

WHAT FUTURE FOR THE CONCEPT OF BORDERLESS EUROPE?

INTERNATIONAL SEMINAR ON THE PERSPECTIVES
OF BORDER POLICIES AND TERRITORIAL
COOPERATION IN AN AGE OF MULTIPLE CRISES

PANEL 6: Counter-terrorism and borders



NATIONAL RESEARCH, DEVELOPMENT
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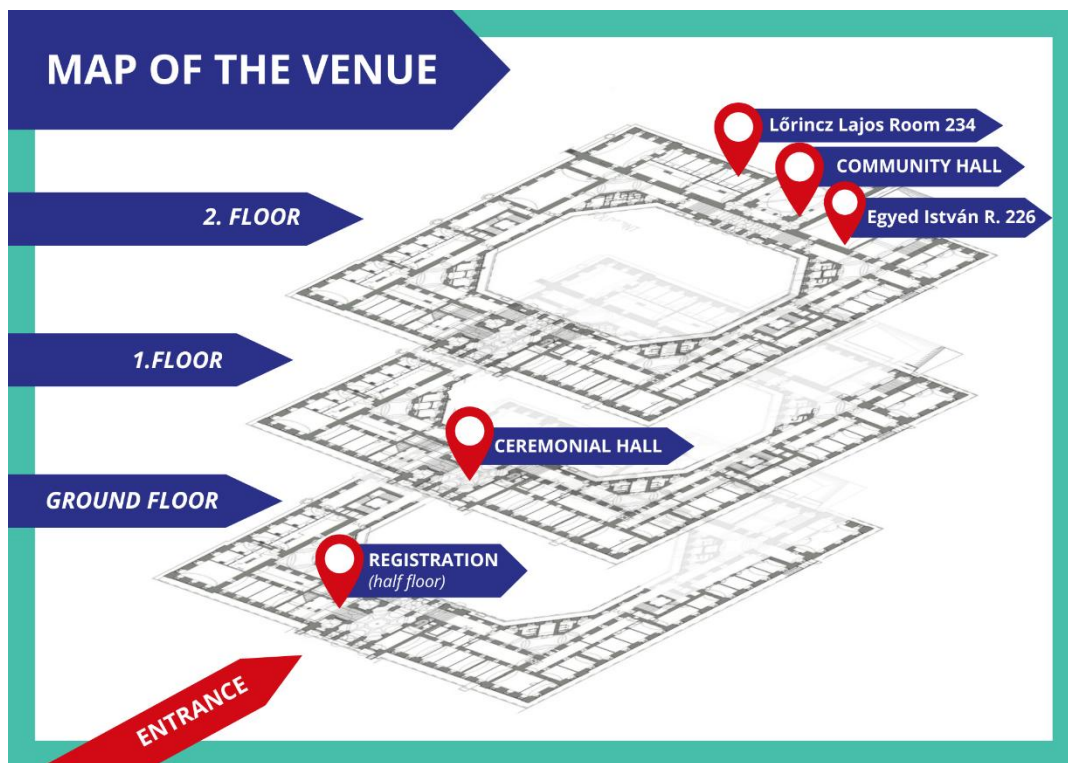
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Time

13 May 2025: 16:45 to 18:15

Venue

The venue of the panel is Ludovika University of Public Service, Ludovika Main Building, 2nd floor, Egyed István Room 226



Topic

The panel's topic is the most recent phenomena of international terrorism, its contemporary formats, the role of international cooperation in combatting terrorism and the impact on border regimes and the Schengen area.



Speakers and presentations

Anželika Banevičienė

Mykolas Romeris University, Lithuania

Legal Expert in EU Law, Migration, and Human Rights. Dr. Anželika Banevičienė is a Lithuanian legal scholar and expert in human rights, public security, and international law, with over two decades of experience across academia, public administration, and international legal reform initiatives. She has a rich academic and professional background shaped by continuous involvement in national and international legal systems, human rights protections, and public security matters. Her research and publications address legal and human rights challenges in irregular migration, readmission agreements, state responses to hybrid threats and terrorism prevention. Her combined academic and policy experience provides valuable insight into how European legal systems navigate the tension between open borders, internal security, and fundamental rights.

