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Terrorism Convictions Monitor

EUROJUST Report

Based on open sources information

Issue 9



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I. Introduction

Why a Terrorism Convictions Monitor

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 **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. **In addition, the current TCM includes also information exclusively provided to Eurojust by the national authorities of one EU Member State by virtue of Council Decision 671/JHA/2005 with no links to open sources.**

Issue 9 of the TCM covers the period **September-December 2010**. It contains also a chapter with judicial analysis on selected cases from the recent past.

The general objective of the TCM is to inform and kindly invite the National Members to review, confirm, and if possible, complete the information retrieved from various open sources. The information in the current issue has already been used in the drafting of Eurojust's Contribution to the EU Terrorism Situation and Threat Report 2011. Therefore, **the TCM 9 is distributed only for information and there is no further need to verify and confirm the data.**

National correspondents on terrorism are still encouraged to provide information for 2010 and 2011 in conformity with Council Decision 671 on an ongoing basis to Eurojust.

II. Terrorism Convictions Overview

1. Terrorism Convictions/Acquittals by Member State September-December 2010



Belgium

December 2010

The Court of Appeal in Brussels confirmed the penalty of 8 years imprisonment pronounced against ██████████ by the court of first instance in May 2010. The Court also confirmed the ██████████'s penalty of 40 months imprisonment with suspension. Out of 9 defendants they were the only two to appeal the lower court's decision.

Source: [RTLinfo.be](#) and Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005



France

September 2010

The Paris Appeal Court sentenced ██████████ to six years of prison for associating with a criminal organization with terrorist purposes. He was originally sentenced in November 2009 to two years of prison by the Correctional Tribunal of Paris. The Prosecutors Office appealed the decision and as a result the Appeal Court took into consideration their request for a more severe penalty. ██████████ has multiple convictions in France, for association with a criminal organization with terrorist purposes. He is still on the run.

Source: [Eitb](#)

December 2010

A former leader of the Basque nationalist group **ETA**, ██████████ was sentenced to seven years in prison by Paris Appeal Court for associating with a terrorist group. Spanish media report that ██████████ who is on the run, might become again head of the armed movement. The sentence was handed down in absentia. ██████████ known as "██████████", is a former member of the Spanish Basque regional parliament. He was the head of ETA until the failed peace deal in 2006. He is considered to be open to dialogue with the Spanish authorities, and close to ██████████ the leader of the group's political wing Batasuna. The Paris appeals court convicted ██████████ of being associated with terrorists, the only charge that prosecutors could prove, based on his fingerprints having been found in ETA apartments and a vehicle in Lourdes and Villeneuve-sur-Lot, in the south-west of France. ██████████ disappeared in 2002, when the Spanish supreme court issued an arrest warrant for him, in connection to a 1987 attack against a police station in Saragossa, in which 11 people were killed, including five children. ██████████ was sentenced to five years in his first trial in France. The appeals decision maintains the arrest warrant against him and he is banned from entering French territory.

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

A French court sentenced ETA members ██████ and ██████ to 20 years in prison. The alleged former 'number one' of ETA, ██████ and his colleague and presumed ex-head of the armed group's finances, ██████ were also banned from French territory once they have served their prison sentence. The couple was arrested in 2004 after a major operation that was described by the Spanish government of the time as an historic blow against ETA. The Paris court also sentenced ██████ to 17 years as responsible for the hideouts where the armed group kept its weapons and explosives. In the same case, 7 more individuals were sentenced to various imprisonment punishments.

Source: eitb.com



Germany

October 2010

A German court found ██████ guilty of membership in a terrorist organisation, the **Islamic Jihad Union (IJU)**, and of supporting a foiled terrorist plot and sentenced him to 3 years and 3 months imprisonment. The IJU is linked to the Islamic Movement of Uzbekistan, which has recruited hundreds of Europeans to fight for Islamist causes. In 2007 ██████ attended an IJU-run military training camp in Pakistan and according to the judges he planned to take part in jihad. He was also sentenced for supporting the so-called **Sauerland group**, which attempted to blow up US army bases in Germany in 2007. ██████ was arrested in Turkey earlier this year.

Source: EarthTimes



Republic of Ireland

October 2010

A Dublin man was jailed for four years at the Special Criminal Court in Dublin for having guns and ammunition in south Dublin last year. ██████ (aged 23), pleaded guilty in July to the unlawful possession of two M.E.38 Compact G revolvers and 20 rounds of 38 inch M.E. Gum ammunition, at the Topaz garage, Dublin on January 4, 2009. ██████ presiding, said that having regard to the gravity of the offences, the appropriate sentence was six years imprisonment. However the court suspended the final two years of the sentence.

Source: breakingnews.ie

██████ (aged 36), who was involved in the theft of more than €9,000 worth of assorted confectionery for the Provisional IRA more than eight years ago was given a four-year suspended prison sentence by the Special Criminal Court. He pleaded guilty last June to handling stolen property on January 22, 2002. The presiding Justice said that the court was not used to dealing with this type of offence and the evidence was that the offence was committed in the course of ██████ activities for the Provisional IRA. He said the court considered the appropriate sentence was four years imprisonment which the court suspended on condition that ██████ is of good behaviour and on condition that he does not associate with members of unlawful organisations.

Source: breakingnews.ie

██████ (25) has been jailed for three years by the Special Criminal Court for threatening to kill a security man at a Dublin nightclub over two years ago. He pleaded guilty at the three judge-non jury court in July to threatening to kill

██████████ at the Barcode nightclub in Clontarf on August 10th, 2008. ██████████ presiding, said that the court would sentence ██████████ to five years imprisonment but would suspend the final two years. He said that ██████████ had dissociated himself from his former associates in the INLA and had not been on any paramilitary wing at Portlaoise prison. The court ordered the sentence to run consecutively with a four years sentence for INLA membership which ██████████ is currently serving because the offence was committed while he was on bail.

Source: irishtimes.com

November 2010

39-year-old ██████████ has been sentenced to seven years in jail after he was found guilty "beyond all doubt" by the Special Criminal Court of unlawful possession of a firearm and ammunition. Detective ██████████ gave evidence of arresting ██████████ on January 8, 2010, after he went to search a house on St Martin's Row, Belturbet, Co Cavan, during an investigation into IRA activity. ██████████ was stopped by ██████████ after attempting to make a getaway over a back wall, and was found to be carrying a firearm in the waistband of his trousers. The court heard that ██████████ who had worked as a painter, had previously served a nine-year jail term after being convicted of unlawful possession of a firearm and ammunition with intent to endanger life, at Belfast Crown Court in 1991. ██████████ presiding at the Special Criminal Court, said the court felt eight years was an appropriate jail term, but was sentencing J. to seven years because of mitigating factors.

