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# SITUATION AND TRENDS OF TERRORIST ACTS WITHIN THE EUROPEAN UNION

Ice Ilijevski
*Faculty of law, "St. Kliment Ohridski" University – Bitola, North Macedonia*
lilijevski[at]fb.uklo.edu.mk

Kire Babanoski
*Faculty of security studies – Skopje,*
*"St. Kliment Ohridski" University – Bitola, North Macedonia*
*MIT University – Skopje, North Macedonia*
kire.babanoski[at]mit.edu.mk

Zlate Dimovski
*Faculty of security – Skopje, "St. Kliment Ohridski" University – Bitola, North Macedonia*

***Abstract:*** *The main subject of interest of this paper is the current situation and the trend of international terrorism in the European Union, explained through security analysis of the committed terrorist attacks and their influence on the European security and stability. Also, it will be shown the measures and the activities of the anti and contrary terroristic fight against the risks and the threats from the terrorism as a result of the recent terroristic attacks. Even though on international level there isn't a common definition of the terrorism as a criminal act, the European Union and the Council of Europe through their most important documents set the concept for terrorism which has helped in the process of creating national security systems for fight against the terrorism. This paper will go through the circumstances of terrorist attacks (failed, foiled and completed) in the European Union Member States, as well as the conditions of the criminal acts through analysis of the statistical data about the court proceedings and the verdicts.*

***Keywords:*** *Terrorism; European Union; Conditions; Trends*

# INTRODUCTORY REMARKS ON THE LEGAL FRAMEWORK OF THE EUROPEAN UNION IN THE FIGHT AGAINST TERRORISM

The European Union has developed a wide and complex system for fight against the terrorism (Zirojević 2014, 124-129). There are numerous documents of the European Council, the European Commission and the European Parliament that are legal, political and action base for appropriate fight against the terrorism. It has been built a good strategy for fight against the terrorism, the Hague Programme, the wide Shengen aquis, many regulations regarding the finances, migrations, asylum etc. Still, many questions remain opened. On the basis of the analysis of the legal regulation and the so far practice of the EU, that refers to the antiterrorist fight, it can be sought that on EU level there still aren't institutions or bodies that would be dealing with the fight against the terrorism (but, there are many bodies that are working on some aspects of the problem) and that this problem is sensitive because of the insufficient coordination of the Union's bodies and the fact that the basic competence for that area belongs to the member countries. That directs to the insufficient operational capability of the EU for efficient fight against the terrorism.

Among the numerous legal instruments set by the European Council, the most important is the Framework decision for fight against the terrorism (EU rules on terrorist offences and related penalties, Framework decision (2002/475/JHA) and amending decision (2008/919/JHA)), adopted on June 13, 2002. The main goal is the terrorism to be defined as criminal-law category, to align the legislation regarding the terrorism as a criminal act and to introduce responsibility for the criminal acts of terrorism. The Framework decision consists of 13 articles and through them in a unique way on the EU territory defines the terrorism and the related crimes, which aims to harmonize the national legislations of the member states. The execution of a terrorist act under this Decision implies commission of some of the classical crimes, with the intention of acting as a differential category, which gives a terrorist qualification to the said criminal act.

The leaders of the European Union at the meeting in Brussels in June 2017 (Atanasov 2017) have reached an agreement about the measures in the fight against the terrorism. A special part of the new measures refer to the fight against radicalization and the use of the internet and the social media in the process of radicalization. The need of preventing foreign terrorists from Syria and Iraq to Europe is particularly emphasized. There was also taken into consideration finalization of the work about the new border systems for information exchange. One of the measures will be sending experts for security and fight against the terrorism in the EU delegations. The European Council have agreed on cooperation within the online industry, calling for social media companies to do everything necessary to prevent the spread of terrorist materials on the Internet, which means developing new tools for detecting and automatically removing such content, for which, if necessary in the future, will be adopted special laws.