1. Secret Detention and Rendition of Terrorist Suspects in ECHR Case Practice

The secret detention and extraordinary rendition of terrorist suspects have been deeply controversial aspects of post-9/11 counterterrorism strategies, particularly in Europe. These clandestine practices—chiefly orchestrated through the CIA’s “High-Value Detainee” (HVD) programme—involve the extrajudicial transfer of individuals suspected of terrorism to undisclosed facilities, frequently without legal safeguards or due process. In these so-called “black sites,” detainees were often subjected to incommunicado detention, torture, and inhumane treatment. Several European countries, notably Poland, Romania, Lithuania, and others, have been implicated in facilitating these operations, either by hosting secret detention centers, permitting rendition flights through their airspace, or otherwise cooperating with the CIA. Investigations by the European Parliament, the Council of Europe, and human rights organizations uncovered significant evidence of European complicity. These revelations prompted legal challenges that culminated in a series of landmark judgments by the European Court of Human Rights (ECHR). The Court held multiple states accountable for violations of the European Convention on Human Rights, particularly Articles 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 6 (right to a fair trial), 8 (right to respect for private life), and 13 (right to an effective remedy). Notable cases include *Abu Zubaydah v. Lithuania* and *Husayn (Abu Zubaydah) v. Poland*, where both countries were found complicit in the detention and torture of the applicant within CIA facilities on their territories. The Court emphasized that state cooperation in such illegal acts—knowing the risk of torture—amounted to serious breaches of their human rights obligations. In *Al Nashiri v. Poland* and *Al Nashiri v. Romania*, similar findings underscored the states’ failures to prevent the risk of ill-treatment. These cases highlighted the systemic nature of abuse within the HVD programme and the extent of European states’ involvement. In *El-Masri v. North*



Macedonia, a German national was subjected to abduction and extraordinary rendition due to mistaken identity, illustrating the grave consequences of intelligence errors and lack of oversight. His treatment, including torture and rendition to Afghanistan, was found to constitute multiple violations of the Convention. Similarly, *Nasr and Ghali v. Italy* revealed how national secrecy laws were used to obstruct accountability for CIA operatives involved in the rendition of an Egyptian cleric, thereby violating the right to an effective remedy. The principle of non-refoulement was reinforced in *Saadi v. Italy*, where the Court ruled that deportation to a country where there is a real risk of torture is impermissible, even when national security is at stake. This judgment affirmed the absolute and non-derogable nature of Article 3, regardless of the suspected individual's profile or the perceived threat they pose. The ECHR has played a crucial role in affirming that counterterrorism measures must respect human rights standards. Its jurisprudence emphasizes that no state can justify torture, secret detention, or denial of due process under the guise of national security.

Dorota Niewiarowska

Police Academy in Szczytno, Poland

Lieutenant Dorota Niewiarowska is an experienced police officer. She worked at the police unit for about 10 years. She was an investigator for most of the time, including the team for combating economic crime, where she handled, among other things, cases involving fraud committed by criminal groups through Internet portals. She also used to be a police negotiator, and as a result, participated in many training sessions related to responding to terrorist situations. Currently she has been a lecturer at the Police Academy in Szczytno, at the Institute of Legal Sciences for nine years. She teaches academy students and police officers in professional trainings and conduct classes in the field of criminal law and criminal procedural law, including a special focus on combating human trafficking and fighting terrorism. She is the author of numerous publications published in Poland and abroad.

2. Special solutions in criminal law and criminal procedural law to combat terrorist crimes

The Polish 'Law on Anti-Terrorist Activities' provides specific solutions for the conduct of investigations in the event that preparation for the commission of a terrorist offence, an attempt to commit such an offence or the commission of such an offence is revealed. In particular, it provides for significant simplifications in the arrest of persons suspected of committing such an offence, in their pre-trial detention and in the carrying out of searches of premises and persons. Any person may be apprehended on the grounds that he or she is suspected of having committed a terrorist offence and there is a reasonable suspicion that he or she was at the place where the act occurred. There does not need to be an additional suspicion that the person is going to escape, hide or destroy traces of the offence, as is required in the ordinary procedure. Subsequently, law enforcement authorities may bring charges against a person suspected of committing a crime and the court, at the request of the prosecutor, may apply pre-trial detention for a period not exceeding 30 days (may be extended



under the terms of the Criminal Procedure Code) based solely on information obtained as a result of operational and recognition activities, without evidence collected and secured in a procedural method according to the rules of the Criminal Procedure Code. The key to the application of these special solutions is to establish that the event is a terrorist crime. The legal definition of this is contained in the Polish Criminal Code and it follows that a terrorist crime is a prohibited act that is subject to the penalty of deprivation of liberty with an upper limit of at least 5 years which is committed with the purpose of:

- seriously terrorizing a large number of people,
- compelling/forcing a public authority of the Republic of Poland, another state or an international organization to perform or to omit to perform certain actions,
- causing of the Republic of Poland, of another state or an international organization, as well as a threat to commit such an act.