Source: irishrepublican.net

The Special Criminal Court convicted ██████████. and ██████████ of IRA membership at the Special Criminal Court in Dublin. They were arrested in February 2009 when stopped at an Irish police checkpoint after a tip off over a suspected dissident republican "tiger kidnap" plot. In their car the police found a number of items including an imitation firearm, latex gloves, nine cable ties and black bin liners but the court could not established that they had been connected with any plot. ██████████ was sentenced to five years in prison. ██████████ and ██████████ were given three years and nine months.

Source: BBC, External News Intranet

██████████ (aged 34), of ██████████ ██████████ had denied membership of IRA. During the trial the court heard evidence that he believed ██████████. was a member of the IRA on June 25. The court also heard that ██████████ made alleged admissions admitting his membership of the IRA during interviews with the gardaí at Lucan Garda Station. But ██████████, presiding at the three-judge non-jury court, said that the alleged admissions came after cigarette breaks which were supervised by one of the interviewing gardaí. "The court is satisfied, that it is advisable that there should be as little verbal contact as possible or any conversation between an accused person and an interviewer other than whilst an interview is being recorded," he said. The judge said that while a cigarette break involving an interviewer does not automatically render the contents of the interview inadmissible, in this case the court must have some doubt as to what was said and not recorded. The court therefore found that the alleged admissions were inadmissible and since there was no other evidence corroborating the belief evidence, the court acquitted ██████████.

Source: breakingnews.ie



Netherlands

October 2010

A court of first instance in Den Bosch convicted one individual to 539 days of imprisonment, for threatening to commit a terrorist crime and committing theft, who had appeared on a train station dressed in a long white gown, appearing to be carrying a bomb under his attire. He called out to the people that he carried a bomb and that he would activate the device and take the bystanders to Allah. The man was also sentenced to undergo psychiatric treatment.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

Rechtspraak.nl

December 2010

The Amsterdam Court of Appeal conducted a retrial in the case of the **Hofstad group**, which cases is reported on in the section with the analysis of judgments in this TCM. The court ruled that the members of the group were connected through their common religion and that within the group various activities took place to advance their knowledge of the religion and strengthen their beliefs, in order to prepare for jihad. Even if some members may have had stronger beliefs than others, in the view of the court this did not diminish the fact that a structured organisation existed, in the meaning of sections 140 and 140a of the Dutch penal code. The Amsterdam Court further determined that the group indeed had the intent to call for hatred and violence, with the intent to commit terrorist offences. Five of the seven defendants received a sentence of 15 months. One other defendant was punished with 38 months of imprisonment; the last defendant was sentenced to 13 years on the basis of the fact that he had thrown a hand grenade to the police.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[IJN: BO9014, Gerechtshof Amsterdam , 23-000749-10](#)

September 2010

The Audiencia Nacional found [REDACTED] also known as "[REDACTED]", guilty of illicit possession of arms and multiple falsifications of official documents and sentenced him to a total of 5 years' imprisonment. In 2002 he had been convicted in France for criminal association in his capacity as one of **ETA's** military leaders.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

The Audiencia Nacional found [REDACTED] guilty of terrorist assassination, terrorist damages and terrorist injuries and sentenced him to a total of 83 years' imprisonment for his role in an **ETA** bomb attack in 2001 when a car exploded injuring many people and causing great damage.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[Expatica](#)

The Audiencia Nacional acquitted [REDACTED] and [REDACTED] of terrorist damages. They were charged in relation to an attack with 3 molotov cocktails in September 2006 in Markina-Xemein.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

The Audiencia Nacional found [REDACTED] guilty of belonging to a terrorist organisation (**ETA**) and possession of inflammatory and explosive substances and sentenced him to 14 years' imprisonment. His co-defendant, [REDACTED] was acquitted. They



Spain

had been arrested after the police found ETA-related materials in a bar run by the two as well as some explosive materials in [REDACTED]'s home.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

After several supposed instances of praising members of the terrorist group ETA, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and Cebrian [REDACTED] [REDACTED] alleged members of the Basque separatist group ANV, were charged with Glorification of Terrorism under Art. 578 of the Penal Code. The Ministerio Fiscal suggested a sentence of 18 months in prison, ten years of disqualification (a ban on public honours, public office or public employment), and the payment of court costs. All three defendants were subsequently acquitted, although the case is now under appeal.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

October 2010

The Audiencia Nacional convicted 15 defendants and sentenced them to 6 years' imprisonment for membership of **ETA**. According to the court they were members of **SEGI** and participated directly, materially and voluntarily in the illegal youth organisation. Their activities included acts of "kale borroka" in San Sebastian between 2005 and 2007. Two other defendants were acquitted. Another suspect, for whom the court issued an arrest warrant, had also been indicted but he did not show at the hearings.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[El Periodico](#), [El Mundo](#)

The Audiencia Nacional found **ETA** members [REDACTED] and [REDACTED] guilty of intended terrorist assassination and sentenced them to 15 years' imprisonment. The two had sent a bomb package to the president of the administrative council of the Grupo Correo in 2002. At a later trial in 2010, being charged for committing terrorist attacks, they were acquitted.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[ABC](#)

Fifteen years of imprisonment were handed out to [REDACTED] from **ETA** for the setting of explosives at the Marines Institute in Mutriku in February 2006, whilst an associate was acquitted of similar charges by the Audiencia Nacional.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[El Financiero Digital](#)

The Audiencia Nacional conducted a trial against the leaders of the **GRAPO** movement, [REDACTED] alias [REDACTED] and [REDACTED] for placing explosives in May 1998 with offices of the Ministry of Economic Affairs. The prosecution authorities sought sentences of up to 22 years, but the court acquitted both individuals.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[Europa press](#)

Two members of **ETA** were convicted to 18 years and 3 months imprisonment. [REDACTED] and [REDACTED] who formed the commando Argala to set explosives in a car bomb in Marbella in June 2002. Both persons also need to pay damages to the persons who were injured in the bomb attack. [REDACTED] was acquitted in an earlier proceeding in 2010, being charged with terrorist damages.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[RTVE](#)

The Audiencia Nacional convicted [REDACTED] to 3 years of imprisonment for collecting financial support to **ETA** convicts, by selling propaganda materials at the Gietxo festivities.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[El Correo](#)

