

3.3. National case law on terrorism

Since its pronouncement, the *Lounani* judgment has been referred to extensively to apply exclusion grounds to applicants who have engaged in a varying range of conduct linked to terrorism. It emerges from national jurisprudence that a key element which has led to divergence in outcomes of decisions in this regard relates to the classification of a group as terrorist or not. When courts have differed in their characterisation of the terrorist nature of a group, the same type of conduct by the same group has led to different outcomes at the country level.

As evidenced below, courts have given varying importance to the list of organisations included in the Council Common Position 2001/931/CFSP and have diverged when interpreting evidence of terrorist attacks from the same source, such as the Global Terrorism Database. Certain groups have emerged as particularly divisive, for example the PKK. While others, notably jihadist groups, have more consistently been regarded as terrorist organisations. This section examines how courts have interpreted this exclusion ground, using the PKK *(Section 3.3.1)* and Jihadist groups *(Section 3.3.2)* as two practical examples to illustrate the varying interpretive frameworks at the national level.

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