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Terrorism Convictions Monitor

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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 Case Analysis Unit (CAU) 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 several EU Member States by virtue of Council Decision 671/JHA/2005 with no links to open sources.**

Issue 12 of the TCM covers the period **September-December 2011**. It contains also a judicial analysis chapter pertaining to one case 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 the various open sources. In the cases where such a confirmation and/or follow-up is needed, a special icon  will appear. The respective National Desks will be further contacted for specific details. In cases where the information has already been provided, it will be noted by a .

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

II. Terrorism Convictions Overview

1. Terrorism Convictions/Acquittals by Member State September-December 2011



Belgium

October 2011

The First Instance Court of Brussels tried in absentia three members of the Moroccan Islamic Combatant Group (**GICM**) linked to the bombings in Madrid and Casablanca. The men were handed down sentences of between four (4) and five (5) years imprisonment for a number of offences, including use of false documents, concealment, counterfeiting of seals, etc. One of the three was also convicted of participation in terrorist activities. A fine of €2500 was imposed to each of the men. One of the convicted, who wrote the claim for the Madrid bombing, is currently serving a fifteen (15) years sentence in a Spanish prison for his role in the attack. The decision of the Brussels court is not final.

Source: nieuwsblad.be



France

September 2011

One individual acquitted in first instance for attempted terrorist attack in Corsica beginning of 2007 was sentenced to two (2) years by the Special Criminal Court in Paris. The Court has informed that this sentence is actually covering his provisory detention. The Court convicted him for an attempted terrorist attack committed on 03 January 2007 in Solaro, North of Corsica, while he was together with a friend who was killed in the premature explosion of the bomb he was carrying.

Source: Europe1



The Paris Correctional Court convicted one individual and sentenced her to five (5) years in prison. She was arrested in 2009 in France and was prosecuted for links with **ETA's** military apparatus. The prosecution filed charges for criminal conspiracy in order to prepare terrorist acts and possession of explosives and asked for six (6) years' imprisonment. The court ordered also a permanent ban from French territory after the sentence is served. The decision of the court is final.

Source: elcorreo

R

An **ETA** member aged 52 was arrested together with another individual in south-west France on 29 March 2007 while driving a stolen vehicle. They were both sentenced to five (5) years imprisonment for criminal association with terrorist aims. Other four ETA members were handed down sentences between two (2) years and a half to three (3) years of imprisonment.

Source: msn.com

R

October 2011

The Paris Assize Court tried one individual who was prosecuted for having fired at a police station in Saint-Florent and attempted to kill police in 1996, together with another person. He was arrested in 2004. The court found him guilty of terrorist criminal damage and sentenced him to five (5) years suspended. The decision of the court is final. The individual had already been convicted in absentia in 2003 for another attack claimed by the FLNC-Canal historique and given a twenty (20) years sentence. Regarding this trial, according to his lawyer the principle of "reasonable time" laid out in the European Convention for Human Rights was long elapsed.

Source: corsesnetinfos

R

November 2011

Three members of the Basque **ETA** separatist organisation received sentences of four (4) to six (6) years imprisonment, handed down by the Criminal Court in Paris for conspiracy with terrorist intentions. At the time of their arrest, in June 2007 in Bagnères-de-Bigorre they admitted they were members of ETA. Police discovered in their hiding place a revolver, fake car number plates and several forged documents of which a French Police investigator's card and a UN press ID. The 3 activists, aged 32 to 34, may belong to a military structure of the Basque organisation. The prosecution suspected them of planning to buy a pharmaceutical that could be used to produce an explosive.

Source: France 24

R

December 2011

The Paris Court of Appeal sentenced four defendants, linked to **ETA**, to prison terms of between six (6) and eight (8) years. They were convicted for being part of an organised group with a terrorist intent, car theft, possession of arms and false documents. The court ordered also a permanent ban from French territory after the sentences are served. The decision of the court is final.

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



The court of first instance of Paris sentenced two Spanish nationals to eight (8) and seven (7) years of imprisonment, respectively. They were charged with belonging to the logistical machinery of **ETA**. Both defendants were arrested in Angulema on July 2007 while driving a vehicle using forged plates. Following their detention, they declared to be ETA members. One of the two was already sentenced in France to four (4) years imprisonment for collaboration with ETA's logistical machinery.

Source: [ELMundo](#)



A Venezuelan national was sentenced to life in prison in a Paris trial while he was already serving a life sentence in a French prison for a triple murder in 1975. The trial concerned an attack in March 1982 on a Paris-Toulouse train, an April 1982 attack on the Paris offices of an Arabic-language newspaper, and two attacks on New Year's Eve 1983, one on a high-speed TGV train and another on a train station in Marseille, attacks that killed 11 people and injured more than 140 others. The court found him guilty in all four attacks, and sentenced him to life in prison with no possibility of parole for eighteen (18) years. The 62-year-old denied any role in the attacks. In this trial, three others were prosecuted in absentia. The court convicted two of his accomplices, giving them life sentences, and acquitted a third.

Source: [CTV.ca](#)



The Paris Criminal Court sentenced two individuals to six (6) and five (5) years imprisonment, respectively, for their affiliation to the Separatist Basque Organisation **ETA**. Permanent prohibition to enter French territory had also been added to the sentence by the Court. Both Basques appeared before the judges on 17 and 18 November for the handling of stolen goods, possession of weapons, forged documents and conspiracy with a link to terrorist activity. Both men were detained for questioning in July 2007. They were prosecuted for having organised a forgery production manufacture in Meaux (Paris region) on behalf of ETA. When arrested, they admitted to belong to ETA.

Source: [lefigaro](#)



Germany

September 2011

In a trial at the Higher Regional Court in Munich three defendants were sentenced in relation to disseminating Islamist propaganda addresses and videos on the Internet. They were charged with supporting a terrorist organisation and recruitment of members or supports. One of the defendants was handed down a sentence of eighteen (18) months, the execution of

which was suspended and a term of probation was determined to two (2) years. The court ordered the second defendant to perform certain work tasks (80 hours of community service). Regarding the third defendant, guilt was found but the court suspended the decision to impose youth penalty for a probationary period of two (2) years. The decision of the court is final.

Source: [thelocal](#)



The Higher Regional Court in Düsseldorf found one defendant guilty of murder and sentenced him to life imprisonment. He was charged with being a ring leader of a terrorist organisation (**DHKP-C**), for preparation of crimes (explosives) and murder. He was suspected of having ordered the murder of two policemen in Istanbul in 1993. The decision of the court is not final.

Source: [wdr](#)



October 2011

The Higher Regional Court in Munich tried one individual charged with supporting an Islamist terrorist organisation abroad. He was suspected to have used Internet for recruitment and propaganda purposes. The court found him guilty and ordered him to perform certain work tasks (200 hours of community service). The decision of the court is final.