The Ministerio Fiscal brought charges against [REDACTED] [REDACTED] [REDACTED] and [REDACTED] of Glorification of Terrorism (under Art. 578 of the Penal Code), for the public display of photos of imprisoned members of the terrorist group **ETA**. All defendants were acquitted. The case is currently under appeal.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

November 2010

Ten years after the murder of a member of the political party PP, [REDACTED] the Audiencia Nacional convicted [REDACTED] of **ETA** to 31 years and 6 months imprisonment and to the payment of damages (750.000€) to the family of the victim. The defendant had been in detention since August 2001.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[El Pais](#)

Three members of **ETA** were convicted for putting fire to bank offices in Pamplona in September 2008, one of which, [REDACTED], admitted to the crime and who was sentenced to pay additional damages.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[El Dia](#)

The Audiencia Nacional has convicted [REDACTED] and [REDACTED] to 20 years and one day of imprisonment for membership of **ETA** and possession of weapons and false documentation of Guardia Civil ID cards. The two were arrested in France in 2008 and extradited to Spain for trial.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[Noticias](#)

Two men have been convicted by the Audiencia Nacional for torching a bus in Markina to imprisonment of four years. [REDACTED] and [REDACTED] also have to pay damage of 4000€ to the bus driver for the injuries he sustained. The two individuals were members of [REDACTED]

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[Noticias](#)

Two men, [REDACTED] and [REDACTED] were each convicted to 1 year imprisonment by the Audiencia Nacional for including in the Guernica festival program pictures of convicted **ETA** members with the text 'we cannot do anything without them'.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[EITB](#)

The Audiencia Nacional convicted a member of **ETA**, [REDACTED] to 111 years imprisonment for a car bomb explosion in a car park in Colon. The bomb had exploded at midnight, when the intention had been for it to explode at midday

during a march of the army. The convicted person also has to pay damages to the victims in the amount of 636.00€.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[Europa Press](#)

December 2010

The Audiencia Nacional acquitted one individual for participation in an attack committed on 22 March 2002 against the Repsol company in Madrid, whilst the prosecution had asked for a sentence of 21 years.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[DEIA](#)

The Supreme Court confirms a 30 year sentence imposed by the Audiencia Nacional for **GRAPO** member ██████ for murdering a police officer. The appeal was lodged by the defence, against the verdict of May 2010 where the Audiencia Nacional convicted him for a murder committed in November 2002. ██████ also has to pay damages of 400.000€ to the family of the deceased.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[La Vanguardia](#)

The Audiencia Nacional convicted ██████ of **ETA** to 10 years imprisonment for placing an explosive at the stock exchange of Bilbao, even if it did not come to explode. The explosives had posed a serious threat to the lives of persons present at the stock exchange.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[La Voz Libre](#)

█████ ██████ ██████ was convicted by the Audiencia Nacional to 319 years imprisonment for the bicycle bomb which took the life of General ██████ ██████ in June 2001 in Madrid, whilst an associate was acquitted for lack of proof. This second defendant is however already serving a sentence of 83 years imposed in September 2010 for another murder of a police officer.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[Diario de Navarra](#)

Three men were acquitted by the Audiencia Nacional, for charges of supporting **ETA**, by issuing propaganda at a political rally in November 2004. The court had found no evidence that the three men had directly contributed to the program of the rally.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[El Pais](#)

In the last days of December, the Audiencia Nacional issued a verdict of 515 years of imprisonment to members of **ETA**, ██████ and ██████ for an attack committed on 14 May 2008 against a station of the Guardia Civil, whereby a sergeant lost his life. Both defendants were found guilty of committing a terrorist offence. A third defendant, ██████ was sentenced to 8 years for collaborating in the attack. In this case, the Accion Pupolar had asked for sentences exceeding 1150 years of imprisonment. The court also imposed damages to be paid, in the value of 500.000€ for the family of the victim and over 3 million€ for the damages caused to the building.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005

[Europa Press](#)

Following an authorised police search of several bars in Pamplona, several photos of imprisoned members of the terrorist group **ETA** were found to be displayed on the walls of Bar Zurgai. Although these were subsequently removed, black

silhouettes were put up in their place. The Ministerio Fiscal suggested that the following charges be brought against [REDACTED] and [REDACTED]. Firstly that of Glorification of Terrorism (under Art. 578 of the Penal Code) and secondly of Grave Disobedience (under Art. 556 of the Penal Code). A sentence of 1 year in prison, eight years of disqualification (a ban on public honours, public office or public employment), and the payment of court costs were put forward, but both defendants were acquitted.

Source: Information transmitted to Eurojust by virtue of Council Decision 671/JHA/2005



Sweden

September 2010

A Swedish court has sentenced two brothers to jail for fire-bombing the home of Swedish artist [REDACTED] after he depicted Islam's Prophet Mohammed as a dog. [REDACTED] 19, and his 21-year brother [REDACTED] were sentenced to two and three years behind bars respectively after they were found guilty of attempting to commit arson. The court in the southern city of Helsingborg said that "[REDACTED] and [REDACTED] to set fire to [REDACTED] home ... [because] of his artwork in which Mohammed was depicted as a dog deeply upset and provoked them."

Source: [ABC News](#)

December 2010

Two Swedish citizens of Somali origin, [REDACTED] and [REDACTED], members of the Islamist movement al-Shabaab, were sentenced by The Gothenburg Court to four years in jail for "planning terrorist crimes" in Somalia. "The prosecutor proved that the accused had taken it upon themselves and decided with the Somali Islamist militia al-Shabaab to commit terrorist crimes in the form of suicide attacks," the court said.

Source: [The Local](#)



United Kingdom

November 2010

[REDACTED] of [REDACTED] Essex, was found not guilty at London's Snaresbrook Crown Court of preparation for acts of terrorism between April 2006 and March last year. [REDACTED] who drove trains on the London Underground Bakerloo Line for five years, was alleged to have purchased a plane ticket to travel to Islamabad and written a farewell letter to his family telling them that "Allah and his prophet Mohammed" came first, jurors were told. When police searched the 28-year-old's home they found pictures of him posing with weapons including two AK47 rifles and a self-loading pistol, prosecutor [REDACTED] said.

