. Progress is necessary in the preparation of European level crisis management.”* (Executive Summary, Fight against terrorism. Preserving Internal Security and External Stability). Further, the Report elaborates on terrorist financing: *“66. Preventing terrorist financing remains a permanent task of Member States and European Union institutions. Therefore, the European Union’s strategy to combat terrorist financing should be further developed.*

- *Co-operation between Financial Intelligence Units should be enhanced, while a possible future measure could be the systematic monitoring of financial transactions in the Union.*
- *Law enforcement agencies responsible for combating terrorist financing should be provided with more efficient legal instruments which might authorise them to use databases such as SWIFT.*

(Chapter II: Preserving Internal Security and External Stability, 2.) Fighting global terrorism).

The “participating in the activities of a terrorist group, including by supplying



information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group” has been included in the list of offences relating to a terrorist group, that each Member State should take the necessary measures to ensure they are punishable ([Council Framework Decision on combating terrorism \(2002/475/JHA\)](#)).

Some of the key legal instruments applied by the EU with regard to terrorist financing include, among others, the following documents:

The [Revised Strategy on Terrorist Financing](#) (11778/1/08) endorsed by the Council in July 2008. The revised Strategy was necessary as most of the actions included in the [original strategy](#) of December 2004 have been carried out (*source: [report](#) by the Counter-Terrorism Coordinator*). Those actions not yet implemented or in the process of implementation have been taken up in the revised strategy. All three EU pillars are actively involved in implementation. The revised strategy calls for enhanced implementation of existing actions, effective implementation of legislation adopted, in particular, the implementation of the 9 FATF Special Recommendations and relevant JHA-legislation (mutual legal assistance, confiscation, cooperation between Financial Intelligence Units (FIU) and the exchange of information and cooperation concerning terrorist offences). Particular attention is paid to the internal and international exchange of information between all bodies involved in the fight against terrorist financing, including the private sector. Furthermore, the strategy calls for better targeting of action to counter terrorist financing, based on an intelligence led approach, and improving the effectiveness of mechanisms for asset freezing, as well as working closely with the UN and other international bodies in order to strengthen the international dimension. The EU Counter Terrorism Coordinator will report separately on implementation of the revised strategy in January 2009 (*source: [report](#) by the Counter-Terrorism Coordinator on the implementation of the Strategy and Action Plan to Combat Terrorism (June-November 2008)*). An assessment of the implementation of the Strategy is provided in the final report of an independent scrutiny, called [The EU's Efforts in the Fight against Terrorist Financing in the Context of the Financial Action Task Force's Nine Special Recommendations and the EU Counter Terrorist Financing Strategy](#).

[Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing](#) adopted in 2005. The directive aims at avoiding money launderers and terrorist financiers to take advantage of the freedom of capital movements and the freedom to supply financial services in the internal market. Under the Directive the Member States undertake to prohibit their credit and financial institutions from keeping anonymous accounts. It allows the Member States to adopt stricter provisions to prevent money laundering and terrorist financing. Every EU country will establish a financial intelligence unit responsible for receiving and analysing information concerning potential money laundering or terrorist financing activities, with a view to inform to the competent authorities (*source: [Press Release](#) 12500/05 (Presse 240)*). The Directive was amended in March 2008 by [Directive 2008/20/EC of the European Parliament and of the Council](#) as regards the implementing powers conferred on the Commission.

Other instruments used by the EU include provisions for freezing terrorist assets, the above-mentioned FATF [9 Special Recommendations on Terrorist Financing](#), the [Communication on the Prevention of and the Fight against Terrorist Financing through measures to improve the exchange of information, to strengthen](#)

[\*transparency and enhance the traceability of financial transactions, Communication on the Prevention of and Fight against Terrorist Financing through enhanced national level coordination and greater transparency of the non-profit sector, including a Recommendation to the Member States\*](#), etc.

### **National Level**

In 2008 several EU Member States amended their legislation and regulations in relation to terrorist financing and related offences:

The Czech Republic – In May the Czech government approved the introduction of economic sanctions against a number of people and organisations, such as ETA, RIRA and UDA, as part of its measures against terrorism. The measures concern mainly international trade, international transport of commodities, financial services and capital market.

Germany – In February the German government resolved to combat more effectively money laundering and financing of terrorism by applying the measures against money laundering to the financing of terrorism.

Latvia – In July the Saeima adjusted several provisions in the law against terrorist financing and money laundering, before passing the law in the final reading.

The Netherlands – A new law was adopted in July to fight terrorist 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.

The United Kingdom – In November the UK laws on potential international terrorist money laundering were extended to Northern Ireland<sup>1</sup>.

**The Judicial Response 2008** The case analysis performed on the basis of open sources information has identified a number of convictions on terrorist financing charges since the beginning of 2008. They have already been reported in the present or previous issues of the TCM and are summarised below:

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<sup>1</sup> In December 2008 the House of Lords EU Committee launched a new inquiry into international cooperation to prevent money laundering and the financing of terrorism. The inquiry will look at the role of the EU and its member states in global efforts to prevent money laundering and terrorist financing. They will consider the level of international co-operation in detecting and preventing money laundering operations. The inquiry will also explore, inter alia, the respective future roles of Europol and Eurojust in countering money laundering and terrorist financing.