Source: [justiz bayern de](#)



A German court sentenced the **LTTE** finance chief in Germany to four (4) years and nine (9) months in prison. The convicted is one of the most influential LTTE operatives in Germany. The court also sentenced a 35 year old male and two German passport holders of Sri Lankan origin to two (2) years and nine (9) months in prison. The German police arrested the four convicts in operations conducted in March and November 2010.

Source: [TheIsland](#)



December 2011

The Higher Regional Court in Munich found one individual guilty of supporting a terrorist organisation and recruitment of members or supporters and sentenced him to three (3) years and six (6) months imprisonment. The defendant was tried for supporting an Islamist terrorist organisation abroad and was suspected to have used Internet for recruitment and propaganda purposes. During the trial it was revealed that the accused wanted to join the armed struggle of **Al-Qaida** and undergo in a training camp in Afghanistan. The decision of the court is not final.

Source: [justiz bayern de](#)





Lithuania

October 2011

An Irish man accused of involvement in weapons smuggling for the **Real IRA** in Lithuania has been found guilty and sentenced to twelve (12) years in prison. The convicted, 39, was caught in a MI5 weapons sting operation in 2008. He was convicted of supporting a terrorist group, illegal possession of weapons and attempted smuggling. He denied the charges against him, saying MI5 had set him up and claiming he was a victim of entrapment. The man was secretly filmed test-firing weapons in the Lithuanian countryside, and some of his private conversations were bugged. In a secretly-recorded conversation, he was overheard talking about planting bombs in London. He said he wanted weapons for use against "Brits".

Source: [BBC news](#)



Netherlands

October 2011

A Dutch court sentenced five ethnic Tamil men up to six (6) years in jail for helping finance Tamil Tiger (**LTTE**) guerrillas with millions of Euros in their ultimately failed campaign for an independent homeland in Sri Lanka. Prosecutors accused the five men, all of whom now have Dutch citizenship, of extorting money from the Sri Lankan Diaspora in the Netherlands while also engaging in money laundering and the spread of propaganda. The court in The Hague ruled that the five men were aware of the fact that the LTTE was on an international terrorist list and that their activities were illegal in the European Union.

Source: [Reuters](#)



Spain

September 2011

As part of **ETA's** command "Tontor", the two accused allegedly placed explosive devices on equipment of the construction company in protest against building high velocity train facilities in the Basque country. The explosion took place in May 2008 and caused material damage to the company. It was claimed to have been done on behalf of ETA in the newspaper Gara. In conformity with what was asked by the prosecution, the court found both defendants guilty of possession of explosives and causing terrorist damages and sentenced them to eight (8) years in prison. The decision of the court is not final.

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



In a trial at the Audiencia Nacional one defendant was brought to court for having allegedly placed an explosive device in the vicinity of the building of the newspaper El Correo Espanol. The device exploded on 8 June 2008 causing numerous damages to the newspaper as well as to the neighbouring companies. A publication in the newspaper Gara two months later attributed the act to **ETA**. The prosecution brought charges against the defendant for terrorist ravage as responsible for the attack and asked for a penalty of fifteen (15) years to be imposed. The court found the man guilty and sentenced him in conformity with the prosecutor's request. A compensation for the companies was also ordered. The decision of the court is final.

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



In a trial at the Audiencia Nacional eight individuals were brought to court. Five of the defendants were suspected of directly receiving orders from **ETA** with regard to the debate on the new strategy to be followed in order to achieve its objectives and establish a socialist state of a revolutionary character. They were entrusted with the formation of a coordination committee that would bring into effect the planning and management of the new strategic line of accumulation of political power. They were charged with and found guilty of belonging to a terrorist organisation. Two of them were sentenced to ten (10) years imprisonment each for their leadership role, in line with what the prosecution requested. The remaining three were handed down eight-year (8) sentences. An appeal was filed by the convicted. Three other defendants were not accused by the prosecution and were acquitted by the court.

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



The Audiencia Nacional found one individual guilty of terrorist ravage and causing an injury and sentenced him to twenty-five (25) years' imprisonment and two (2) months' fine to the amount of 30 Euro per day. The man, together with others, had placed explosive devices in Laredo and Noja. The devices were programmed to burst out on 20 July 2008. Before the planned outburst, a warning phone call on behalf of **ETA** was made and the police managed to evacuate the area. The explosions injured two persons and caused material damages. The decision of the court is final.

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



The Audiencia Nacional acquitted one defendant for her alleged participation in the assassination of a general from the Guardia Civil which took place in December 1995 in Pamplona. The prosecution asked for a twenty-eight-year (28) sentence to be imposed. The decision of the court is not final.

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

R

The prosecution asked for a thirty-year (30) sentence for an individual charged with attack resulting in the death of a municipality police officer that took place in front of his home in December 1994. The defendant, together with other members of **ETA's** "Donosti" command, was suspected of attacking the officer from behind and shooting him dead in the head. The Audiencia Nacional acquitted the defendant. The court decision is final.

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

R

October 2011

The Audiencia Nacional tried three individuals suspected of attempting to blow up a vehicle of the Air Force in January 1994 in Madrid. In the night before the explosion the accused allegedly moved the car loaded with explosives in expectation of the targeted military vehicle. Due to malfunctioning the mechanism did not explode. During the police action that followed, the car burst out and injuries and material damages were caused. The prosecution brought charges for thirty offences of attempted terrorist assassination and for terrorist ravage and asked for sentences of around seven hundred (700) years for each of the defendants. The court found two defendants guilty of attempted terrorist assassination and terrorist damage and sentenced them to forty-two (42) years' imprisonment each. The third defendant was acquitted. The decision of the court is not final.

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

R

The prosecution filed charges against one individual, who allegedly together with others, put on fire a cash machine in front of the Banco Santander Central Hispano Americano in Baracaldo. The court found him guilty of terrorist damage. It sentenced him to two (2) years and one (1) day in prison and ordered a compensation to be paid to the bank. The decision was appealed by the convicted.

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

R

The prosecution filed charges against three individuals involved in an attack against a discotheque in Navarra in September 2001. The building was severely damaged. In October 2001 the newspaper Gara received a message by **ETA** claiming eleven attacks. The charges included ravage and illegal detention (of the bodyguard of the discotheque) for all three defendants and belonging to an armed group for one of the defendants. Two were found guilty of the first two charges and sentenced to twenty-five (25) years' imprisonment each and the third defendant was acquitted of all charges. The decision of the court is final.

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



The Audiencia Nacional acquitted one individual who was charged by the prosecution with collaboration with a terrorist organisation. Allegedly he had kept contacts with **Al-Qaida** members in Spain and his home hosted indoctrination meetings. It was not considered proven that he carried out activities of favouring Islamist terrorism or recruitment and indoctrination for jihad. The decision of the court is final.

