



Guidelines on strategies for the prosecution of violent extremism conducive to terrorism

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The Committee of Ministers,

Reaffirming the importance of fighting terrorism in all of its forms, in compliance with international law, in particular international human rights law and international humanitarian law, as well as the rule of law;

Recognising the increasing threat from violent extremism conducive to terrorism across Europe;

Reiterating the duty of States to protect their populations against all possible terrorist attacks, and the repercussions of these attacks, to the best of their abilities;

Underscoring the obligation of States to do so in full respect of individual human rights as guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, “the Convention”), such as freedom of thought (Article 9) or expression (Article 10), while proportionally sanctioning any abuse of such rights (Article 17);

Understanding that not all countries in Europe have been affected in an equal manner by violent extremism conducive to terrorism, resulting in potential divergence in national capacities to respond to this phenomenon;

Considering the need to support States in strengthening their capacities to respond to different forms of violent extremism,

Adopts the following guidelines, designed as a practical tool to help the competent authorities develop optimal strategies in prosecuting violent extremism conducive to terrorism.

Recommendations contained in these guidelines are addressed primarily to national criminal justice authorities.

Terminology

For the purposes of these guidelines:

“Violent extremism” consists of promoting, supporting or committing violent acts, on- and offline, which may or may not constitute terrorist acts and which are driven by anti-authority ideologies or ideologies that threaten to undermine human rights and fundamental freedoms;

The term “terrorist offences” means:

- ❖ any of the offences within the scope of and as defined in one of the treaties listed in the appendix;
- or
- ❖ any of the following acts, which are defined as an offence under national law and which, given their nature or context, may seriously damage a country or an international organisation, when committed intentionally and with one of the aims listed in the next paragraph:
 - a. attacks upon a person’s life which may cause death;
 - b. attacks upon the physical integrity of a person;
 - c. kidnapping;
 - d. causing extensive destruction to a government or public facility, a transport system, an infrastructure facility, a public place or private property likely to endanger human life or result in major economic loss;
 - e. seizure of means of public or goods transport, other than aircraft and ships;
 - f. manufacture, possession, acquisition, transport, supply or use of weapons, including chemical, biological, radiological or nuclear weapons, as well as research into, and development of, chemical, biological, radiological or nuclear weapons;
 - g. release of dangerous substances, or causing fires or floods, the effect of which is to endanger human life;
 - h. interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;
 - i. system or data interference that causes extensive damage to an information or computer system;
 - j. threatening to commit any of the acts listed in points a. to i.

The aims referred to in the previous paragraph are:

- a. seriously intimidating a population;
- b. unduly compelling a government or an international organisation to perform or abstain from performing any act;
- c. seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.¹

The term “criminal justice authorities” means agencies involved in criminal investigation and prosecution as determined by relevant national legislation.

“Intelligence” means information collected by the security services.

I. Violent extremist groups and networks

1. Criminal justice authorities should develop a better understanding of the threat posed by violent extremism in their respective jurisdictions. Understanding the ways in which violent extremist groups and networks exist and operate is crucial for pursuing cases of violent extremism conducive to terrorism, namely due to significant differences between these groups and networks and other known terrorist groups and organisations in terms of loose composition, complexity of ideological backgrounds, strategies, goals and modalities of communication and interaction. The employment of agencies or professionals who follow and analyse these groups and networks in support of criminal investigations and prosecutions should be considered when building the case, gathering evidence and presenting it before the courts.

II. Risk factors

2. When considering possible approaches with respect to individuals belonging to violent extremist groups or networks, or individuals sharing those ideologies, national authorities may wish to consider different factors related to that individual’s background or milieu, including but not limited to age, mental health issues, history of violence, previous convictions for violent acts,

¹ See Article 1 of the Protocol amending the Council of Europe Convention on the Prevention of Terrorism (“Amending Protocol”). The Amending Protocol was approved by the Council of Europe Committee on Counter-Terrorism (CDCT) in May 2024 and is expected to be adopted by the Council of Europe Committee of Ministers in 2025.

social isolation, access to weapons, any statements made by the individual advocating acts of violence and/or immersion in a violent extremist environment, including online. Such factors may help determine the necessary course of action to be taken in each individual case, including pre-emptive law-enforcement actions, referrals to disengagement programmes or processing by criminal justice authorities.