Source: [The Independent](#)

2. Other Rulings and Judgments of Interest

September-December 2010



France

October 2010

The Court of Cassation ruled that the current French rules on custody contravene the right to a fair trial as provided for in Art.6 of the European Convention on Human Rights. The ruling upholds that all persons in custody of French law enforcement, including terrorism suspects, are entitled to consult with lawyers from the outset of criminal proceedings. It thus extends an earlier [decision](#) of the Constitutional Court according to which the above principle would apply to all persons in custody except to those suspected of engaging in terrorism, drug trafficking or organised crime. In conformity with the ruling of the Court of Cassation, the law enforcement authorities must apply three new principles towards persons held in custody: the right to a lawyer from the outset of a criminal proceeding except for a compelling reason; the obligation to inform them of their right to remain silent and the right to assistance of counsel in interrogations.

Source: [Jurist](#), [Cour de Cassation](#)



Court of Justice of the EC

September 2010

On 9 September 2010, in Case T-348/07, the Court of Justice of the European Communities (Seventh Chamber) annulled the freezing measures against Stichting (Foundation) Al'Aqsa in the Netherlands. With its ruling the Court annulled Council Decision 2007/445/EC of 28 June 2007 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 Decisions 2006/379/EC and 2006/1008/EC; Council Decision 2007/868/EC of 20 December 2007 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2007/445; Council Decision 2008/583/EC of 15 July 2008 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2007/868; Council Decision 2009/62/EC of 26 January 2009 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2008/583; and Council Regulation (EC) No 501/2009 of 15 June 2009 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2009/62, in so far as those acts concern the Foundation Al'Aqsa.

Source: [Bailii](#).



Court of Justice September 2010
of the EC

In its ruling on case T-85/09 *Kadi v Commission*, the General Court of the EU annulled Commission Regulation (EC) No 1190/2008 of 28 November 2008 amending for the 101st time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with [REDACTED], the Al-Qaeda network and the Taliban, in so far as it concerns the applicant Yassin Abdullah Kadi. Regulation 1190/08 was adopted in November 2008 and maintained the freeze on funds controlled by the applicant who had been placed on the list of those connected with terrorist organisations in 2001. According to the Court, the Commission Regulation had been adopted in breach of rights of defence and that it is therefore an unjustified restriction on Kadi's right to property.

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

3. Comparative Analysis

Terrorism Convictions September-December 2010

Member States with convictions/ acquittals

Terrorism related trials in several EU Member States have resulted in convictions/acquittals in the period September-December 2010 (*please see map below*).



Figure 1 EU Member States with terrorism convictions/acquittals in the period September-December 2010

- Member States with terrorism-related convictions/acquittals
- Member States without terrorism-related convictions/acquittals

Based on the information available in the open sources, several comparative charts have been drawn to illustrate some facts of particular interest. By exception, the numbers for Spain contain also information provided to Eurojust in implementation of Council Decision 671 of 2005.

Number of convictions/acquittals in terrorism trials per Member State

Member State	Convicted	Acquitted	Total	Acquitted (%)
Belgium	2	-	2	0%
France	12	-	12	0%
Germany	1	-	1	0%
Ireland	8	-	8	0%
The Netherlands	8	-	8	0%
Spain	36	22	58	38%
Sweden	4	-	4	0%
UK	-	1	1	100%
TOTAL	71	23	94	24%

Figure 2 Number of convictions/acquittals per Member State

The chart contains the information regarding the number of convictions/acquittals per Member State over the period September-December 2010.

Length of sentences

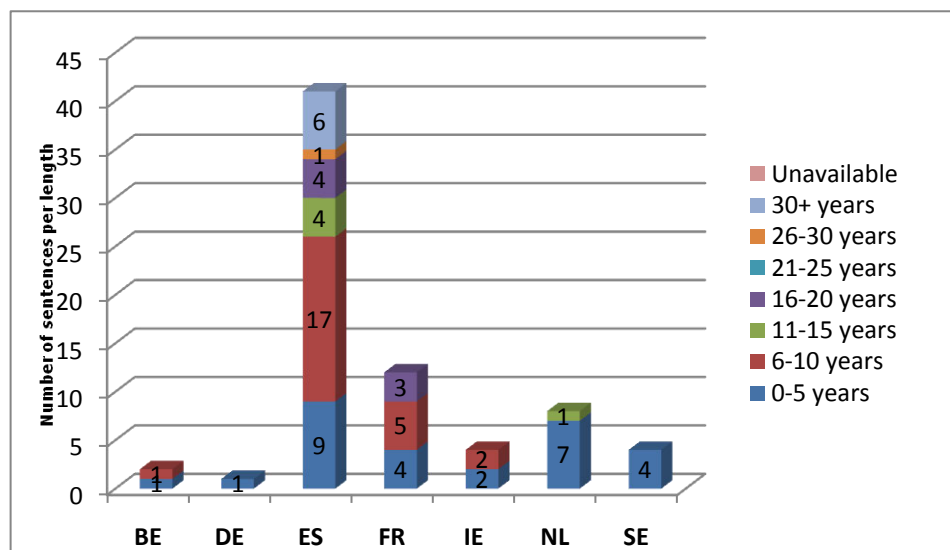


Figure 3 Length of sentences per Member State

The chart illustrates the information regarding the length of terrorism related sentences per Member State over the period September-December 2010.

* Sentencing to take place later in the year.

Affiliation of tried individuals

Member State	Islamist	Left wing	Separatist	Total
Belgium	2	-	-	2
France	-	-	12	12
Germany	1	-	-	1
Ireland	-	-	8	8
The Netherlands	8	-	-	8
Spain	-	3	52	55
Sweden	4	-	-	4
UK	1	-	-	1
TOTAL	16	3	72	91

Figure 4 Affiliation of tried individuals

The chart illustrates the information regarding the affiliation of convicted individuals, in cases when it was expressly stated, over the period September-December 2010.

Age of convicted individuals

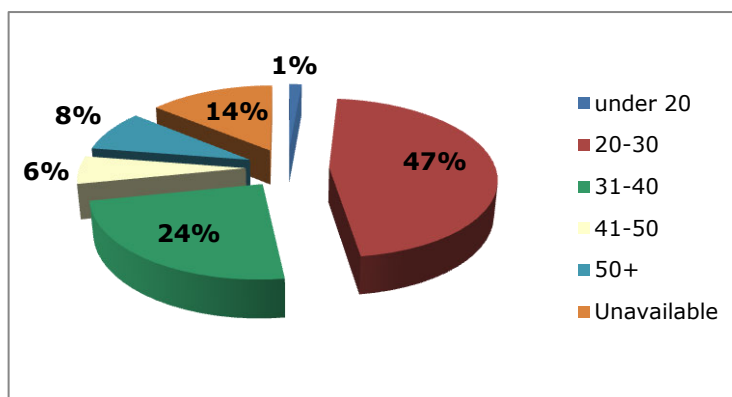


Figure 5 Age of convicted individuals

The chart illustrates the information regarding the age of convicted individuals in the EU Member States over the period September-December 2010.