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At this meeting, the 'Permanent Structured Cooperation' was formed, which means that the funds will be allocated from the special fund for development and construction of unique EU defense systems to equalize the standards and types of weapons in order to avoid unnecessary spending of money. The co-operation between the Union and NATO remains a key for the overall security, namely the fight against cyber attacks, hybrid warfare and terrorism.

## CONDITIONS AND TRENDS REGARDING THE TERRORISM IN THE EU

To better understand the condition of the terrorism within the Member States of the European Union, overview data and explanations are provided by the TESAT reports (Europol 2013-2018), which refer to the situation and the trends of terrorism in the European Union, and have been published by Europol every year.

The conditions and the trends of the terrorism are best seen through the presentation, analysis and interpretation of the basic data about the failed, foiled and completed terrorist attacks in the Member States of the European Union. Thus, the comparative overview for the period 2012-2017 can be seen from Table 1, which provides data on the number of terrorist attacks, the number of EU Member States in which they occurred, and the consequences that have arisen, expressed through the number of injured persons and deaths. On average, 188 terrorist attacks take place every year, and this was average in 7 EU Member States. A total of 1.130 terrorist attacks occurred in the analyzed period, a total of 1.634 people were injured and 386 people were killed. Furthermore, the data can be analyzed for each year separately, in order to determine their dynamics, in terms of declining or increasing, with the data being supplemented by certain characteristic elements referring to EU Member States extracted from Europol reports.

**Table 1. Comparative overview of the basic data on terrorist attacks in the EU Member States in the period 2012-2017** (Source: the data are extracted from the TESAT reports of Europol, referring to the conditions and the trends of terrorism in the European Union)

| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | average | TOTAL |
|---|---|---|---|---|---|---|---|---|
| Terrorist attacks (EU member states) | 219 (7) | 152 (5) | 201 (7) | 211 (6) | 142 (8) | 205 (9) | 188 (7) | **1.130 (7)** |
| Injured persons | 46 | 9 | 6 | 350 | 379 | 844 | 272 | **1.634** |
| deaths | 17 | 7 | 4 | 148 | 142 | 68 | 64 | **386** |

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In 2012 the number of terrorist attacks in the EU Member States has increased for 26% compared to 2011. Most of the attacks have happened in France - 125 and Spain – 54. Most of the attacks have been related to the separatist terrorism.

In 2013 the most of the terrorist attacks happened in France - 63, Spain - 33 and the United Kingdom - 35. After the increasing in 2012, the number of terrorist attacks in 2013 has decreased under the number of terrorist attacks in 2011.

In 2014 the number of the attacks has increased contrary to the trend in the past years. More than half of the terrorist attacks were reported by the United Kingdom. Even though France and Spain traditionally report most of the terrorist attacks, in France in 2014 the number of reported terrorist attacks has decreased to 51 and in Spain to 18.

In 2015 the number of the attacks has increased a little bit compared to 2014. Almost half of the terrorist attacks or 103 were reported by the United Kingdom, 72 by France and 25 by Spain.

In 2016 more than half of the terrorist attacks or 76 happened in the United Kingdom, 23 in France, 17 in Italy, 10 in Spain, 6 in Greece, 5 in Germany, 4 in Belgium and 1 in Netherland.

In 2017 the United Kingdom experienced the highest number of attacks - 1071, followed by France - 54, Spain - 16, Italy - 14, and Greece - 8. Belgium and Germany reported 2 attacks each; Finland and Sweden noted 1 attack each. Spain, Finland and Sweden reported on jihadist terrorist attacks after a long period of having been unaffected by this phenomenon.

## COURT PROCEEDINGS AND CONVICTIONS FOR TERRORISM IN THE EU

Table 2 shows the comparative data on persons related to terrorist activities in EU Member States for the period 2012-2017. During the analyzed period, a total of 5.144 people were arrested, 2.815 persons were charged and 2.908 persons were convicted. On average, 857 people were arrested each year in 17 EU Member States, 469 people were charged, and 484 were convicted. The number of convicted people in this particular case is higher than the number of charged persons, because the criminal proceedings for terrorism last for several years, so some of the convicted persons are from terrorist attacks of the previous years, when they were arrested and charged.