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



Eleven individuals were brought to trial at the Audiencia Nacional in relation to an investigation during which documents, **ETA** and **SEGI** stickers, guns, explosive materials, etc. were seized from the apartments of the accused as well as two hiding places in the woods. In the course of the trial the prosecution withdrew the charge of belonging to a terrorist organisation. For the remaining charges of storing explosive devices, attempted terrorist arson, terrorist threats and terrorist damage various sentences were sought. The court found two defendants guilty of storing explosive devices and sentenced them to four (4) years' imprisonment each. An acquittal was pronounced for the other charges and defendants. The decision of the court is final for all the acquitted persons.

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



The Audiencia Nacional convicted one individual and sentenced him to three (3) years' imprisonment. He was tried for his alleged role in carrying out an attack on a bank in Baracaldo which was committed together with two more persons, already convicted for the crimes, and caused material damage. The prosecution filed charges of terrorist damage and asked for a three-year (3) prison sentence to be imposed. The court's decision was in conformity with what the prosecution requested and is not final.

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



The Audiencia Nacional found one individual guilty of terrorist ravage and sentenced her to fifteen (15) years in prison in conformity with what the prosecution had asked. The person was brought to trial in relation to the placing of an explosive device in a building which detonated a few hours later causing material damage. The attack was claimed by **GRAPO** to several media on the next day. The decision of the court was appealed by the convicted.

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



November 2011

The Audiencia Nacional sentenced an **ETA** member to a hundred-and-five (105) years' imprisonment after it found him guilty of two counts of terrorism

resulting in death, two counts of terrorism resulting in injury, terrorist ravage and document forgery. He was prosecuted for the assassination of a politician from the Socialist Party and his bodyguard. The court considered it proven that the accused had activated an explosive device placed in a vehicle on the street, thus causing the death of the two persons passing by as well as injuries to others and material damage to buildings in the vicinity. The decision of the court is final.

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



The Audiencia Nacional acquitted one individual who was brought to trial in relation to an attack on the Land Forces barracks in Navarra de Aizoain in October 2003. A car bomb was used in the attack and numerous damages were caused. The prosecution filed charges for terrorist ravage and forgery with a terrorist purpose. It requested a punishment of twenty (20) years in prison for the first offence and withdrew the accusation of forgery with a terrorist purpose. The decision of the court is final.

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



The prosecution filed charges against four individuals allegedly involved in the murder of a counsellor from the UPN political party in Navarra – Leiza. They were suspected of having received orders from ETA in February 2001 to assassinate the victim. The attack took place in July 2001. When the victim tried to start the car, it exploded resulting in his death and causing material damage. The attack was claimed by **ETA** in the newspaper Gara a few days later. The charges brought by the prosecution included terrorist assassination, possession of explosives for terrorist purposes and terrorist ravage for all four defendants and participation in a terrorist organisation for two of them. The four were found guilty as charged. Two individuals were given a fifty-year (50) sentence each and the other two, already convicted for criminal association in 2006 in France, were sentenced to fifty-eight (58) and sixty (60) years in prison respectively. The decision of the court is final.

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



In relation to a judgment by the Supreme Court 1016/2011, dated 30 September 2011, the Audiencia Nacional found fifteen members of **SEGI** guilty of participation in a terrorist organisation and sentenced them to six (6) years' imprisonment each. The prosecution had asked for eight-year (8) sentences. The fifteen were engaged in street violence (kale borroka) since 2005 till their arrest at the end of 2007. In its ruling, the Supreme Court annulled the previous decision of the Audiencia Nacional from October 2010 and ordered new sentencing. The decision is final.

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



Two individuals were brought to the court for their alleged involvement in placing a car bomb in a hotel in Malaga in 2002 at the time of the European summit in Seville and the end of the Spanish presidency of the EU. 30 minutes before the explosion three warnings were given but the police had only time to lay a safety cordon around the area. A few days later **ETA** claimed the attack in a message to the newspaper Gara. The explosion caused injuries to a number of people as well as material damages. The prosecution brought charges for terrorist ravage, six counts of attempted terrorist assassination, document forgery and theft of a vehicle with terrorist purposes. A sentence of a hundred-and-forty-six (146) years' imprisonment was asked. The court acquitted one of the defendants and handed down a sentence of a hundred-and-ten (110) years and six (6) months to the other. Additionally, a fine of twelve (12) months to the amount of 20 Euro per day was ordered. The decision of the court is final. The convicted individual was also sentenced to eight (8) years in prison by a French court in 2006 for the offence of criminal integration and association and possession of arms.

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



The Audiencia Nacional acquitted one individual tried for his alleged role in groups engaged in street violence that held material for the production of inflammable and explosive devices. The prosecution had charged him with possession of inflammable substances and asked for a two-year (2) sentence. The decision of the court is final.

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



The Audiencia Nacional tried three individuals who were believed to be part of an **ETA** command successively called "Askatasun Haizea", "Txikitze" and "Hegoa". They were involved in an attempted attack on 31 December 2008 when a barrel full of 30 kg of explosives was found. The three defendants were charged with placing explosive devices and causing terrorist ravage. All three defendants were acquitted of the first charge. For the second charge, two were found guilty and sentenced to eight (8) years' imprisonment each and the third defendant was acquitted. The decision is final regarding the acquitted individual. The two convicted individuals appealed.

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



The Audiencia Nacional tried four individuals for their alleged role in an attack that took place in November 2001. As part of an **ETA** operational group, three of the defendants, following the instructions of the fourth one, installed an explosive device in a vehicle with the aim of activating it when the car of a politician passed by. As a result of the explosion, a number of people were injured and material damage was caused. Three defendants were found guilty of possession of arms and possession of explosives and were sentenced to ten (10) years' imprisonment each. The fourth defendant was

handed down a thousand-year (1000) sentence as the court found him guilty of ninety-five counts of attempted terrorist assassination, two counts of ravage as well as possession of arms and possession of weapons. Two of the convicted individuals appealed.

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



In a trial against two members of **ETA**'s command "K Olaia" the prosecution brought charges of attempted terrorist assassination and asked for penalties of twenty (20) years for each of the defendants. The two were brought to court in relation to the package bomb sent to a journalist's home in January 2002. The victim informed the police about the suspicious package and it was deactivated. It did however produce an uncontrolled outburst resulting in physical and psychological damage of the journalist and her two companions. The attack was claimed by ETA in the newspaper Gara in April 2002. The two defendants were found guilty and sentenced to eighteen (18) years' imprisonment each. The decision of the court is not final.

