



Judicial Cooperation in Counter-Terrorism

Council of Europe - HELP High-level Conference on
'Countering cross-border crime: human rights implications'
Strasbourg and online - 20 October 2021

Presentation outline

- ▶ Eurojust at a glance and operational outcome
- ▶ Counter-terrorism at Eurojust
- ▶ Special focus
 - Investigations and prosecutions of FTFs
 - Use of battlefield information as evidence
 - Right-wing extremism and terrorism
 - Victims of terrorism
- ▶ The European Judicial Counter-Terrorism Register

An **EU agency** governed by **national judicial authorities** of the EU Member States



Eurojust is home to 'judicial embassies'

- 26 **National Members**, + Repr. of Denmark
- Operational: experienced **prosecutors, judges**

Employed by the home authority

- **24/7** on call
- Additional staff to handle cases
- Together, the National Members form a **College**

Eurojust offers access to expertise and support

- **+220 EU staff: legal expertise and analysis**, secure IT systems, **meeting** facilitation
- Headed by an **Administrative Director**

Cost effective and demand driven

- Budget: **EUR 40 million (2019)**
- Practical support to almost **8,000 criminal investigations in 2019 (+17% y increase)**
- **Fully demand driven**

Operational outcome

SCALE OF THE CHALLENGE

- **12 722** suspects
- **1 534** cases involving organised criminal groups
- **€ 14.5 bn** worth of damages
- **94 651** victims of crime

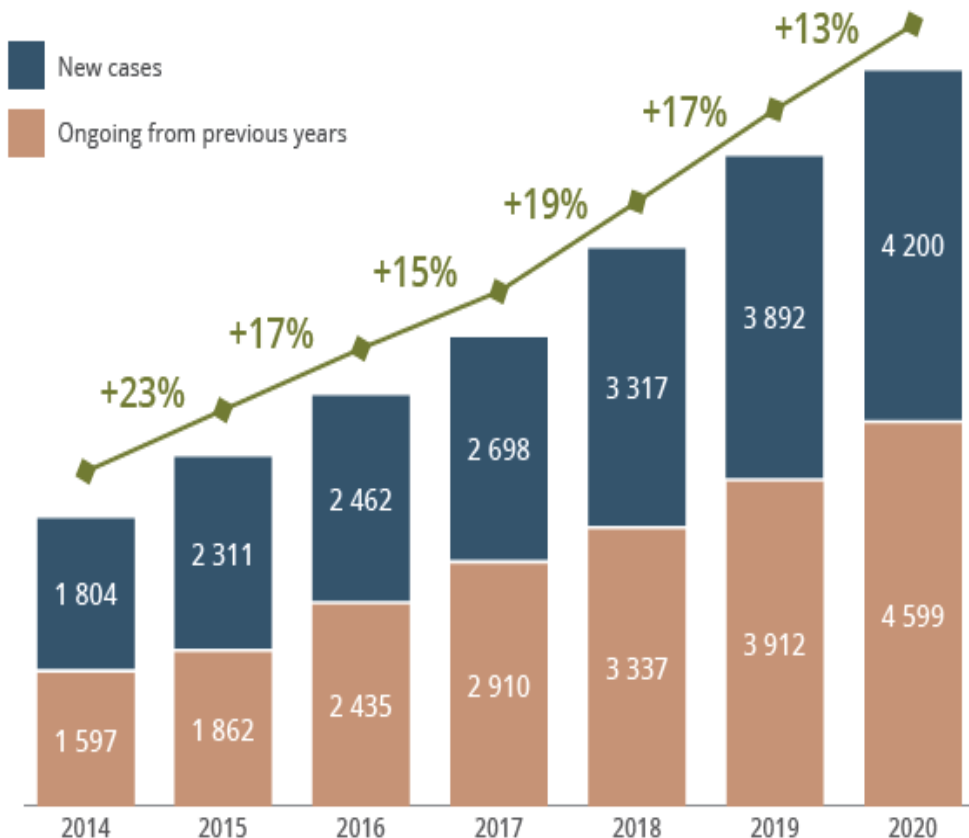
PRACTICAL SUPPORT

- **8 799** cases
- **1 519** rapid responses to judicial cooperation requests
- **1 360** large-scale operations

JUDICIAL COOPERATION TOOLS

- **1 284** *European Arrest Warrants*
- **3 159** cases with *European Investigation Orders*
- **262** joint investigation teams
- **3 367** *mutual legal assistance cases*

In 2020:
Practical support to
8,800 investigations
of serious,
cross-border
crime.