In September the Eastern High Court convicted 6 individuals for selling T-shirts to raise money for Colombian guerrillas and Palestinian militants. The defendants were associated with a Danish company that sold the T-shirts on the Internet with the acronyms FARC, or Revolutionary Armed Forces of Colombia, and PFLP, the Popular Front for the Liberation of Palestine. 5 of the company's employees were sentenced to between 60 days and 6 months in prison. A sixth defendant got 60 days for allowing the company to use his server for the company's Web site. A seventh defendant, a hot-dog vendor, was acquitted. He had put up posters in his stand to promote the T-shirts. The company started selling the T-shirts in January 2006. Each T-shirt was sold at 170 kroner, out of which 37 kroner would be donated to the groups. The company collected nearly 25 000 kroner, but police seized the money before it could be transferred to either group. Part of that money was to be evenly split between a radio station, operated by FARC, and a printing shop making posters for PFLP. The sentences are pending appeal at the Supreme Court (*TCM, Issue 3*).

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



In July 2008 the Paris Special Court of Assizes sentenced ■■■■■ to 12 years in prison for membership of ETA and collecting the so-called "revolutionary tax". The Paris magistrates found them guilty of having helped ETA to extort funds from business leaders in order to finance the organisation (*TCM, Issue 2*).

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

In October the Paris Magistrate's Court found ■■■■■ guilty of "criminal conspiracy relating to a terrorist enterprise" and "financing terrorism" and sentenced him to 15 years in prison for having founded the Ansar al-Fath group which is said to have planned attacks in France. Eight others received penalties of 1 to 9 years on charges linked to financing of and association with a terror group. The court ruled that one of the group's members, ■■■■■ had received weapons training in Lebanon in 2005 that was designed to help carry out bombings in France; he was sentenced to 9 years without the possibility of parole for at least 6. ■■■■■ considered an important organising and financial operative, was given 8 years, without the possibility of parole for at least two-thirds of the term. ■■■■■ who was in charge of "seizing goods" to fund terror attacks, notably by extorting money from prostitutes, was sentenced to 5 years in prison. Two French converts to Islam, ■■■■■ were given 3-year sentences, half of which were suspended by the court (*TCM, Issue 3*).

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

In December 2008 the Paris Magistrate's Court found ■■■■■ together with 3 other men, guilty of having participated in "a criminal conspiracy for terrorist purposes" for having been involved in a Jihad recruitment ring linked to the Belgian network which got a Belgian woman into Iraq in 2005 with the aim of carrying out a suicide attack. He was sentenced to 4 years in prison as he had given financial support to the terrorist activity and played the role of "go-between" putting certain people in touch enabling them to go to Iraq (*TCM, Issue 3*).

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

**DE**

In February 2008 ██████ was convicted by the State Court in Schleswig of founding a terrorist organisation and sentenced to 2 years in prison as part of a plea deal with prosecutors. The man confessed that he had participated in online discussions about setting up a training camp in Sudan. According to prosecutors he founded the group in 2006 along with four other men. He was accused of being responsible for handling the group's finances and recruiting new members. He told the court he never had a specific task but admitted later that he did end up handling finances (*TCM, Issue 1*).

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

**ES**

In July 2008 the Supreme Court reversed the acquittal of ██████ and convicted him of exchanging explosives used in the attack for drugs and money. He was sentenced to 4 years in prison in an appeal trial of the 2004 Madrid train bombings suspects (*TCM, Issue 2*).

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

**UK**

In April 2008 The Kingston-upon-Thames Crown Court convicted ██████ born as ██████ a British-born Muslim convert, and sentenced them to 4,5 years each for inciting and funding terrorism. They were senior men in an extreme Islamic group known as the mujahedeen and called for volunteers to fight against British and American troops in Iraq. In the same trial ██████ were found guilty of fundraising for terrorists and given 2 years' imprisonment each (*TCM, Issue 1*).

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

## III. Legal Update

### September-December 2008

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#### 1. EU



##### September 2008

The Court of Justice of the European Communities overturned a decision by member states to freeze the assets of Saudi businessman ██████████. and the Al Barakaat International Foundation established in Sweden and suspected of supporting terrorism by channelling their funds to Al-Qaida and ██████████. The judgment gave the Council three months to provide information on the reasons for its actions, otherwise the regulation in question will be definitively annulled (*please see below Commission Regulation No 1190/2008 from November 2008*).

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

Approval by the European Parliament of tougher EU-wide penal measures aimed at fighting terrorism and identifying public incitement to commit terrorist acts, recruitment for terrorism, and terrorist training as crimes. It is however a consultative move, since security is a matter for EU member states' governments to decide.

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

##### October 2008

A handbook for prison staff on good practice for preventing terrorist radicalisation entitled "Violent radicalisation: recognition of and responses to the phenomenon by the professional groups concerned" was presented by the French Presidency of the EU.