Further in this paper all these data will be analyzed in detail for each year in particular, in order their dynamics to be determined, through their fall or increase. In the data interpretation, they will be analyzed with certain additional characteristic information extracted from the Europol reports, and taken over from Eurojust official statistics.

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**Table 2. Comparative overview of the data for the people related to terrorist activities in the EU Member States for the period 2012-2017** (Source: the data are extracted from the TESAT reports of Europol, referring to the conditions and the trends of terrorism in the European Union)

| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | average | TOTAL |
|---|---|---|---|---|---|---|---|---|
| Arrests (EU Member States) | 537 (17) | 535 (14) | 774 (16) | 1.077 (19) | 1.002 (17) | 1.219 (19) | 857 (17) | 5.144 (17) |
| Charged persons | 400 | 313 | 444 | 513 | 580 | 565 | 469 | 2.815 |
| Convicted persons | 437 | 336 | 452 | 527 | 587 | 569 | 484 | 2.908 |

In 2012, 13 EU Member States reported 149 completed court proceedings on terrorism-related charges. This represents a slight decrease compared to 2011. The court cases completed in 2012 are related to actions taken in a certain period of time starting in the 1970s and ending in 2012. In these court proceedings, locked in 2012, a total of 400 people were convicted. Eighteen people were brought to court on several occasions for various offenses. The total number of judgments pronounced in 2012 - for individuals and legal entities - is 437. Liberation judgments represent 30% of all verdicts pronounced for terrorist offenses. The figure is similar to that of 2011. Of the 50 women charged in the reported court cases completed in 2012, 14 were completely released, and one was acquitted in one case, but convicted in another. The average prison sentence in 2012 in Europe for acts of terrorism was around eight years, equal to that in 2011. The severity of the prison sentences in 2012 ranges from two months to life imprisonment.

In 2013, 15 EU Member States reported 150 completed court proceedings on terrorism-related charges. The number of completed court procedures is similar to the figure reported in 2012 (149). The relevant court decisions in 2013 dealt with terrorist offenses, some of which date back to the 1980s. In this litigation, 313 persons are involved, of which 42 are women. Twelve people appeared in court several times for various offenses. As a result, the total number of verdicts pronounced for terrorism-related offenses in 2013 was 336. In 2013, acquittals represent 23% of all verdicts pronounced on terrorist offenses. The release rate has decreased compared to 2011 (31%) and 2012 (30%), indicating a higher percentage of successful terrorist charges. Seventeen of the 42 defendants in the completed court proceedings reported in 2013 were acquitted. The majority of the released women (14) were brought to court due to charges related to separatist terrorist acts.

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The court procedure for terrorist offenses resulted in prison sentences ranging from three days to life imprisonment. In some cases (part of) the sentence was suspended or conditioned for a certain period of time. The majority (47%) of sentences rendered "guilty" in 2013 were five years in prison or less. The penalties of 10 years or more constitute 33% of all penalties imposed - an increase compared to 2012, when they represent 24% of the total. The average prison sentence in 2013 in the EU for terrorist acts is about 10 years, which is more than the average for 2011 and 2012 (8 years).

