

Contents

Foreword	1
Abbreviations	4
Key findings and FRA opinions	5
Introduction	13
ENDNOTES	22
1. CRIMINAL PROCEEDINGS IN TERRORISM CASES	25
1.1. INVESTIGATIVE TOOLS AND POWERS	25
1.2. EVIDENTIARY ISSUES AND CONCERNS	32
1.3. THE RIGHTS TO ACCESS A LAWYER AND THE MATERIALS OF A CASE	40
1.4. DEPRIVATION OF LIBERTY	41
1.5. CHILDREN IN TERRORISM PROCEEDINGS	44
ENDNOTES	46
2. PUBLIC PROVOCATION TO COMMIT A TERRORIST OFFENCE	51
2.1. DISTINGUISHING BETWEEN CRIMINAL CONDUCT AND FREEDOM OF EXPRESSION	52
2.2. DETERMINING TERRORIST INTENT AND DANGER IN PUBLIC PROVOCATION CASES	57
ENDNOTES	65
3. TRAVELLING FOR THE PURPOSE OF TERRORISM	67
3.1. AVOIDING THE CRIMINALISATION OF LAWFUL TRAVEL	68
3.2. DETERMINING TERRORIST INTENT IN CASES OF TERRORIST TRAVEL	72
ENDNOTES	78
4. RECEIVING TRAINING FOR TERRORISM	79
4.1. DIFFERENTIATING RECEIVING TERRORIST TRAINING FROM LEGITIMATE ACTIVITIES	79
4.2. DETERMINING TERRORIST INTENT IN CASES OF RECEIVING TRAINING FOR TERRORISM ..	84
ENDNOTES	88
5. APPLICATION OF ADMINISTRATIVE MEASURES IN TERRORISM CASES	89
5.1. TYPES OF ADMINISTRATIVE MEASURES AND THEIR EFFECTS ON FUNDAMENTAL RIGHTS	90
5.2. REDUCED SAFEGUARDS IN ADMINISTRATIVE PROCEEDINGS	96
5.3. ACCESS TO AN EFFECTIVE REMEDY AND EFFECTIVENESS OF EXTERNAL OVERSIGHT	99
ENDNOTES	103
In conclusion	105