



Strasbourg, 31 May 2019

CDCT (2019) CONF-OJ1 WEB

COUNCIL OF EUROPE COMMITTEE ON COUNTER-TERRORISM (CDCT)

AGENDA

**WORKSHOP ON THE CONDUCT OF CRIMINAL TRIALS AGAINST,
AND THE PROSECUTION OF, FOREIGN TERRORIST FIGHTERS,
INCLUDING RETURNEES AND RELOCATORS**

11-12 June 2019

Madrid

Document prepared by the CDCT Secretariat
Directorate General I – Human Rights and Rule of Law

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Tuesday, 11 June 2019

09:00 Registration

09:30 Welcome by the Spanish authorities and the Council of Europe

10:00 **Session I: Presentation of concrete cases dealt with at national level involving foreign terrorist fighters, including returnees and relocators**

Selected prosecutors and judges from different member States will each provide a presentation (15/20 minutes - *in camera*) of a criminal case illustrating the main elements of a judicial proceeding involving foreign terrorist fighters, including the nature of the criminal offence, the various stages of proceedings and the final judgment.

Q&A and discussion

The presentations will provide guidance for a debate and the floor will be opened for questions or comments by the participants in order to highlight differences or similarities between national legal approaches and allow relevant experiences and viewpoints to be shared.

11:00 *Group photo and coffee break*

11:30 Session I continued.

Q&A and discussion

13:00 *Lunch (offered by the Spanish hosts)*

14:30 **Session II: Key elements for an effective prosecution**

The second session will focus on those aspects considered crucial to a successful prosecution in cases involving foreign terrorist fighters, ranging from national investigation practices to mechanisms of judicial and international co-operation. Judges and prosecutors will be invited to take an active part in the discussion with a view to drawing on relevant experiences of other countries, spotting major challenges and identifying best practices.

Q&A and discussion

15:30 *Coffee break*

16:00 **Session III: Respect of human rights and the rule of law in terrorism-related cases**

Criminal trials against, and the prosecution of, foreign terrorist fighters, including returnees and relocators, should be conducted by ensuring respect for human rights and the rule of law. The discussion will focus *inter alia* on terrorism and the principle of subsidiarity, fair-trial rights and flexible procedural safeguards.

Q&A and discussion

17:00 End of the first day

Wednesday, 12 June 2019

09:30 **Session IV: Gathering and admission of evidence for the purpose of criminal prosecution**

The collection of admissible evidence remains a major hurdle in cases related to foreign terrorist fighters. In the course of this session, participants will touch upon three main challenges:

- What can be adduced as evidence in court, also with reference to the issue of converting intelligence into admissible evidence;
- The gathering of evidence from foreign conflict zones;
- The gathering of electronic evidence on the internet, focusing on available legal frameworks and means to secure and obtain electronic evidence stored by service providers.

Q&A and discussion

11:00 *Coffee break*

11:30 **Session V: Children involved in terrorism-related offences**

This session will provide a platform to discuss the serious challenges posed by children who may have contributed to the perpetration of terrorism-related offences and will serve to clarify how and to what extent member States are dealing with the juvenile justice response to terrorism.

Q&A and discussion

12:30 Summing up the results of the Workshop

Concluding remarks

13:00 End of workshop