In 2014, 15 EU Member States reported 180 completed court proceedings related to terrorism. In the court proceedings locked in 2014, 444 people were involved, and 72 of them were women. Six of those individuals appeared in the court several times for various offenses. As a result, the total number of verdicts pronounced for terrorism-related offenses in 2014 was 452. In 2014, the acquittals constituted 24% of all verdicts pronounced on terrorist offenses. The percentage of exemptions in 2013 is similar (23%), which indicates a downward trend compared to 2011 and 2012, when the percentage of exemptions was higher (31% and 30%, respectively). Twenty-eight of the 72 persons charged in the completed court proceedings reported in 2014 were released. The majority of the released women (27) were brought to court for charges related to separatist terrorist acts. The court procedure for terrorist offenses resulted in prison sentences between 14 days and 299 years. In some cases (part of) the sentence was suspended or suspended for a specified period of time. In other cases, guilty verdicts were issued, but without a penalty. The average prison sentence in EU Member States in 2014 for terrorist acts was six years, which is less than the reported average for 2013 (10 years). The majority (70%) of the sentences handed down in convictions with confirmed guilt in 2014 were imprisoned up to five years, an increase compared to 2013 (47%). The percentage of fines of 10 years and more (13%) decreased significantly from the percentage reported in 2013 (33%).

In 2015, 12 EU Member States reported 217 court-related trials. The court proceedings concerned 513 persons and 85 of them were women. The total number of judgments pronounced on terrorism-related crimes in 2015 was 527. In 2015, the acquittals constituted 21% of all verdicts pronounced on terrorist offenses. This percentage is slightly lower than those in 2014 (24%) and 2013 (23%) and continues the downward trend compared to previous years (30% exemptions in 2012 and 31% exemptions in 2011). In some cases, the defendants were acquitted of terrorist offenses, but were convicted of other crimes, such as the illegal possession of firearms, examination of documents, arson and so on. Prison sentences handed down by the courts in 2015 ranged between seven days and 397 years. In some cases (part of) the sentence was suspended or suspended for a specified period of time. In other cases, the defendants were found guilty, but no penalties were imposed. The average prison sentence for terrorist offenses in the EU in 2015 was seven years, which is slightly higher than the reported average in 2014 (six years).

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The majority (61%) of the sentences convicted in 2015 were imprisoned up to five years, which is less than in 2014 (70%). The number of sentences of 10 or more years in prison is 20% of all sentences, an increase compared to 2014 (13%).

In 2016, 17 EU Member States reported 275 completed court proceedings in connection with terrorism. The court proceedings concerned 580 persons, of whom 53 were women. The total number of judgments pronounced on terrorism-related offenses in 2016 was 587. Some judgments in 2016 were final, while others waited for a remedy because appeals were filed. With the completion of court proceedings in 2016, a record high conviction rate was registered (89%). The release rate of 11% is significantly lower than in 2015 (21%) and in 2014 (24%) and continues with the downward trend compared to previous years. In some cases, the defendants were acquitted of terrorist offenses, but were convicted of other acts such as illegal possession of firearms, forging documents, preparation of armed robbery, drug production, incitement to racial hatred, etc. The judgments delivered by the EU courts in 2016 resulted in various sentences, including imprisonment, fines, treatment in mental health facilities, socially useful work, and restraining orders. In some cases, the court also imposed restrictions on civil rights and prohibitions of entering the national territory after the termination of the prison term or the citizenship of those convicted of terrorist offenses.

In 2017 17 Member States reported a total of 565 individuals who were convicted or acquitted of terrorist offences. This number is similar to the numbers submitted over the past two years. The majority of the verdicts reported in 2017 are final, while others are pending judicial remedy, as appeals have been submitted. In 2017 the vast majority of verdicts (352) in the Member States concerned jihadist terrorism confirming a trend that started in 2015. Similar to the recent years, the largest part of the verdicts for jihadist terrorism concerned offences related to the conflict in Syria and Iraq; however persons who had engaged with Al Qaeda, the Taliban or Al-Shabaab were also tried in 2017. The average prison sentence for terrorist offences in the EU in 2017 was five years, similar to that of 2016.

However, it should be borne in mind that the severity of the punishment in any case depends on the appropriate crime and cannot serve for any comparative purposes. In some Member States, the average penalty is calculated on the basis of one judgment, while in others it is based on a significantly higher number of judgments.