It results that any crime can be classified as a terrorist crime, as long as it meets the conditions stated above. This definition clearly includes events that anyone would classify intuitively as a terrorist act, such as bomb attacks or holding hostages. And then everyone understands these special arrangements for collecting and recording evidence for criminal proceedings. Human rights organizations, on the other hand, point out that a definition interpreted broadly could lead to certain abuses by the state and law enforcement agencies, especially in interpreting what is a serious disruption of the political system or economy.

Krunoslav Antoliš

University of Applied Sciences in Criminal Investigation, Public Security Police Academy "First Croatian Police Officer" Ministry of Internal Affairs Zagreb, Republic of Croatia

Professor at the Police College of the Ministry of the Interior, Republic of Croatia, and Associate Professor in the fields of Information and Communication Sciences and Security and Defense Studies. He holds a PhD in Social Sciences (Information Science), an MSc in Law and Business Informatics, and BSc and MSc degrees in Mathematics. His research and teaching focus on information systems in security and defence, counterterrorism, critical infrastructure protection, and civil oversight of intelligence services. Prof. Antoliš has extensive professional experience in both the Ministry of Defence and Ministry of the Interior, where he holds the personal ranks of Major and Chief Police Advisor, respectively. He has led or contributed to numerous national and international research projects and was chair of the government commission drafting Croatia's national counterterrorism strategy. He has published widely, presented at over a hundred international conferences, and served on program committees for major international scientific events. Prof. Antoliš is currently a member of the Steering Committee of the Police Academy "First Croatian Police Officer" and serves as Croatia's CEPOL Research and Science Correspondent.



3. Current and Future Challenges of Terrorism

Counterterrorism is a dynamic field focused on adapting to the evolving nature of terrorism and developing effective strategies to prevent and address these threats. As terrorism becomes more decentralized, utilizing technologies like social media, cyber tools, and lone-wolf attacks, it becomes increasingly difficult to track and combat. To counter this, strategies involve intelligence gathering, military operations, law enforcement coordination, and efforts to counter radicalization, with new technologies such as surveillance and data analysis playing a significant role. Current challenges include the rise of online extremism, difficulties in distinguishing between legitimate political actions and terrorism, and the instability in fragile or failed states. Looking ahead, the future of terrorism may see emerging threats such as cyberterrorism, the use of artificial intelligence in attacks, and the exploitation of global crises like pandemics or economic collapses by terrorist groups. Ethical and legal concerns also complicate counterterrorism efforts, raising questions about privacy, potential discrimination, and the legality of actions like surveillance and drone strikes. Furthermore, terrorism increasingly intersects with global challenges such as climate change and migration, making it harder to address. A successful counterterrorism approach requires a comprehensive strategy that blends military, law enforcement, diplomatic, and ideological efforts, along with strong international cooperation. Ultimately, counterterrorism must remain flexible in the face of evolving threats while balancing security concerns with respect for human rights.

Violeta Vasiliauskienė

Public Security Academy, Mykolas Romeris University, Lithuania

Violeta Vasiliauskienė is a Professor at Mykolas Romeris University's Public Security Academy. She holds a PhD in Law from Vilnius University, where she defended her dissertation on terrorism in international humanitarian law. Her teaching and research focus on EU law, international law, border security, counterterrorism, and human rights. Prof. Vasiliauskienė actively contributes to international projects and joint master's programs coordinated with Frontex and CEPOL, and frequently presents at conferences on hybrid threats, EU security, and public order. She is also a member of the EU Fundamental Rights Agency's FRANET network and serves on several editorial boards in the field of security studies.