III. Start of investigations

3. There are no limitations in terms of ways in which cases concerning violent extremism can start, although some modalities tend to be more frequent than others, such as investigations following violent public demonstrations or the illegal possession of weapons, including firearms. Given the security aspect of terrorism and violent extremism, intelligence, including foreign intelligence, can often be a lead for criminal investigations. Similarly, taking into consideration the vast online presence of violent extremist groups and networks, monitoring of criminal activity online should always be considered for possible leads and evidence of violent extremism. Special investigative techniques and other investigations run by colleagues or other agencies can also be a source for initiating cases. Less frequent, but equally valuable, sources of information, such as communities and educational institutions, should also be considered in this context, while avoiding the imposition of security or law-enforcement functions on these civil or non-security related spaces.

IV. Choice of investigative techniques and evidential implications

4. Criminal justice authorities should use all investigative methods available in terrorism cases when handling cases involving violent extremist actions, proportionately to the seriousness of the case. Considering a need to keep the investigation covert, use of special investigative techniques, such as electronic surveillance and undercover operations, are likely to be used as a starting point, depending on the particular facts of the case. Recommendation [CM/Rec\(2017\)6](#) of the Committee of Ministers on “special investigation techniques” in relation to serious crimes including acts of terrorism provides further guidance on this.

5. Monitoring of online and social network activities is an indispensable part of investigations. To this end, cross-border co-operation may be necessary for the acquisition of evidence, as well as for the consideration of ways to introduce electronic/digital evidence into the case file, in line with applicable legislation concerning the use of such evidence.

6. Similar consideration should be given to ways in which information coming from domestic or foreign intelligence services can be used in court, as well as critical information of a more

contextual character, such as analyses produced by counter-terrorism centres that deal with, among other aspects, the ideological background, structures and modus operandi of specific groups or networks, their aims and the severity of the potential threat.

7. Countries should be prepared to be able to provide assurance to other countries that information coming from foreign authorities will be kept confidential, in order to comply with national law. In this case, countries should be aware that if the assurance cannot be provided, the data cannot be transmitted. Additionally, requests for evidence via mutual legal assistance requests should reflect an equivalent to a comparable offence (dual criminality requirement).

V. Financial investigations

8. National authorities should use financial investigations more systematically as part of criminal investigations into activities of violent extremist groups and networks, both as a possible source of supporting evidence for non-financial criminal activity and as a way of establishing possible complicity in terrorist financing/money-laundering charges. A 2021 [study](#) conducted by the Financial Action Task Force (FATF) confirms the use of otherwise licit funds for financing attacks, purchasing equipment, training, creating and dispersing propaganda, recruitment and overall networking by violent extremist groups and networks, and encourages States to invest further to better understand and tackle the threat of violent extremism.

9. Some States facilitate the involvement of authorities competent in anti-money laundering and countering the financing of terrorism (AML/CFT) in criminal investigations by formally designating specific violent extremist groups or networks as terrorists or otherwise subjecting them to AML/CFT monitoring, which may be a solution to be considered.

VI. Possible charges

10. In cases where evidence is insufficient to support terrorism charges, other offences can be used as standalone charges against individuals, groups or networks. Terrorism offences from national legislation should be used to prosecute actions of violent extremists, wherever applicable, including where evidence points to the existence of a special terrorist intent. Reliance on charges for preparatory acts, such as participation in a terrorist group or organisation, recruitment or training for terrorism, could be more appropriate, depending on the context of each case.

11. Cumulative charges should also be applied where available, covering other offences under existing criminal legislation, such as hate crimes, instigation to violence, murder, possession and

use of firearms, offences related to destruction of property, as long as these are linked to attacks on government or representatives of public institutions and other offences.

12. Where legislation requires proof of existence of a terrorist group or organisation, additional efforts should be made to demonstrate how more fluid and heterogeneous networks, observed in the violent extremism milieu, may meet the specific requirements of criminal legislation. This also holds true for cases involving self-radicalised lone actors with no visible ties to violent extremist groups or networks, in which cases possible charges may need to be carefully considered.

VII. Youth offenders

13. The young and sometimes even the very young age of possible offenders should be considered as a potential aspect of prosecution, in line with relevant national legislation regulating the age of criminal responsibility and any particular rules concerning the conditions for administering juvenile justice, including sanctions that may be applied in such cases. Participation in disengagement programmes is an aspect that should be considered as part of the resolution of cases against young offenders, whenever possible and available.