Gender of convicted individuals

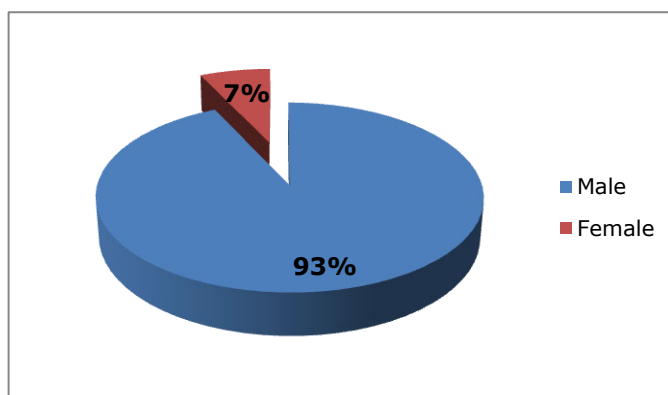


Figure 6 Gender of convicted individuals

The chart illustrates the information regarding the gender of convicted individuals in the EU Member States over the period September-December 2010.

4. The Year 2010 in Numbers

As mentioned in the introduction, the data from the TCM has been included in the EUROJUST contribution to Europol's EU Terrorism Situation and Trend Report TE-SAT 2010. Some of the data and figures are presented below:

In 2010, there were **125** trial proceedings reported in ten Member States, equal to 2009 with the difference of the number of reporting Member States. In 2010, 307 reported individuals were brought before courts, for which a total of 332 verdicts were handed down. Out of the 307 persons, 26 are women.

MEMBER STATE	2008	2009	2010
AUSTRIA	0	2	0
BELGIUM	12	7	10
DENMARK	16	10	1
FRANCE	75	76	40
GERMANY	10	7	12
IRELAND	9	15	18
ITALY	25	24	22
NETHERLANDS	12	2	8
SPAIN	141	217	173
SWEDEN	1	1	4
UK	59	37	19
Grand Total	360	398	307

Figure 7 Number of individuals tried for terrorism offences

As quite a large number of the proceedings are pending judicial review, the National Correspondents have indicated in their submissions for 2010 whether a judgment is final or not. Thus quite a large portion of the verdicts pronounced will be carried on in 2011.

MEMBER STATE	Final	under appeal	TOTAL VERDICTS
BELGIUM	9	1	10
DENMARK	1		1
FRANCE	29	11	40
GERMANY	8	4	12
IRELAND	17	1	18
ITALY	1	21	22
NL	8		8
SPAIN	87	111	198
SWEDEN	2	2	4
UK	13	6	19
Grand Total	175	157	332

Figure 8 Number of final verdicts and verdicts subject to further judicial remedy

As in 2009, the majority of verdicts related to separatist terrorism, as Spain continues to be reporting the largest number of court cases in terrorism.

MEMBER STATE	Islamist	Left-Wing	Right-wing	Separatist	Other	Grand Total
BELGIUM	9				1	10
DENMARK					1	1
FRANCE	14			26		40
GERMANY	10	2				12
IRELAND				18		18
ITALY	5	17				22
NL	8					8
SPAIN	24	18		155	1	198
SWEDEN	2				2	4
UK	12		4	2	1	19
Total	84	37	4	201	6	332

Figure 9 Number of verdicts per affiliation

The percentage of acquittals has gone up from 17% in 2009 to 27% in 2010 (see Figure 10 below). Of the 26 known women defendants, 7 were acquitted

The acquittal rate in Spain, which has the largest part of the verdicts, went up from 21% in 2009 to 38% in 2010. This level of acquittals in Spain can be explained on the basis of the Spanish system, focused on prevention and protection. Often, Spain criminalizes and prosecutes preparatory terrorist activities, such as recruitment and training activities. Also, conspiracy to commit terrorist activities or the support thereto is prosecuted to prevent acts from occurring. As explained by the Spanish prosecution authorities, these offences are grounded in circumstantial evidence which are then tried and assessed by the courts. For instance, in 19 indictments for the support to commit terrorist activities, only in 7 cases the court found the suspects guilty.

Finally, Spain applies in their criminal prosecutions a system of so called "Accion Popular", in line with the Spanish procedural and constitutional system. This means that a prosecution is brought on behalf of the people. Several acquittals occurred in the trials brought by groups of citizens with legal actions against the social networks and mass media groups in support of ETA and Herri Batasuna activities. The court's acquittals in these cases did take into consideration the opinion of the Prosecution offices against these legal actions.

MEMBER STATE	CONVICTED	ACQUITTED	TOTAL VERDICTS	ACQUITTED %
BELGIUM	9	1	10	10%
DENMARK	1		1	0%
FRANCE	40		40	0%
GERMANY	12		12	0%
IRELAND	15	3	18	17%
ITALY	16	6	22	27%
NL	8		8	0%
SPAIN	122	76	198	38%
SWEDEN	4		4	0%
UK	14	5	19	26%
Grand Total	241	91	332	27%

Figure 10 Number of convictions/acquittals per Member State

The average penalty imposed in Europe is now at approximately 6 years. Looking at the various types of terrorism, the average punishment appears as 11 years for verdicts handed down for separatist terrorism, 14 years for left-wing and 7 years for Islamist terrorism acts. In some countries, suspended sentences have been imposed. These have been added to the figures above.

MEMBER STATE	AVERAGE
BELGIUM	5
DENMARK	<1
FRANCE	7
GERMANY	6
IRELAND	5
ITALY	8
NL	3
SPAIN	12
SWEDEN	3
UK	15

Figure 11 Average penalty per Member State

Figure 6 Gender of convict

III. Legal Update

1. EU



September 2010

Commission Regulation (EU) No 787/2010 of 3 September 2010 amending for the 134th time 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](#)

Commission Regulation (EU) No 835/2010 of 22 September 2010 amending for the 135th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with U [REDACTED] the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#)

Communication from the Commission COM(2010) 492 final on the global approach to transfers of Passenger Name Record (PNR) data to third countries.