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



In a trial at the Audiencia Nacional a defendant was brought to court for her alleged role in an incident with an ignited explosive device in the rest room of the Bilbao stock exchange in March 2002. A warning was received at the newspaper Gara and the emergency head office shortly prior to the explosion. The act was claimed by **ETA** in a message sent to the newspaper Gara. The prosecution asked for a penalty of ten (10) years for the accused for the offence of attempted terrorist ravage. The court's decision was in conformity with what the prosecution requested and is final.

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



The Audiencia Nacional acquitted one defendant charged with participation in a terrorist organisation, assassination and ravage. He was prosecuted for his alleged role in an attack on the building of a stock company in Pamplona in 1987. As a result of the explosion of the detonated device, one person passed away and material damage was caused. The prosecution asked for a prison sentence of forty-three (43) years. The decision of the court is final.

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



December 2011

The prosecution requested a forty-eight-year (48) sentence for a defendant who, following the instructions of the **M.L.N.V.** (Movimiento de liberación Vasco de la izquierda abertzale), devised a plan to murder a municipal police officer in 2003. He shot the officer in a bar and he passed away from his injuries on the same day. The charges brought against the defendant included belonging to an armed group, terrorist assassination and possession of arms with a terrorist purpose. He was found guilty of the latter two charges and acquitted of the first one. A sentence of thirty-two (32) years'

imprisonment was handed down. The prosecution appealed the decision.

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



The Audiencia Nacional acquitted two individuals charged with terrorist threat in relation to an incident that took place in front of the home of a counsellor from the UPN political party and involved his police escort. The prosecution asked for sentences of one (1) year and eight (8) months for both defendants. The court decision is final.

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



The Audiencia Nacional tried four individuals arrested in Ceuta in 2005 following police actions as a result of which weapons and drugs were discovered. The court acquitted all four of illegal possession of arms. It also found two of them not guilty of the offence against public health related to the drugs found in the apartment. The remaining two defendants were convicted of storing weapons of war and offence against the public health and ordered to serve eighteen (18) months in prison each. The decision of the court is not final.

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



The Audiencia Nacional acquitted one individual who was tried for his alleged role in the attempted extortion of a businessman. The businessman was approached by **ETA** that threatened him if he did not pay the so-called "revolutionary tax". The defendant was suspected of having played the role of a intermediary who was supposed to deliver a bag with 72 000 Euro to ETA. The prosecution requested an 8-year imprisonment for the charge of collaboration with an armed group or a terrorist organisation. The decision of the court is not final.

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



The Audiencia Nacional acquitted one individual who was brought to court in relation to his alleged role in an attack in 1995, which resulted in injuring one police agent and causing serious material damage to vehicles and immovables, incl. the Guardia Civil barracks. During the day of the explosion, a call on behalf of **ETA** announced the positioning of three car bombs in the area. The defendant was charged with a number of offences, incl. terrorism under art. 174 bis B of the Criminal Code, attack, possession of explosives, possession of weapons, illegal detention, illegitimate use of a vehicle and document forgery. The prosecution asked for a total of fifty-seven (57) years' imprisonment for all offences. The decision of the court is final.

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



The Audiencia Nacional found one individual guilty of terrorist damage and sentenced him to two (2) years in prison. He was arrested in suspicion of

having placed, together with others, an explosive device in a cash machine of La Caixa bank in March 2002, as part of **ETA's** street violence. The attack was claimed in the newspaper Gara as a response to the arrests by the police in several towns. The decision of the court is not final.

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



The prosecution filed charges against ten alleged **ETA** members and collaborators. Following the arrest, a huge amount of documents were found which disclosed the structure and components of ETA's recruitment apparatus within the organisation's military structure, various locations used as well as personal data of possible targets. Four individuals were charged and convicted of membership in a terrorist organisation and given sentences of between two (2) years and three (3) years and four (4) months. The remaining six defendants were accused and found guilty of collaboration with a terrorist organisation and handed down a sentence of one (1) year and six (6) months' imprisonment each. The decision of the court is not final.

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



United Kingdom

September 2011

A former Taliban fighter, 54, has been given four life sentences after being found guilty of trying to recruit undercover officers to fight in Afghanistan. He was convicted of preparing terror acts, soliciting to murder and disseminating terrorist literature. He was told he must serve a minimum of nine years before he can be considered for parole. The court was told he was a Pakistani-born British citizen at the centre of a plot to radicalise and persuade young men to "fight, kill and die" in a jihad in Afghanistan. Another individual, 29, was found guilty of the same charges at Manchester Crown Court. He was given six (6) years and ordered to serve a minimum of three years before he is eligible for parole. A third individual, 23, was convicted of two counts of soliciting to murder. He was also found guilty of preparing for acts of terrorism. The three men had denied all charges. Another male was acquitted of the charges. Speaking after the sentencing, the Crown Prosecution Service (CPS), said: "A thorough and careful preparation of the evidence by Greater Manchester Police and the CPS included secretly recorded conversations by two undercover police officers which demonstrated how they were being groomed to fight abroad against coalition and British troops in Afghanistan." "These conversations were played to the jury and the two undercover officers, who gave evidence in court from behind screens to protect their identities, also described to the court exactly how the defendants tried to persuade them to help with violent jihad."

Source: [BBC News](#)



[REDACTED]

[REDACTED]

[REDACTED]

A bookseller, 32, from Birmingham has been sentenced to three (3) years in prison for possessing and distributing material which promoted extremism. He had material including an al-Qaeda training manual, bomb-making instructions, and footage of murders - [REDACTED] among them. He had claimed the material was for academic research. The convicted was found guilty of possessing and disseminating some of the most well-known publications found in the homes of people convicted of terrorism-related offences over the past decade. Other charges related to military training videos, including bomb-making instructions.

Source: [BBC News](#)



A man, 51, has been given an 18-month sentence suspended for three years for providing a car for a terrorist purpose. The court heard there was no evidence that he was involved in the bombing or that when he handed over the car he knew it was going to be used for the attack. It was told he had been approached by a dissident republican terrorist and asked to hand over a car and that failure to do so would have serious consequences for him and his family.

Source: [BBC News](#)



2. VSIE/ARE Ongoing/Upcoming Trials in EU



Finland

November 2011

The Finnish Supreme Court has overturned the hitherto most severe sentence imposed in Finland on animal rights activism.

The case concerned a fire at a fur retail business in Turku in the summer of 2008. About 100 people were asleep in the stories above the ground-level fur shop. The young Turku man was given a three-year sentence at the Appeal Court level. However, the Supreme Court threw out the conviction because it felt that a confession made by the young man to a doctor who was treating him was not sufficient evidence.