Source: [Agence Europe](#) – 02/10/2008, [External News Intranet](#).

Commission Regulation (EC) No 974/2008 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](#).

Annulment by the Court of First Instance of the Council's decision to include the People's Mojahedin Organisation of Iran (PMOI) on the list of terrorist organisations established by the Council in December 2007. The organisation's funds and assets are, however, still frozen.

Source: [Agence Europe](#) – 24/10/2008, [External News Intranet](#).

##### November 2008

Commission Regulation (EC) No 1190/2008 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, considering the listing of ██████████ ██████████ and the Al Barakaat International Foundation as justified for reasons of their association

with the Al-Qaida network (*please see the above-mentioned decision of the Court of Justice of the European Communities from September 2008*).

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

Council Framework Decision 2008/919/JHA amending Article 3 *Offences linked to terrorist activities* and Article 4 *Aiding or abetting, inciting and attempting of* Framework Decision 2002/475/JHA on combating terrorism.

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

## December 2008

Council Common Position 2008/959/CFSP amending Common Position 2008/586/CFSP updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism. Amendments to the list of persons, groups and entities to which Common Position 2001/931/CFSP applies with reference to ANV (Basque Nationalist Action) and the PCTV (Communist Party of the Basque Homelands).

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

Commission Regulation (EC) No 1330/2008 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](#).

## 2. EU Member States Overview



### Bulgaria

#### November 2008

A National Action Plan against Terrorism adopted by the government envisaging a complex of measures focusing on the prevention of and protection from terrorist threats.

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



### Czech Republic

#### October 2008

An agreement on cooperation between Czech and U.S. law enforcement bodies and security forces in fighting terrorism.

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



### France

#### November 2008

An act adopted by the Senate aimed at extending the provisions of the 2006 anti-terrorist law concerning identity checks aboard international trains, the requisitioning of Internet data and access to administrative police files.

Source: [External News Intranet](#).

**Germany****December 2008**

A new anti-terrorism law, adopted by the Bundesrat, which gives the Federal Criminal Police (BKA) extra powers in the fight against terrorism, including audio and video surveillance of private homes and searching the databases of private computers via the Internet upon approval by a judge.

Source: [The Local](#), [External News Intranet](#)/[External News Intranet](#).

Agreement between the ministries for justice and the interior to make the intention to commit terrorist actions a punishable offence in a future bill. The draft defines three new offences, stating that, among other things, even the uploading or downloading of bomb building instructions on the Internet shall be punished with prison terms of up to 3 years. According to the draft bill, the relevant aspect for punishment is the perpetrator's intention to actually commit with such instructions "violent acts endangering the state security" or even conditions that could encourage others to commit crimes with the uploaded building instruction. People who receive training in a terror camp shall also be liable to prosecution and punishment of up to 10 years in prison if it can be proven that it was the person's intention to get the training for the purpose of committing terrorist actions. The draft provides for prison terms of up to 3 years even for establishing contact with terrorist associations. The bill will be discussed in the cabinet in January 2009.

Source: [External News Intranet](#).

**Poland****November 2008**

An anti-terrorism bill regulating the co-operation between institutions and the establishment of a National System for Fighting the Threat of Terrorism with clear division of powers.

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

**Spain****September 2008**

The Supreme Court outlawed the Basque Nationalist Action party (ANV), a leftist political party with about 100 elected town councillors in Basque city halls for its links to ETA, and ordered its immediate dissolution. The Supreme Court's chief justice told reporters that the court would also immediately consider a similar ban on another leftist party, the Communist Party for Basque Lands (PCTV) for suspected links to ETA.

Source: [CNN](#).

**The United Kingdom****November 2008**

A Counter-Terrorism Bill extending the UK laws on potential international terrorist money laundering to Northern Ireland.

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

## IV. The Way Ahead

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With a view to a more structured approach to the preparation of EUROJUST's contribution to the TE-SAT, 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 against [REDACTED], charged with membership in a terrorist organisation, the radical Islamic Jihad Union, in relation to a foiled 2007 terrorist plot to attack US and German targets in Central Germany; and a trial against [REDACTED] allegedly involved in the **PKK** leadership cadre in Germany.

**FR**

A trial against a suspected former head of the logistics apparatus of **ETA**, [REDACTED] and 10 other suspected ETA members at the Paris Special Court of Assizes. The 11 defendants are suspected of various crimes linked to terrorism, such as possession of weapons, explosives and forged papers.

**IE**

A trial against [REDACTED] for membership of an unlawful organisation, **IRA**.

**ES**

A trial against [REDACTED] alleged leader of **Los sin vicio de Occidente**, one of the most active cells sending mujahedeen to Iraq, who has been charged as responsible for the deaths caused by one of his disciples in Iraq.

Any further developments, resulting in convictions/acquittals in the above-mentioned or any other trials, will be presented in the next edition(s) of the TCM.



## Appendix: Contact and Analyst Team

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### Contact

[REDACTED]  
[REDACTED]  
[REDACTED]

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### Analytical Team

[REDACTED]  
[REDACTED]  
[REDACTED]

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