Source: [European Commission](#)

Commission Regulation (EU) No 851/2010 of 27 September 2010 amending for the 136th time 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](#)

Judicial dimension of the fight against terrorism – Recommendations for action by the EU Counter-Terrorism Coordinator 13318/1/10/.

Source: [Council of the European Union](#)

October 2010

Commission Regulation (EU) No 906/2010 of 11 October 2010 amending for the 137th time 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](#)

November 2010

Commission Regulation (EU) No 1001/2010 of 5 November 2010 amending for the 138th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#)

Commission Regulation (EU) No 1027/2010 of 11 November 2010 amending for the 139th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with ██████████ ████████n, the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#)

December 2010

Commission Regulation (EU) No 1138/2010 of 7 December 2010 amending for the 140th time 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](#)

Commission Regulation (EU) No 1139/2010 of 7 December 2010 amending for the 141st time 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](#)

2. EU Member States Overview



Greece

September 2010

Law 3875/2010 entered into force on 20 September 2010 and incorporates the United Nations Convention against Transnational Organized Crime (Palermo Convention of 2000) and its Protocols, among them the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. It brought amendments to article 187 of the Penal Code, the most significant one being the criminalization of advertising and financial support of terrorist organisations. A penalty of up to 10 years imprisonment is foreseen.

In the same article, there are some changes regarding criminal procedures, identification of terms and differentiation of penalties. Finally, the same amendment made "delictum sui generis" the manufacturing of weapons, chemicals, biological materials or harmful radiation for terrorist purposes.¹



Luxembourg

October 2010

In Luxembourg, new legislation directed at reinforcing the fight against money laundering and financing of terrorism has been passed on 27 October 2010. It refers to the organization of controls of the physical transportation of cash entering,

¹ EUROJUST's Contribution to the TE-SAT 2011 EU Terrorism Situation and Trend Report.

transiting or exiting the territory of the Grand Duchy of Luxembourg.

The new piece of legislation amends a series of legislative acts, including the Penal Code, the Criminal Procedural Code, the 12 November 2004 law regarding the fight against money laundering and financing of terrorism, the 20 June 2001 law regarding extradition, the 17 March 2004 law on the European arrest warrant and the 8 August 2000 law on international mutual legal assistance in criminal matters.

The act is also meant to transpose into the Luxembourg law the United Nations Security Council resolutions and the normative acts adopted by the European Union regarding interdictions and restrictive measures of financial nature taken against certain persons, entities and groups within the context of combating the financing of terrorism.

On the same date Luxembourg passed a law which approves the Rome 10 March 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The aforementioned law modifies the 14 April 1992 law regarding the adoption of a disciplinary and criminal code for the marine.²



Spain

December 2010

Spain introduced a new law (Organic law 5/2010) in June 2010, which entered into force on 23 December 2010. This change of law implements the Framework Decision 2008/919/JHA of 28 November 2008, as well as United Nations instruments.

The new law declares that the statute of limitations is not applicable when terrorist acts result in fatalities, a provision included upon request of Terrorism Victims Organizations.

Then, the new law includes a more comprehensive definition of conduct related to membership in a terrorist organization/group, adapting to the new regulation of the participation in criminal organization/group devoted to the perpetration of any criminal activities. In the fight against terrorism, due to the seriousness and dangerousness of these conducts, the legal consequences of stable terrorist organization and temporary terrorist organization are the same. In this regard, international Islamic terrorism groups often are set up with the sole aim to commit specific attacks, which cannot be awarded with the qualification of organizations. There are two levels of seriousness of these conducts:

- Promotion, establishment, organization or leadership of a terrorist organization/group,
- Participation or membership in the organization.

Also, the crime of financing of terrorist activities is now punishable in itself, going beyond facilitation and giving economical support, but also making punishable negligent behaviour. If negligent behavior consists of not taking sufficient measures

² EUROJUST's Contribution to the TE-SAT 2011 EU Terrorism Situation and Trend Report.

to prevent money laundering, so that the conduct facilitates or unwillingly supports the terrorist activities financially, this conduct can be prosecuted.

Although previously punishable, now the activities consisting in recruitment and training with a view of joining a terrorist organization/group are specifically described in order to facilitate the prosecution and the mutual legal assistance.

Finally, also the distribution or otherwise publicly spreading of messages or slogans aimed at the incitement or favouring the perpetration of terrorist conducts is criminalised.³



December 2010

A new law on punishment for public provocation, recruitment and training for terrorist offences and regarding other particularly serious criminality was passed on 29 April 2010 and entered into force on 1 December 2010.

This act has been adopted in order to comply with the 16 May 2005 Council of Europe Convention on the Prevention of Terrorism and the Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism.

According to paragraphs 3, 4 and 5, public provocation, recruitment and training for terrorism are punished with imprisonment of maximum 2 years. In case of serious offences, the imprisonment shall be imposed for a minimum of 6 months and a maximum of 6 years.⁴

³ EUROJUST's Contribution to the TE-SAT 2011 EU Terrorism Situation and Trend Report.

⁴ Ibid.

IV. The Way Ahead

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*:

**BE**

A trial against 7 suspects charged in relation to planning an attack in Belgium and involved in recruiting for a Chechen militant organisation, the Caucasus Emirate as well as a trial against 2 suspects charged with participation in activities of a terrorist group as part of a network allegedly seeking funds and recruits to join militant groups in Iraq and Afghanistan.

**DE**

A trial against 3 suspected Tamil Tiger rebel leaders for membership in a foreign terrorist organisation and breaches of export rules accused of leading the Sri Lankan rebel group's operations in Germany and suspected of raising or extorting money from local Tamils to support the rebels' fight against the Sri Lankan government; as well as a trial against 8 defendants, alleged members of the German section of the Global Islamic Media Front, charged with supporting Al-Qaida and other terrorist organisations by allegedly spreading propaganda on the Internet.

**EL**

A trial against suspects allegedly involved in sending parcel bombs to embassies, foreign leaders and EU bodies.

The trial of 13 youths accused of terrorism activity as members of a Greek guerilla group started on January 17, 2011. The nine persons who appeared before the judges inside the special courtroom of the Korydallos prison are charged with a string of bomb attacks against political and police targets over the past two years which caused no casualties, but material damage. Four of the accused will be tried in absentia, as they are still wanted. Two of the men who stand trial have publicly admitted that they are "proud members" of the group "Conspiracy of the Nuclei of Fire." One of them was arrested on Nov. 1, 2010, when a thriller with a dozen parcel bombs addressed to foreign embassies in Athens and European leaders abroad started unfolding. One citizen was slightly injured in this case.