The man had been in treatment on a mental health complaint, and he said during treatment that he had set the fire. Medical personnel reported the matter to police, which the Supreme Court says violated the principle of doctor-patient privilege, even though the crime was serious enough for the doctors to be allowed to testify on what they had heard.

The defendant denied the act during the police investigation and in court. He said in court that he made up the story of setting the fire, hoping that he would get help more easily for his illness. The Supreme Court noted that the events surrounding the fire were common knowledge, and therefore ruled that the evidence against him was insufficient.

After the fire, police found, in a rubbish bin near the scene of the crime, implements that they said may have been used in the arson, as well as a pair of trousers with traces of the man's DNA mixed with that of someone else. The Supreme Court ruled that the fact that clothing once used by the man were found in the same waste receptacle as other implements possibly used in the crime, is not sufficient evidence of guilt.

Source: ARRIW



Spain

December 2011

Twelve Spanish animal rights activists have objected to the Judge involved in their case because his father owned a fur farm.

Speaking in Santiago de Compostela, the activists arrested on 22 June 2011 objected to the Judge involved in their case. One of the reasons was the Judge's vested interest in the fur farming industry.

This case began with the house searches and arrests of the activists involved in Animal Equality and Equanimal in Madrid, Asturias, Biscay and Galicia. Since then, the accused have been held on charges of crimes against the environment, public disorder, disclosure of secrets and conspiracy. The case has mobilised hundreds of people in over 25 countries who have demonstrated together in solidarity with the accused.

On 28 November, the case was opened after the Provincial High Court accepted an appeal presented by the activists' lawyers calling for an end to a

gagging order. Activists are now able to question the involvement of the Judge, who has shown a direct, personal interest in the case.

On 24 June, during the first statement by an accused activist, the Judge made the following comment: "Yes, mink farms usually leave the door open... my father had a farm and it was what fed us all and we were six brothers, but of course, we always left the doors open because it was okay ..." (Minute 38:02 of the video and audio recording of The Declaration File for the proceedings). In statements made to the news agency Europa Press on 23rd June, the Judge also used the term "eco-terrorism". He applied it to the actions of the accused and stated that "this is not ecology. They cause terror, and some farms have been forced to close as a result of these actions".

The arrested activists claim that they have been "subjected to gross negligence as the Judge has a constitutional obligation to respect the fundamental rights, particularly during an on-going investigation." They are now challenging the actions of the Judge and want to expose the negligence that has occurred with regards to the gagging order; they are "seeking to annul their accusations that have been made because of the clear violations of the fundamental rights".

Source: ARRIW



September 2011

An animal rights activist was arrested in Sweden for animal rights actions. He is accused of "seven illegal threats against fur traders etc and an arson attack against McDonald's".

Source: ARRIW



3. Comparative Analysis Terrorism Convictions September-December 2011

Member States with convictions/acquittals Terrorism related trials in several EU Member States have resulted in convictions/ acquittals in the period September–December 2011 (*please see map below*).

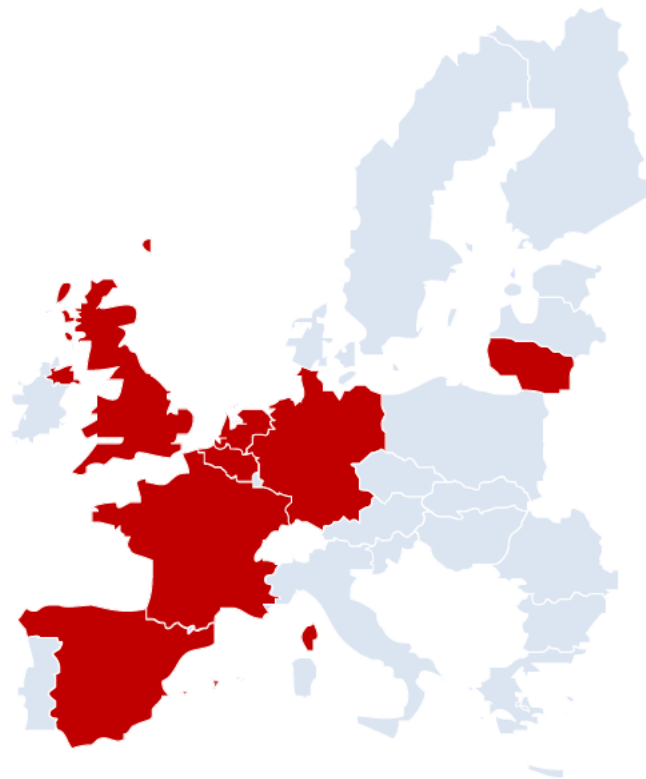


Figure 1. EU Member States with terrorism convictions/acquittals in the period September-December 2011

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

Based on the information available in the open sources and the information provided to Eurojust in implementation of Council Decision 671 of 2005, several comparative charts have been drawn to illustrate some facts of particular interest.

Number of convictions/acquittals in terrorism trials per Member State

Member State	Convicted	Acquitted	Total	Acquitted (%)
Belgium	3	-	3	0%
France	23	1	24	4%
Germany	10	-	10	0%
Lithuania	1	-	1	0%
The Netherlands	5	-	5	0%
Spain	62	28	90	31%
TOTAL	109	32	141	23%

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 2011.

Length of sentences

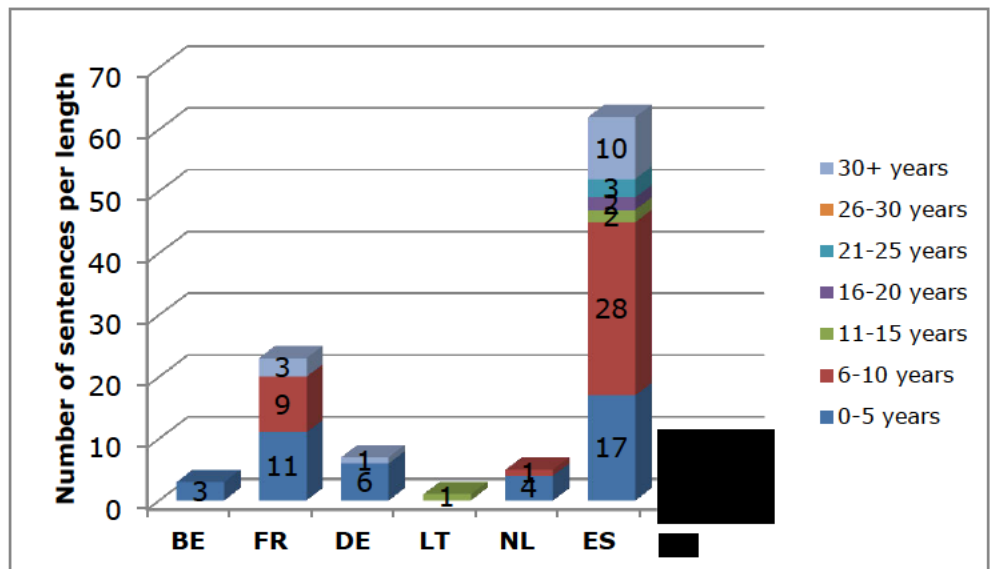


Figure 3. Length of sentences per Member State

The chart illustrates the information regarding the length of terrorism related sentences per Member State over the period September-December 2011.