## THE TERRORISM AND THE EUROPEAN COURT OF HUMAN RIGHTS

One of the most important common features of the European countries is finding a balance between the high standards in the field of protection of human rights and freedoms and raising the level of national security from the aspect of protection from terrorism. In contemporary circumstances, any democratic government meets with the dilemma how to regulate this issue, by respecting the human rights and international standards on one hand, and by ensuring effective protection against terrorism on the other. The criminal law as a

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system of norms by which the states serve to protect the society from criminality and terrorism as one of its more severe forms has a guaranteed function which implies limiting the State coercion to a reasonable measure that allows enjoyment of the fundamental freedoms and rights of the individual in a democratic state. By following the adoption of the European Convention for the Protection of Human Rights and Freedoms and the establishment of the European Court of Human Rights, the international community has established effective mechanisms to protect the most important freedoms and rights for further respect and protection. The Convention is particularly important in terms of establishing standards that national criminal law must implement for states to fulfill the conditions for full-fledged EU membership. At the European level, the accepted mechanisms of criminal justice protection from terrorism are preventative with an emphasis on the right to security, which is one of the fundamental rights of the human rights body. The protection of a democratic society against terrorism and the protection of individual rights must be in balance. The practice of the European Court of Human Rights has been created by court judgments concerning the legality of national terrorism legislation and forms the basis for the construction and adjustment of criminal law provisions to prevent possible abuses in criminal law.

The Court procedures get intensified when it comes to lawsuits that arise from counter-terrorist measures conducted by the member states. By solving the numerous cases, in the period of half a century, the Court has built a strong jurisprudence of this area which should provide balance between strong and efficient answer to the terrorism and the protection of the basic human rights.

The terrorism in its essence has potential to undermine the democracy and the rule of law in achieving its goals. In the judgments and the practice of the Court in relation to the fight against terrorism, certain principles have been laid down which pertain to the establishment of a balance between an effective reaction of states and the protection of human rights. The terrorist attacks the foundations of democracy and the rule of law, and the states must defend themselves from these attacks by balancing the human rights and the response to terrorism.

The alignment of proceedings with the provisions of the Human Rights Convention should in no way be understood as disabling the state in the fight against terrorism. It would be contrary to the aims and substance of the Convention itself to interpret its provisions as limiting in terms of countering and suppressing terrorism. The established balance between effective countering terrorism and the protection of fundamental human rights and freedoms is a legal issue in which an answer must be given by establishing and finding an appropriate balance between the mentioned values of modern society. While respecting certain prohibitions, such as the absolute prohibition of torture and inhuman and degrading treatment, is apparently linked to the hands of democracy in the fight against terrorism, their consistent respect is an assumption for the preservation of the democracy of a particular

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regime whose demolition is one of the fundamental goals of terrorist activity. The existence of the European Court of Human Rights as a control mechanism for respecting fundamental constitutional and criminal legal guarantees constitutes a limitation and a correction for illicit actions by individual states in criminal acts of terrorism. In the framework of the effort to establish a balance between the protection of human rights in criminal acts against terrorism and security, on the other hand, the protection of freedom and rights must have a mild advantage in terms of achieving a higher level of security of society, the violation of some verified criminal justice and criminal procedural principles implies abandoning the idea of constitutional democracy and leading to the formation and strengthening of police states.

## THE INTELLIGENCE IN FUNCTION OF EARLY DETECTION OF TERRORIST ACTIVITIES

One of the common features of the states in Europe since 2001 is the allocation of greater material resources than before for the work of the intelligence and security services for preventive and repressive counterterrorism. As a negative phenomenon, it is noted that Europe naively believes that the fight against the terrorism can be obtained by the traditional intelligence and criminal services.

The danger of transnational terrorism followed by the opportunities for the use of weapons of mass destruction in the attacks has led governments to take a thorough reform within their intelligence and security services, and as far as possible to ensure their co-operation and coordination in the fight against modern security challenges. For example, Germany, the United Kingdom and France, as well as other countries, have established centers for analysis of the terrorist threats that use a fusion approach to integrate intelligence data.