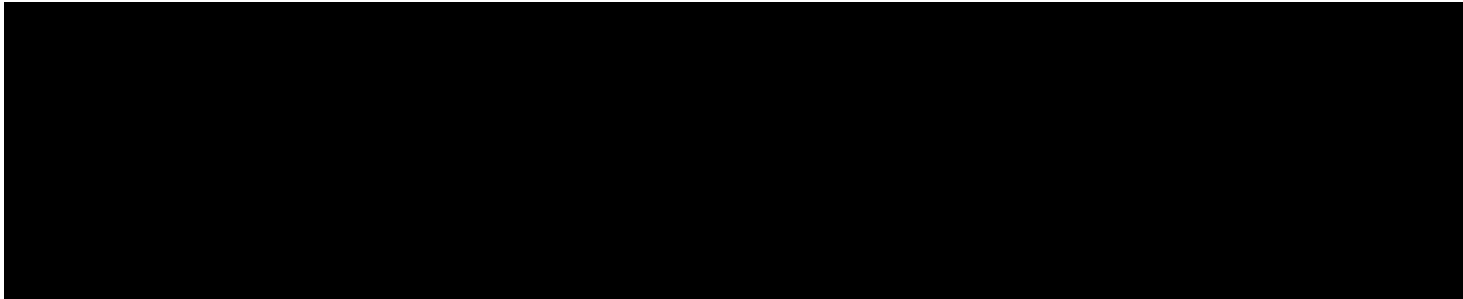
"Conspiracy of the Nuclei of Fire" is linked to a series of attacks against state buildings, police and financial targets, since it first emerged three years ago. The December 2008 killing of a teenager in central Athens by police fire triggered unprecedented riots in Greece for weeks and a wave of increasing terrorist attacks by local anarchist militants.



A trial against eight men accused of carrying out armed robberies and other crimes to finance Islamic extremist movements.



A trial against an extreme-right leader and 16 alleged associates charged with committing terrorism and other violent crimes. According to the indictment, the defendants set up a gang in 2007 to commit attacks on Hungarian MPs and thereby put pressure on the legislature. That same year, members of the gang evidently shot and threw Molotov cocktails at the homes of two Hungarian MPs. In February 2008, they committed similar attacks in several places outside of the capital.



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

V. Judicial Analysis on Selected Cases

Foreword

The present analytical chapter has been produced in an attempt to provide a different insight on terrorist judgments throughout the EU area. It is intended to help practitioners and offer relevant case studies and comparative analyses.

The judgments to be analysed have been purposefully selected. In order to ensure a unified approach to the analysis, it has been conducted following a special methodology. The main categories analysed in a 1st instance judgment include: brief description of the facts, peculiarities in the investigation phase, the offences accused, the offences convicted, the sentence handed down, etc. In case of an appeal judgment, the grounds for appeal are also studied as well as the decision of the appeal judges on the charges and sentences.

The analysis of judgments could identify several lines of comparison. They include, for example: brought charges vs. convicted offences (within a judgment), 1st instance judgment vs. appeal judgment (within the same case), judgments of different accomplices in the terrorist enterprise/organisation brought to trial together and judgments for relatively comparable criminal offences in different trials (within 2 or more judgments).

The latter line of comparison is of a particular interest from an analytical point of view in order to identify similarities and differences in the Member States. The deliberate selection of judgments for similar offences will help shed some light on the respective type of terrorist phenomenon as well as the outcome of criminal proceedings/trials in one or more EU Member States. In order to ensure relativity and comparability, judgments from one and the same instance should be selected for comparison e.g. 1st instance judgments should be compared with 1st instance judgments, appeal judgments with appeal judgments, etc.

Introduction

The cases below have been selected to provide an update on earlier reports in the TCM issues 7 and 8. In both cases, Courts of Appeal rendered a verdict in high-profile cases.

1. Judgement of the Amsterdam Court of Appeal of 17 December 2010

The case of the Hofstad group has been reported on already in the TCM issue 7 of May 2010, marking the considerations of the Supreme Court in their judgment of 2 February 2010 for a retrial of the The Hague Appeals Court judgment. For the history of the case, it suffices therefore to refer to TCM 7.

Whilst the examination by the Appeals Court in The Hague in 2008 had found that there was no evidence for the intent to form a terrorist group, on the grounds that the network among them had not been structured enough, the Supreme Court found that the criteria applied in 2008 had been overly strict on both the existence and the structure of a criminal or terrorist organisation. Also, the legal interpretation of incitement to hatred and violence would require a revision according to the Supreme Court. The Amsterdam Appeals court conducted the retrial in the case of seven defendants in the Hofstad group, on the referral of the Supreme Court.

In the below analysis, the focus shall be on:

- Definition of a criminal/terrorist organisation;
- Membership of a criminal/terrorist organisation;

On the definition of a criminal/terrorist organisation:

The definition of what constitutes a criminal/terrorist organisation was evaluated carefully by the Appeals Court in Amsterdam. Referring to previous and consistent case law, it is clear that a group of persons can be considered to be an organisation referred to in the articles 140 and 140a of the Dutch Criminal Code, when there is a structured and lasting cooperation among the individuals involved (at least 2). This cooperation can change over time in composition and it is not required that all members of the organisation are known to each other. Some indications for such cooperation are e.g. common rules, meetings, common decision making, division of tasks and/or a hierarchical structure.

The Amsterdam Appeals Court ruled that the members of the group were connected through their common religion and that within the group various activities took place to advance their knowledge of the religion and strengthen their beliefs, in order to prepare for jihad. Even if some members may have had stronger beliefs than others, or if some had more frequent contacts with each other, in the view of the court this did not diminish the fact that there was a shared and special interest for their beliefs. Thus in the view of the court, a structured organisation existed in the meaning of sections 140 and 140a of the Dutch penal code.

On membership of a criminal/terrorist organisation:

Existing case law indicates that membership exists when an individual is part of the organisation and contributes to and/or supports activities which are conducted to reach the objectives of that organisation. In general, the individual needs to know that the organisation's intent is to commit crimes. Any type of contribution to the organisation's objectives can be punishable, even when the activities in themselves do not form a criminal offence. The law of August 2004 introduced e.g. the notion of financial support to further the objectives of the organisation.