Affiliation of tried individuals

Member State	Islamist	Left wing	Separatist	Not specified	Total
Belgium	3	-	-		3
France	-	-	20	4	24
Germany	5	-	5		10
Lithuania	-	-	1		1
Spain	5	1	84		90
The Netherlands	-	-	5		5
TOTAL	21	1	115	4	141

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 2011.

Age of convicted individuals

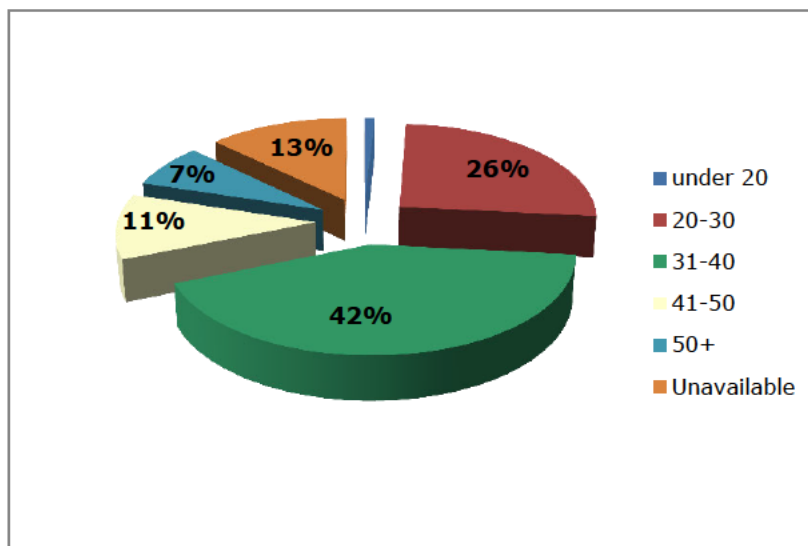


Figure 5. Age of convicted individuals

The chart illustrates the information regarding the age of convicted individuals in the EU Member States over the period September-December 2011.

Gender of convicted individuals

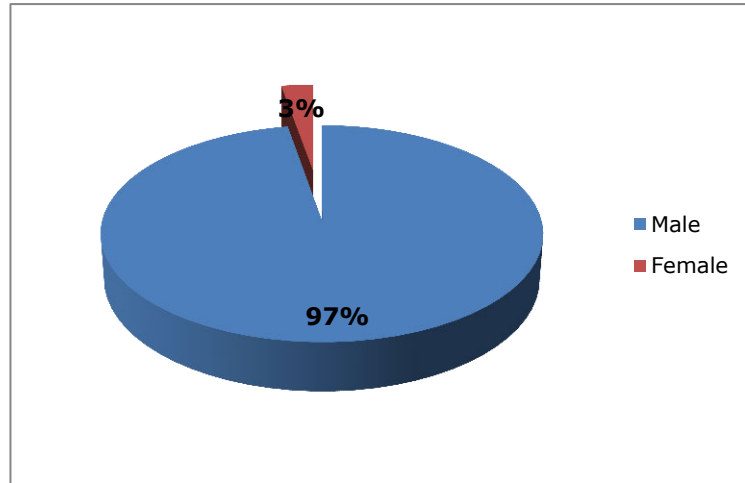


Figure 6. Gender of convicted individuals

The chart illustrates the information regarding the gender of convicted individuals in the EU Member States over the period September-December 2011.

4. The Year 2011 in Numbers (extracts from the Eurojust's Contribution to the TE-SAT 2012) ¹

Court proceedings and verdicts

In 2011, there were 153² court proceedings reported in twelve Member States, which is an increase as compared to 2009 and 2010. 3463 verdicts were handed down. Additionally, in Ireland 2 individuals were brought to court for whom a *nolle* was later entered. [REDACTED]

[REDACTED]. These [REDACTED] are included in the number of individuals in concluded court proceedings in 2011 but not in the number of verdicts.

The concluded court proceedings in 2011 involved 316 reported individuals. 40 of them were female, which represents a slight increase in comparison with 2010. The majority of the female defendants (33) were tried for separatist terrorism.

In 2011 a number of individuals appeared in more than one different court proceedings. The verdicts pronounced in the different proceedings were counted separately when analysing the number of verdicts by country, type of terrorism and severity of penalties.

The highest number of individuals in concluded court proceedings for terrorist offences in 2011 is to be seen again in Spain. Denmark, Germany and France see an increase compared to 2010; Belgium and the Netherlands see a decrease, whereas Italy [REDACTED] see a steady decrease in the past two years. In 2011, for the first time Lithuania reported a terrorism-related court decision.

¹ As in previous years, Eurojust collected data on the number of court proceedings, the number of individuals in concluded court proceedings in each country, the number of convictions and acquittals, the group affiliation, the gender and the severity of the sentence imposed, as well as the type of judgment – final or not final.

² The data for Belgium includes a proceeding in which 3 members of the right wing group "Blood & Honour" were tried for racism and xenophobia charges.

The data confirmed by Ireland does not cover the whole 2011.

[REDACTED]
In Spain, in cases when the 1st instance decision was appealed by some of the defendants and the appeal took also place in 2011 the proceedings were counted as two.

³ If verdicts in 2011 were appealed in the same year and came to a conclusion before the end of the year, Eurojust counted the proceeding as one. Also trials where an appeal is pending have been included in the reporting, but these judgments are considered not final.

MEMBER STATE	2009	2010	2011
Austria	2	0	0
Belgium	7	10	8
Denmark	10	1	4
France	75	39	45
Germany	7	12	17
Greece	3	11	3
Ireland	15	18	11
Italy	24	22	4
Lithuania	0	0	1
The Netherlands	2	8	5
Spain	217	173	203
Sweden	1	4	2
Total	400	317	316

Figure 1 – Number of individuals in concluded court proceedings for terrorism charges per Member State in 2009, 2010 and 2011⁴

Type of terrorism

As in 2009 and 2010, the majority of reported verdicts in 2011 relates to separatist terrorism. Spain has the most verdicts for separatist cases in 2011, as well as the highest number of verdicts for Islamist terrorism. France comes second concerning the number of verdicts handed down for separatist terrorism, and Germany [REDACTED] for verdicts for Islamist terrorism. Spain is the only EU Member State with court decisions on left wing terrorism. The only case on right wing terrorism brought to an end in 2011 took place in Belgium (please see footnote 2).