In contemporary settings, the emphasis should be placed on human intelligence through the use of information technology, for improved analysis and cooperation with the law enforcement agencies, as well as providing real-time intelligence information about terrorist activities. This is necessary in order taking elimination measures against those persons for whom there is strong information about the connection with planning and preparation of general hazardous actions. Namely, the challenge of intelligence is to create an information system that will fulfill the modern functions and tasks of intelligence and will incorporate all information systems of intelligence-assisting institutions.

Whether and how much the intelligence process will be effective in carrying out its preventive function in the fight against the terrorism depends on the ability for continuous action and a sound knowledge of terrorist groups and individuals, their plans and goals, their political, economic and psychological motivation and leadership / leadership skills, membership, logistical and financial opportunities (for their secret accounts), relationships with other domestic and international terrorist organizations, the ties with the countries that

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sponsor terror as well as with the structures of international organized crime that often appear in the role of their sponsors (Kotovchevski 2004, 176).

First of all (Dojchinovski and Odjakov 2010, 178), the intelligence it is necessary to reveal the identity of the persons who participate in a particular terrorist plan. Of course, you must also find out what the content is, or the purpose of that plan. As a reminder, the primary task of intelligence is to prevent the function or, to put it differently, to be a step ahead of the terrorists and their plans, so that terrorist activities remain a wish on paper without ever being realized.

The biggest challenge for intelligence analysts (Best 2003, 5,10,11) is the problem with the location of the terrorists, that is, to discover where the terrorists will attack. We are witnessing terrorist attacks that at the same time occur in several locations that are spatially thousands of kilometers away, so intelligence services must create such a system of information that will make an effort to get the necessary information and reports for some terrorist attacks.

Also, the challenges of the intelligence services (Gray and Slade 2008, 503) can be highlighted by the various barriers within the intelligence cycle that prevent the efficient collection of intelligence information. Often, the intelligence officers are completely prevented from gathering intelligence information from policymakers. In addition to these political / legal obstacles, there are technological barriers that need to be overcome. Thus, in many cases it is difficult to properly separate the doctrinal steps of collection from processing and exploitation.

## CONCLUSION

The last terrorist activities through the EU show that its Member States are target as well as ground for different and numerous terrorist groups from many countries. The countries that have been target to the terrorists keep trying to protect themselves and to answer through legal norms that incriminate the criminals and to make changes into the organization of the work of the security institutions. Namely, after the attacks of the United States, and then of Spain, the United Kingdom and Belgium, there has been a substantial change in the structure of terrorist organizations and their illegal activities, and thus in the way they are perceived by the states and their intelligence and security services. The sources of danger are no longer individual bullies, but networks of entire organizations. The new content of the terrorist threats can, above all, should be reduced to two basic aspects: the elimination of the local context and the prevalence of individuals within the framework of terrorist actions. It is evident that the intelligence and security systems of the Member States of the EU are continuously paying particular attention to issues related to the unification and coordination of intelligence and anti-terrorist activities that are manifested through the formation of separate institutions and bodies.

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When defining the new structure for collecting, analyzing and disseminating information on national security, one cannot avoid questions about how to improve security, and not to violate or abuse human rights and freedoms. Vigorous public debates are essential for answering these questions. Clear guidelines formulated in the hearing process can provide public confidence in new policies. Information technology can provide tools to minimize these conflicts, foster co-operation and help them in the assurance that the right information should come to the right people at the right time. The procedures that provide accountability and oversight can make sure that lessons from previous experiences strengthen the country's information strategies to combat terrorism.

The intelligence services should constantly adapt to new needs in the context of the global campaign against terrorism. The renewed emphasis should be placed on human intelligence through the use of information technology, for the purpose of improved analysis and cooperation with law enforcement agencies, as well as real-time intelligence on terrorist activities. This is necessary in order to be taken elimination measures against those persons for whom there is strong information about their connection with planning and preparation of general hazardous actions. 

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