



Brussels, 10 December 2025  
(OR. en)

15954/25

COPEN 374  
EUROJUST 62  
ENFOPOL 447  
COHOM 182  
JAI 1780

#### NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Report on cumulative prosecutions of foreign terrorist fighters for core international crimes and terrorism-related offences: An analysis of selected jurisprudence

Delegations will find attached the executive summary of the above-mentioned report, drafted by the Genocide Prosecution Network. The full report is available on Eurojust's [website](#).

## 1. Executive summary

1. This report continues the ongoing efforts of the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes (Genocide Prosecution Network) to address the prosecution of foreign terrorist fighters (FTFs) and expands the findings of its previous report, *Cumulative prosecution of foreign terrorist fighters for core international crimes and terrorism-related offences*, issued in May 2020 (Genocide Prosecution Network, Eurojust, 2020). It highlights the evolving legal strategies for prosecuting FTFs and female returnees for terrorism-related offences and war crimes, crimes against humanity and genocide ('core international crimes'). This approach ensures comprehensive accountability and justice for victims.
2. The central theme of this report is the growing practice of cumulative prosecutions, with key legal insights from high-profile cases in Germany and the Netherlands and additional insights from France and Sweden. Importantly, it aims to serve as a practical tool and guide for prosecutors handling such cases, providing legal and analytical support to strengthen accountability efforts.
3. The findings indicate that the approach of cumulative prosecution is effective in holding FTFs and female returnees fully accountable for their actions. This approach ensures that all members of the Islamic State (ISIS)<sup>(1)</sup>, regardless of their gender, are held responsible for their conduct, as it addresses not only male FTFs typically charged with combat-related crimes but also women involved in crimes occurring in the domestic sphere, such as enslavement. Moreover, while this report focuses on ISIS, the same cumulative prosecution approach can be applied in other contexts where a designated terrorist organisation is a party to a non-international armed conflict (NIAC), such as in Somalia, Mali and Mozambique. This highlights the broader relevance of this publication in addressing accountability in various conflict settings.
4. While prosecuting both terrorism and core international crimes can present challenges, the report emphasises that obstacles can be overcome. Effective national and international cooperation, the right legal frameworks, and expertise are critical in overcoming resource limitations and securing evidence. Case studies demonstrate that when counterterrorism and international crimes units collaborate, cumulative prosecutions are more likely to succeed. This cooperation, supported by other actors, including civil-society organisations (CSOs) and UN international investigative mechanisms, is essential.
5. The report also underscores the importance of relying upon various forms of evidence – including witness testimonies, battlefield evidence, intercepted communications and open-source reports – in building robust cases. Often, the same evidence can support both terrorism and international crime charges, proving ISIS's dual role as a terrorist organisation and an armed group in non-international armed conflict. This includes evidence concerning ISIS's organisational structure and acts of violence, along with acts like bringing children into ISIS-controlled areas, unlawfully appropriating property and participating in ISIS's slavery system.
6. Further, judicial assessments on key defences highlight that courts firmly reject unsubstantiated attempts to downplay involvement in terrorist organisations. Household roles, such as managing homes for fighters or raising children in the caliphate, have been recognised as contributing to ISIS's operations, sustainability and ideology. The report also provides crucial legal assessments on defences related to core international crimes, including outrages upon personal dignity, enslavement and unlawful appropriation of property.
7. Finally, on sentencing, the report notes that while the available data is limited, early trends suggest that cumulative prosecutions tend to result in higher sentences than standalone terrorism cases. There are indications that gender may play a role in sentencing, with female defendants receiving shorter sentences than their male counterparts. However, more data is needed to better understand these patterns and their implications for future cases.

<sup>(1)</sup> As highlighted in the Genocide Prosecution Network's 2020 report, the 'Islamic State' has undergone several iterations. For the purpose of this report the acronym 'ISIS' will be used. Various court decisions use the acronym 'IS', which in this report will be reflected only in direct quotations from the judgements.