MEMBER STATE	Islamist	Separatist	Left wing	Right wing	Not specified	Total
Belgium	4	1		3		8
Denmark	2				2	4
France	9	33			4	46
Germany	12	5				17
Greece					3	3
Ireland		4			5	9
Italy	4					4
Lithuania		1				1
The Netherlands		5				5
Spain	14	210	11			235
Sweden	2					2
Total	59	259	11	3	14	346

Figure 2 – Number of convictions/acquittals for terrorism charges in 2011, per Member State and per affiliation⁵

⁴ Data received by the drafting team after the deadline for collecting information for the TE-SAT 2010 and 2011 could not be included in the respective reports.

Final and not final decisions

Some verdicts are pending judicial remedy. In case when no confirmation was received on the finality of the decision, it has been considered as not final/pending judicial remedy.

MEMBER STATE	Final	Pending judicial remedy	Total
Belgium	3	5	8
Denmark	3	1	4
France	35	11	46
Germany	14	3	17
Greece		3	3
Ireland		9	9
Italy		4	4
Lithuania		1	1
The Netherlands		5	5
Spain	137	98	235
Sweden	2		2
Total	206	140	346

Figure 3 - Number of final and not final verdicts per Member State in 2011

Convictions and acquittals

The percentage of acquittals (31%) has increased in comparison with previous years (18% in 2009, 27% in 2010). Of the 40 female defendants, 18 were completely acquitted and one was acquitted in one proceeding and convicted in another. Similar to 2009 and 2010, reported verdicts in relation to separatist terrorism in 2011 have the highest acquittal rate (34%) followed by left wing and Islamist terrorism related proceedings, with an acquittal rate of 27% and 24% respectively.

Six of the twelve countries with court decisions on terrorism cases in 2011 have a full conviction rate. France and Ireland can also be seen as having had mostly successful prosecutions.

⁵ The numbers in Figures 2, 3 and 4 do not include the 2 individuals in Ireland for whom a *nolle* was entered o

MEMBER STATE	Convicted	Acquitted	Total verdicts	Acquitted %
Belgium	8		8	0%
Denmark	4		4	0%
France	45	1	46	2%
Germany	17		17	0%
Greece	2	1	3	33%
Ireland	8	1	9	11%
Italy	4		4	0%
Lithuania	1		1	0%
The Netherlands	5		5	0%
Spain	137	98	235	42%
Sweden		2	2	100%
Total	239	107	346	31%

Figure 4 - Number of verdicts, convictions and acquittals per Member State in 2011

Sentences⁶

In Spain, cumulative sentences of up to 1000 years were given for separatist terrorism offences. [REDACTED] in France life sentences were imposed.

The average penalty⁷ imposed in 2011 in Europe for acts of terrorism is approximately 8 years. The average punishment for verdicts handed down for separatist and left wing terrorism amounts to 12 years, for Islamist terrorism – 7 years (same as in 2010), and for right wing terrorism – 1 year (please see footnote 2). The highest average penalty is for the type “Not specified” due to the life sentences given in France.

In some countries, suspended sentences have been imposed. These have been included in the figures below. In Germany youth penalties, community services or probation were also given. Aside from imprisonment, France often imposes a ban from entering the national territory. Also, in some cases a financial penalty was imposed.

MEMBER STATE	Average penalty
Belgium	3
Denmark	6
France	10
Germany	4
Ireland	7
Italy	6
Lithuania	12
The Netherlands	4
Spain	14
[REDACTED]	[REDACTED]

Figure 5 - Average penalty per convicted individual

⁶ The overview that follows does not include data from Greece.

⁷ For the purpose of the overview, sentences exceeding 40 years and life sentences have been counted as 40 years.

III. Legal Update

1. EU



September 2011

Commission Implementing Regulation (EU) No 876/2011 of 1 September 2011 amending for the 157th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.

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

October 2011

Council Implementing Regulation (EU) No 1063/2011 of 21 October 2011 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.

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

Council Decision 2011/701/CFSP of 21 October 2011 amending Decision 2011/430/CFSP in order to update the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism.

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

December 2011

Council Implementing Regulation (EU) No 1375/2011 of 22 December 2011 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 Implementing Regulation (EU) No 687/2011.

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

Council Decision 2011/872/CFSP of 22 December 2011 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Decision 2011/430/CFSP.

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

2. EU Member States Overview



November 2011

In Austria a provision concerning training for terrorism was included in the Criminal Code (§ 278e), which is in force since 1 January 2011.

With the Federal Law Gazette No. 103/2011, published on 21.11.2011 (BGBl. 103/2011) §§ 278f and 282a were included in the Austrian Criminal Code implementing Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism. According to § 278f it is punishable to provide instructions to commit a terrorist offence; § 282a punishes the public provocation to commit a terrorist offence and approval of terrorist offences.

In addition, § 283 of the Austrian Criminal Code implements Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (this provision deals with preachers of hatred).

§§ 278f, 282a and 283 of the Austrian Criminal Code are in force since 1 January 2012.

Source: Austrian National Desk at Eurojust



November 2011

A new DNA law of 7 November 2011 was adopted, where terrorism has been inserted in relation to the addition of the profile of convicted persons to the database of convicted persons.

Source: Belgian National Desk at Eurojust

3. Related policy issues

In December, the European Parliament adopted a resolution in which it asks to assess properly post 9/11 counter-terrorism measures taken in Europe with regard to their cost, effectiveness, democratic scrutiny and impact on civil liberties. In addition, Parliament asks to the European Commission a map of all existing counter-terrorism policies in Europe and establishes whether these measures are subject to effective democratic scrutiny.

The resolution on EU counter-terrorism policy, which asks for a properly assessment of this policy, was approved with 307 votes in favor, 259 against and 54 abstentions. The text invites the European Commission to produce a full and detailed evaluation of the counter-terrorism measures taken so far in

Europe. This assessment should weigh whether these policies have been based on evidence (and not on assumptions), their effectiveness and impact on civil liberties and fundamental rights. A recent Eurobarometer survey showed that four out of ten EU citizens think that the EU needs better tools to fight terrorism. According to the MEPs, the assessment which should be carried out by Commission, should draft a full report on all resources spent by the European Union, the EU Member States and private companies on measures with counter-terrorism objectives, directly or indirectly. These would include spending for IT counter-terrorism staff, systems and databases, the protection of fundamental rights and data protection, democracy and the rule of law, funding of counter-terrorism related research, and the development of the relevant EU budget lines since 2001. The Commission should also establish what share of these costs is paid by the private sector and which business sectors benefit from counter-terrorism policies.