VIII. Links with organised crime

14. While systematic links between violent extremist groups and networks and organised crime may not be present in a given jurisdiction, this aspect should be considered as part of investigation and prosecution, in line with the [Council of Europe Guidelines on the links between terrorism and transnational organised crime](#). To date, contacts between the two milieus have been observed, for example in the context of the provision of security or other services to organised criminal groups, through links with fan groups involved in different types of criminal activity, involvement of violent extremists in the purchase, handling or sale of weapons and their links to criminal associations involved in human trafficking, pornography (including child pornography), drug trafficking and counterfeiting of documents. Investigations into these and other types of organised criminal activity may produce valuable leads for the prosecution of violent extremism conducive to terrorism. Interagency exchanges of information and co-operation should be considered in this respect.

15. Additionally, organised crime charges can be used to reflect the overall conspiracy of the violent extremism groups and networks. Close collaboration between law-enforcement agents who have practical experience in building criminal cases against organised criminal groups and agents experienced in building terrorist cases can be especially effective.

IX. Interagency and cross-border co-operation

16. Similarly to other terrorism cases, strong interagency and cross-border co-operation is crucial when dealing with violent extremism. In some States existing national structures are likely to suffice for this purpose, while in others new capacities may need to be developed, strengthened or linked to the existing counter-terrorism authorities, as may be the case with the monitoring of the online space, the conduct of undercover operations in that space and counter-messaging. The use of existing channels to facilitate cross-border co-operation, such as the International Criminal Police Organization (INTERPOL), the European Union Agency for Law Enforcement Cooperation (Europol) and the European Union Agency for Criminal Justice Cooperation (Eurojust), has proven to be effective and is encouraged in all cases with foreign elements, where applicable. The Council of Europe's 24/7 Network of Contact Points on Foreign Terrorist Fighters (FTFs) and the Network of Contact Points for the Exchange of Information regarding the Legal Standing of the Victims of Terrorism are also useful tools to be considered, and they should be utilised to facilitate the exchange of information and discussions on violent extremist issues/trends among law enforcement and prosecutors.

17. With regard to cross-border co-operation on the acquisition of electronic evidence, national criminal justice authorities are advised to refer to the Council of Europe's [Convention on Cybercrime \(ETS No. 185\) and its additional protocols](#), as well as the [Council of Europe's 24/7 Cybercrime Network](#) that facilitates international co-operation on cybercrime and electronic evidence.

X. Use of collaborating and protected witnesses

18. Where available according to national legislation and warranted by the circumstances of the case, national criminal justice authorities should consider granting certain individuals under investigation or prosecution the status of collaborators of justice and provide them with protective measures and/or a reduction in sentence. They should also consider granting protective measures to certain witnesses.

XI. Education system and prevention

19. National criminal justice authorities are encouraged to develop exchanges with educational institutions and civil society organisations, including through reports on hate speech or violent acts committed by pupils or students. As recognised in Recommendation [CM/Rec\(2021\)7](#) of the

Committee of Ministers on measures aimed at protecting children against radicalisation for the purpose of terrorism, first-line practitioners in schools or youth centres are often privy to behaviour that may represent the first signs of radicalisation, being in close, day-to-day contact with pupils and students. Such information may be valuable for acting pre-emptively. Similarly, the experience of criminal justice authorities may better inform individuals who work closely with young people in the education system, as well as during extracurricular activities, about possible signs of radicalisation and ways to address such signs in the most effective manner.

XII. Radicalisation in prisons

20. Radicalisation in prison settings has been observed in States and requires specific attention when developing possible disengagement interventions in prisons. Similarly to existing efforts, any such intervention should be based on a thorough understanding of the threat identified through an individual risk assessment and a carefully formulated purpose of the intervention. Recommendation [CM/Rec\(2022\)7](#) of the Committee of Ministers on the risk assessment of individuals indicted or convicted for terrorist offences and the [Council of Europe Handbook for Prison and Probation Services regarding Radicalisation and Violent Extremism](#) may be consulted in this respect.

21. Equal attention should be given to post-prison monitoring and the continuation of disengagement efforts, if warranted and appropriate. Where such post-prison follow-ups might currently be available only for certain categories of inmates, an assessment should be made to identify whether any such restrictions risk hampering the appropriate follow-up of individuals with a violent, extremist background. Consideration should also be given to the engagement or development of relevant community capacities that could assist in this respect.

22. All prison and post-prison interventions should be implemented in full respect of relevant human rights guarantees.