Counter-Terrorism at Eurojust

- ▶ Growing number of complex and diverse CT investigations and prosecutions coordinated by Eurojust:
 - Concerning terrorist attacks and other types of terrorist activities of networks, cells or single individuals
 - Related to all types of terrorism
- ▶ More information: 2019 Eurojust Report on CT <https://www.eurojust.europa.eu/2019-eurojust-report-counter-terrorism-report>



TERRORISM CASES IN 2020

217 CASES

*(69 new cases,
148 ongoing from previous years)*

7

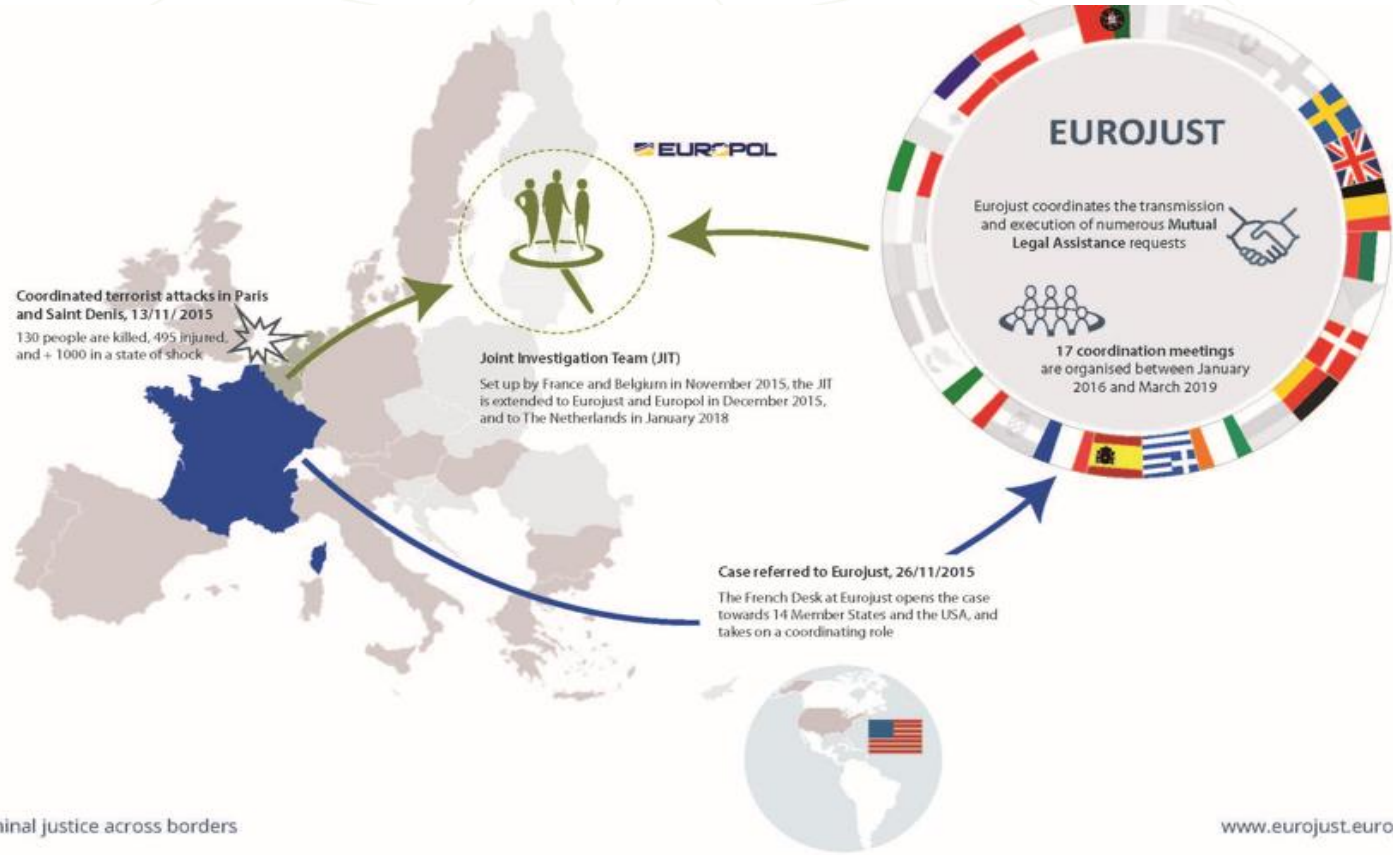
JOINT INVESTIGATION TEAMS

(2 new JITs, 5 ongoing)

12

CASE-SPECIFIC
COORDINATION MEETINGS

Coordinated follow-up to Paris attacks of November 2015



Investigating and prosecuting FTFs

- ▶ Avoid prosecution gaps → full transposition of Directive (EU) 2017/541 is key
- ▶ Establishing jurisdiction → role of Eurojust
- ▶ Cumulative prosecutions for terrorism and core international crimes (not possible in all Member States' jurisdictions) to ensure full responsibility of perpetrators and justice to victims
- ▶ Use of battlefield evidence

2020 Eurojust Memorandum on Battlefield Evidence



- ▶ Published on Eurojust website:
<https://www.eurojust.europa.eu/eurojust-memorandum-battlefield-evidence>

2020 Eurojust Memorandum on Battlefield Evidence

- ▶ Managing the threat posed by foreign terrorist fighters (FTFs) remains a priority for the EU
- ▶ To strengthen information exchange in the field of counterterrorism and core international crimes, access to and use of battlefield information in investigations and prosecutions are important
- ▶ Recommendation by EU CTC in 2019 to update 2018 Eurojust Memorandum

Challenges and best practice

- ▶ With experience, solutions found to certain challenges, for instance, declassification of raw data as a standard procedure
- ▶ Providing context for raw material is considered helpful, as is establishing a methodology for declassification of battlefield information
- ▶ Challenges remain, for instance
 - obtaining battlefield evidence in a timely manner
 - (over-)classification of information