On the other hand, MEPs call for special attention to be paid to the victims of terrorism and ask to lay down uniform set of standards for protecting and supporting victims, including witnesses. They add that the Commission should table proposals to protect civil liberties better and enhance the transparency in the context of counter-terrorism measures. With regard to Guantánamo, the text highlights that the EU must help the US to find appropriate ways to close the Guantánamo detention facility and ensure that its prisoners get a fair trial.

Source: Euroalert

IV. The Way Ahead

The CAU has been following the current developments in several trials and/or upcoming trials where decisions are expected within the next few months. They include *inter alia*⁸:



FI

- Two men suspected of financing and recruiting for terrorism have been arrested in September. It is thought to be the first case of its kind in the country.



FR

- French intelligence officers acting on a warrant from an anti-terrorism judge arrested in September three members of the Kurdish separatist group the PKK. They are suspected of sending fighters from France to join rebel ranks in Kurdistan.



NL

- A re-trial for a female member of the so-called Hofstad group has been ordered in November. The court sent the case back to the appeals court ruling that her lawyers should have been allowed more access to records of phone calls she made on a line tapped by the secret service.



PL

- Two men suspected of masterminding a series of bomb blasts at several European stores of Swedish furniture giant Ikea from May to September have been detained in Poland, local media said Friday. The explosions are believed to have been attempts at blackmail.



SE

- Four people were arrested in September on suspicion of planning acts of terrorism. Police detained the men — three of whom are Swedish citizens — in a sting in the west coast city of Goteborg on the eve of the 10th anniversary of the Sept. 11, 2001 attacks, and

⁸ Ongoing trials reported in the previous TCM issue, continue to be monitored and their outcome will be presented in the next edition(s) of the report. Any further developments, resulting in convictions/acquittals in the below-mentioned or any other trials, will be presented in the next edition(s) of the Terrorism Convictions Monitor.

a prosecutor said they were being interrogated on suspicions of preparing a terrorist act.



- In the month of September two German nationals have appeared at the Old Bailey accused of having terrorist materials. They were charged with having material which could be of use in terrorism on a computer and a hard-drive.
- Also in September six men have appeared at West London Magistrates' Court charged with terrorism offences, including a suspected suicide bombing campaign. Four of the men were charged with preparing for an act of terrorism in the UK, and two with failing to disclose information.
- In October a man from east London has appeared in court charged with a number of terrorism-related offences. He was accused of offences under the Terrorism Act at a hearing at Marylebone Magistrates' Court. He faces six counts of possession of information likely to be useful to a person committing or preparing an act of terrorism.
- In November, four men from Birmingham have been charged with terrorism offences. They are accused of collecting money for terrorism, travelling to Pakistan for terrorism training and travelling abroad to commit acts of terrorism.
- Nine men charged with conspiracy to bomb high-profile London targets in the run-up to Christmas 2010 appeared at Woolwich Crown Court in London and pleaded not guilty to conspiring to cause explosions likely to endanger life or damage property between 1 November and 21 December 2010. The alleged targets were the Stock Exchange, the Houses of Parliament and the US embassy in London. They are due to go on trial at the beginning of 2012.



- Three men believed to have ties to Al-Qaeda and suspected of plotting an attack on the Danish newspaper that printed controversial Prophet Mohammed cartoons went on trial in November. They have been charged with "conspiracy to commit a terrorist attack in northern Europe". The three, who were arrested in July 2010, have also been charged with possession of materials used to make explosives. Police found hydrogen peroxide and acetone stored in a cellar belonging to one of them.

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

One case from UK concerning a conviction for four counts of preparing acts of terrorism is presented below. The trial revealed new details about how Islamist extremists in the West forge links with groups overseas.

Judgement United Kingdom (the full text of the decision is attached in pdf format, please see attached document)

Court: The Crown Court sitting at Woolwich

Procedure: Ruling of the court of the 1st instance

Date of the court ruling: 18 March 2011

Introduction

On 18th March 2011 the Crown Court sitting at Woolwich issued a judgement convicting a 31-years-old Bangladesh citizen to thirty (30) years imprisonment for four counts of preparing acts of terrorism. The defendant was accused of committing offences under the Terrorism Act. The four counts occurred within a four-year period, from April 2006 to February 2010 relating to offences committed inside and outside the United Kingdom. The counts involve a plan to commit suicide bombings and his own martyrdom in United Kingdom, Pakistan or Yemen and to the collection of money and transferring it through associates and wire services to terrorist associates overseas.

Background of the case

The defendant was an UK's educated software engineer working at British Airways who during the period under reference travelled to Bangladesh and got into contact with radicals Islamic fundamentalists groups and individuals. More specifically, he got into contact with a small fundamentalist group named Jamaat al-Muslimeen presided over by a Jordanian cleric living in London and later to Jammatt-ul Mujahedeen.

Through his brother, the offender got also in contact with ■■■, "...the best known English speaking jihadist in Yemen". The defendant was responsible for the developing of a highly sophisticated method of communications with radicals Muslim abroad.

During his permanency at British Airways the defendant offered to supply information to terrorist that could be used to stage an attack on the airline IT infrastructure or an explosion in one of the air carriers. He made a failed attempt to switch to a cabin crew job to gain easier access to planes.

In one of his communications with his brother, the accused asked ■■■ for advice regarding whether it would be convenient for him to apply for the British citizenship in order to travel to Pakistan. In other communications he refers as "if the brothers decide that Allah destines for me to do something in this land (that is, of course, the UK) then this job can come in very handy" to what ■■■ replied "Stay where you are in the UK. You can be of more use there than here in the Yemen, in particular with the job you have". He then went on to ask the defendant a number of general question about his knowledge of security procedures concerning air travel, questions that the defendant replied enthusiastically. He suggested

probable ways in which he could himself or with the assistance of others commit a terrorist attack.

Concurrently, the defendant engaged in sending small amounts of money abroad for the relief of those imprisoned or killed by the authorities of Bangladesh, Yemen "or elsewhere to support the mujahedeen fighters in Afghanistan and Iraq".

The defendant was arrested on February 2010 by officers from Scotland Yard's Counter Terrorism Command.

The Decision

The defendant was found guilty of four counts of engaging in conduct in preparation of terrorist acts, contrary to Section 5(1) of the Terrorism Act 2006. He pleaded guilty before the trial to an offence of fund-raising for the purposes of terrorism (Section 15(3) Terrorism Act 2000), possessing a record of information likely to be useful to a person committing or preparing an act of terrorism (Section 58(1) (b) Terrorism Act 2000) and three further offences of engaging in conduct in preparation of terrorist acts.

* * *

Appendix: Contact and Analysis Team

Contact

[Redacted contact information]

Analysis Team

[Redacted analysis team information]