The Appeals Court ruled that the members of the group indeed had knowledge of the intent of the organisation to commit criminal/terrorist offences. They attended on several occasions the meetings, where they drafted or translated statements inciting to hatred, violence or threats, including threats to commit terrorist offences. The texts were distributed among the members of the organisation and via chats on the internet members were called to fight for jihad and martyrdom. Also, they exchanged video images of murders or incitements to murder, as well as images of suicide bombings.

The organisation intended to commit crimes, which would have a serious impact on public order and security, causing a destabilisation in society and bringing fear and unrest. The Appeals Court did not differentiate in the level of participation or membership of the individuals, as the combination and compilation of all their activities and support gave strength to the overall objectives of the organisation.

Conclusion:

Five of the seven defendants received a sentence of 15 months. One other defendant was punished with 38 months of imprisonment; the last defendant was sentenced to 13 years on the basis of the fact that he had thrown a hand grenade to the police.

2. Judgment of the Court of Appeals in Brussels of 1 December 2010

In December 2010, the Court of Appeal in Brussels confirmed a verdict against two defendants on the first instance court decision of May 2010⁵. This was initially a case against nine individuals. The investigations concerned the use of a Jihadist Salafist propaganda tool on the internet – mainly used to call for Jihad against France – and the site was administered from Belgium.

The charges before the court of first instance focused on participation as a leading member of a terrorist group and in activities of a terrorist group, including providing information or material means to the terrorist group or through any form of financing of a terrorist group's activities, knowing that this participation would contribute to committing a crime or offence of that terrorist group. Other charges related to committing offences in Pakistan, on many occasions, in relation to the use of explosive substances with a terrorist intent.

Three defendants were found guilty by the court of first instance of leadership of a terrorist organisation and received a sentence of 8 years with a €5.000 fine (in 2 cases) and 5 years with a €1.000 fine (1 case).

Other defendants were sentenced to 5 years of imprisonment, with a €2.000 fine (1 case), 3 years with a €500 fine (1 case) and 40 months with a €500 fine (3 cases). One individual was acquitted.

The female defendant - with the highest sentence – appealed her case but received confirmation of the initial sentence on 1 December 2010 (8 years imprisonment and a €5.000 fine). Her "history" which had been a determining factor in her sentencing in the 1st Instance judgement, was once again put forward in appeal. This "history" is shown from an earlier judgment in Switzerland from 2007, which is summarised in section B below.

Also for a second appellant, [REDACTED], who facilitated the activities as a money courier, the court confirmed the initial sentence of 40 months, but added to the fine (500€) an additional confiscation sum of €6050.

A. On leadership and membership in a terrorist group: Article 140 § 1 and § 2 of the Belgian Penal Code

1. [REDACTED]

The court of appeal considered that the following five elements demonstrated that [REDACTED] participated in the activities of a terrorist group as defined under Article 140 § 1 (*participation in activities of a terrorist group, including providing information or material means to the terrorist group or through any form of financing of a terrorist group's activities, knowing that this participation would contribute to committing a crime or offence by that terrorist group*):

- Intervention in the creation and management of the web site *minbar-sos.com*.
- Active participation in the recruitment of jihadist fighters.
- Helped to finance fighter recruits.
- Providing back-up for fighters.
- Providing help with the translation of texts with a jihadist connotation and posting them on the minbar website.

⁵ An analysis of that judgment was made in the TCM, issue nr. 8.

Regarding the charges of leading member of a terrorist group as defined under Article 140 § 2 (*participation as a leading member of a terrorist group*), the appeal court retained the following elements against [REDACTED]:

- Presiding over the future of the group.
- Choosing the “moderator” of its main propaganda tool.
- Deciding on the objectives of the group, the most important one being the will to integrate into a more extensive group in order to gain the operational capacities the group needed to realise its end-game.
- Ensuring the coordination of the group’s activities.

2. [REDACTED]

[REDACTED] at first denied any link with [REDACTED] who was sentenced *in absentia* in the first instance judgement under the charge of participation as a leading member (Article 140 § 2) of a terrorist group, and in activities (Article 140 § 1) of a terrorist group. He later conceded to knowing him. The appeal court confirmed the initial sentence of 40 months, but added to the fine an additional confiscation sum of €6050 under the charge of participation in a terrorist group as defined under Article 140 § 1. The following three elements demonstrated his involvement in a terrorist group and that the help provided was done with the knowledge that he would contribute to committing a crime or an offense by that group.

- Playing the role of an intermediate between [REDACTED] and a man who could organise from Turkey the routing of jihadist recruits on location.
- Advising to the defendant [REDACTED], about the organisation of her own departure on location, at least until Turkey.
- Active collaboration in the transport of money, from Belgium to Turkey, meant for the routing of jihadist recruits from Turkey to the final location and for acquiring the necessary weapons for their training once their destination had been reached. He also acted as a money courier for [REDACTED]..

B. The Swiss verdict of 21 June 2007

In 2007, [REDACTED] was convicted and given a 6 month suspended sentence by the Federal Criminal Tribunal of Bellinzona (**Switzerland**). She was prosecuted alongside her second husband, [REDACTED] for “support to a criminal organisation” and “public incitement to violence and crime” through different websites they both set up in Switzerland. It was the first time that **Switzerland** convicted somebody on the grounds of support to an Islamist terrorist organisation.

In the view of the federal judges, there was no doubt that [REDACTED]’s participation in the terrorist group had been driven by a conscious and well considered decision. Her status as a widow of a martyr assured her of a great standing within the Islamic community, who considered her as a mujahidin, facilitating contacts between her husband, [REDACTED] and high level executives of Al-Qaeda.

As [REDACTED] was shown to have had some realisation of the criminality of her actions, the judges decided that even though her case was ‘borderline’ they would hand down a more lenient sentence in order to prevent future offenses and convince her to stay within the bounds of the law.

The verdict of the court of appeal in Brussels could only conclude that the leniency granted in Switzerland had had no effect. Indeed ██████. showed no sign of remorse or regret for her actions that were carried out right after she left Switzerland. Furthermore, the website www.minbar-sos.com, a 'gift' from ██████ to his wife, in use in Switzerland between September 2004 and February 2005 and closed by a Swiss court order, was reactivated under the same name with a Canadian provider and administered by ██████. for the same purposes.

██████. indicated in December 2010 her intent to appeal the verdict of the court of appeal in Brussels at the Cassation Court.

* * *

Appendix: Contact and Analysis Team

Contact

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[REDACTED]
[REDACTED]
[REDACTED]

Analysis Team

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