 - battlefield evidence consisting of statements by witnesses or defendants.

Eurojust Expert Workshops on Right-Wing Extremism and Terrorism



- ▶ Published on Eurojust website:
<https://www.eurojust.europa.eu/eurojust-expert-workshops-violent-right-wing-extremism-and-terrorism>

Eurojust Expert Workshops on Right-Wing Extremism and Terrorism

- ▶ Participants recognized the growing threat posed by extremist right-wing groups and radicalised lone actors
- ▶ Online presence and activities may be difficult to identify and may pose a challenge to intelligence, law enforcement and judicial authorities
- ▶ Challenge in using CT legal provisions in relation to online hate crimes - the terrorist intent or the suspects' relationships to a terrorist group may be difficult to establish

Support and protection of victims of terrorism

- ▶ Judicial cooperation as a powerful tool to safeguard and guarantee the rights of victims and their families, e.g.:
 - The assistance foreign victims are entitled to
 - Procedural rights
 - Right to compensation and allowances
- ▶ Council conclusions on victims of terrorism of 4 June 2018 – role of Eurojust
- ▶ EU Victims' Rights Platform

European Judicial CT Register (CTR)

Analysis and lessons learned to
**improve the judicial
response to terrorism**



Sharing of information
among EU Member States on
terrorism investigations,
prosecutions and convictions



Identification of links
between investigations and coordination needs

European Judicial CT Register (CTR)

What?

- Ongoing and concluded **judicial CT proceedings**
- **Limited amount of information**, based on **Council Decision 2005/671/JHA**, needed for **automatic link detection**

Why?

- Detect **links** between judicial proceedings
- Identify **coordination needs**

How?

- Full respect for the applicable **data protection rules**
- Full respect for the **ownership and confidentiality** of data

Hilde Vandevoorde

National Member for Belgium and Chair of the Counter-Terrorism Team

hvandevoorde@eurojust.europa.eu

www.eurojust.europa.eu

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