4. Foreign Fighters: Dual Nature and Response

The Foreign Fighter Phenomenon in Europe: The rise of “foreign fighters” has become a key security challenge for Europe's Schengen Area of free movement. Thousands of European citizens traveled to conflict zones in the last decade to join jihadist groups in Syria and Iraq, exploiting free movement to leave and sometimes return with ease. At least two perpetrators of the November 2015 Paris attacks were French nationals who had trained with ISIS in Syria, exemplifying the direct threat posed by such returnees. Dual Identities: Citizens and Security Threats: Foreign fighters embody a dual, conflicting status. On one hand, they are citizens of



European states – entitled to rights and free movement across borders. On the other, by fighting for extremist causes abroad, they become security threats upon return. Many come from marginalized backgrounds, and social alienation often played a role in their radicalization. This dual status complicates policy responses: authorities must grapple with individuals who are both insiders (with community ties and legal rights) and outsiders (aligned with transnational terror networks and armed with combat skills). Challenges for Counterterrorism and Borders: The foreign fighter phenomenon tests the limits of a borderless Europe. Security and Legal Challenges: Returning fighters can exploit free movement, slipping across internal EU borders with minimal checks. Intelligence gaps allow suspects to evade detection, underscoring the need for better information sharing. Prosecuting returnees is also difficult – evidence from war zones is hard to obtain, and states cannot deny their own citizens re-entry under international law. Human Rights Dilemmas: Some governments revoke fighters' citizenship or passports, raising legal and ethical concerns. Overbroad measures risk stigmatizing communities and alienating law-abiding citizens. National and EU Responses European states and institutions have adopted a mix of countermeasures: Surveillance & Intelligence: Security services monitor suspects and share data via EU systems (e.g. Europol databases and the Schengen Information System). Closer cooperation between intelligence agencies has been urged given the cross-border nature of the threat. Border Controls: The EU has tightened border policy. Since 2017, all travelers – including EU citizens – are systematically checked against security databases at external Schengen borders. Some Schengen states have temporarily reintroduced internal border checks citing terrorist threats. Legal Measures: The EU's 2017 Counter-Terrorism Directive requires member states to criminalize and prosecute travel for terrorist purposes, and many returnees now face terrorism charges or administrative measures such as travel bans and compulsory deradicalization. Rehabilitation & Reintegration: Several countries offer programs to de-radicalize and reintegrate returnees (and their families), aiming to prevent recidivism and rebuild ties to society. Borderless Europe vs. Security: Finding a Balance The foreign fighter issue highlights the tension between Europe's commitment to free movement and the imperative of security. EU leaders acknowledge Schengen has occasionally been exploited by terrorists, yet stress that its benefits remain fundamental. The key question is how to bolster security measures without dismantling openness. Ongoing reforms seek to strengthen counterterrorism tools (from watchlists to passenger data systems) while preserving free movement. This presentation examines how Europe can navigate these dual priorities – protecting against the foreign fighter threat while upholding its open-border ideals.



Paulo Vaz

CEPOL CT Training Officer, Portugal

Paulo Vaz is a professional with 25 years of experience as a Detective-Inspector at the National Counter-Terrorism Unit, Judiciary Police, Portugal. He holds a degree in Social Sciences and a postgraduate qualification in Security Management. He has work experience as SNE at Europol. For the past five years, he has been The CT Portfolio Manager at CEPOL, where he develops and delivers specialized training programs to enhance EU MS' capabilities in preventing and combating terrorism.

5. Building Resilience Through Training, Cooperation and Global Partnerships

In a Europe without internal borders, the challenges posed by terrorism require collective, coordinated, and future-oriented responses. Representing the EU Agency for Law Enforcement Training (CEPOL), this presentation explores the agency's crucial role in enhancing counterterrorism capabilities across the EU through specialised training and multi-agency cooperation. A central focus will be on the CEPOL Knowledge Centre on Counterterrorism (CKC CT), which integrates expertise from EU Member States, Europol, Frontex, the European Commission, and the Council to develop agile and relevant training responses to evolving threats. The presentation also highlights CEPOL's strategic projects that strengthen the EU's external dimension—such as EMISA, CT INFLOW, Western Balkans project, EU4SEC Moldova—designed to build trust and capacity with partner countries beyond the EU's borders. Looking ahead, CEPOL is preparing new projects, including a dedicated capacity-building initiative for law enforcement in Ukraine, and a global project with a wide geographical scope addressing Organised Crime and Terrorism. These initiatives reaffirm CEPOL's commitment to supporting stability, security, and shared resilience both within and beyond the EU.