



## Judicial response to terrorism in the EU: Strengthening cooperation to better prevent and react



### Background

The recent terrorist attacks in Toulouse, Boston and London and Paris have confirmed the importance of the terrorist threat in the EU; a threat further increased by the instability of the Arab world after the Arab Spring, the unrest in the Sahel-Saharan region and the appearance of new types of terrorism.

The project '*Judicial Response to Terrorism in the EU: Strengthening Cooperation to Better Prevent and React*' is offering justice professionals (judges and prosecutors) training and networking opportunities through the organisation of five training events to be organised in France, Spain and Belgium between December 2013 and April 2015.

Through a comparative approach to the issue of the judicial response to terrorism, those events offer justice professionals the opportunity to learn about other national contexts and judicial systems, share their practical experience of dealing with existing or emergent terrorist threats, and establish new professional contacts with counterparts across the EU and beyond.

The Initial Conference of the project (Paris, 9-10-11 December 2013) examined the points of convergence between drug trafficking and terrorism.

The three practical seminars (France, Spain and Belgium) have been dedicated to the study of a practical mock-up case of a terrorist attack involving several EU Member States. Each seminar focussed on a different phase of the judicial process: the intelligence phase preceding the commission of the terrorist act; the immediate reaction to the terrorist attack and the investigation phase; and the criminal proceedings and trial phase.

**The Final Conference will take place in Paris (Palais du Luxembourg) from 16 to 17 April 2015. It will gather the conclusions of the different seminars and present them to a larger audience of judges, prosecutors, investigators and policymakers from different EU Member States.**

### Partnership

The partnership is based upon a core team of judicial training institutions from 3 EU member states:

- Ecole Nationale de la Magistrature (France)
- Institut de formation judiciaire /Instituut voor Gerechtelijke Opleiding (Belgium)
- Centro de Estudios Jurídicos, Spain

In addition to this core group, associate partners committed to select and send participants to different activities of the project:

- Crown Prosecution Service (United Kingdom)
- Escuela Judicial Consejo General del Poder Judicial (Spain)
- Studiecentrum Rechtspleging (SSR) (The Netherlands)
- Scuola Superiore della Magistratura (Italy)
  
- Ecole Supérieure de la Magistrature (Algeria)
- Institut Supérieur de la Magistrature (Morocco)
- Ministère de la Justice (Niger)

The ENM's operator, Justice Cooperation International (JCI), is providing assistance in what regards the practical implementation of the project.

## Methodology

The methodological approach of this training project is based upon the study of a practical mock-up case of a terrorist attack involving several EU Member States. In each of the three seminars, a specific focus has been given:

- **Seminar 1** (France, 14-15-16 April 2014): the intelligence phase preceding the commission of the terrorist acts – including radicalization, the role of law enforcement, intelligence sharing with foreign countries, early detection and prevention of potential terror threats as a focus of counter-terrorism legislation and policies, the issue of 'lone-wolf' terrorists;
- **Seminar 2** (Spain, 3-4-5 June 2014): the immediate reaction to the terrorist attack and the investigation phase – including support to victims and cooperation between law enforcement, emergency management and civil protection services;
- **Seminar 3** (Belgium, 12-13-14 November 2014): the criminal proceedings and trial phase - including participation in a terrorist organization as a criminal offence, admissibility of foreign intelligence for criminal prosecution versus fair trial rights - or national security versus criminal justice, international cooperation within the EU (Eurojust, Europol, between MS) and the importance of defence rights in criminal proceedings.

The practical case gave this project both an innovative and a hands-on dimension: judges and prosecutors worked together in workshops and presented on the different approaches to similar issues. This simulation intended to improve actual cooperation mechanisms between EU MS jurisdictions and within EU MS.

Another innovative dimension of the project has been the use of a 'project blog' to prepare and follow up on the training events. The blog will also allow for a broader dissemination of some of the results of the project.

## Participants

The project targets judges and prosecutors in countries that have experienced – or used to experience – terrorist attacks on their soil and that have implemented appropriate and original mechanisms to counter it. Some specific activities of the project also targeted law enforcement officers and representatives of international bodies involved in counter-terrorism efforts.

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