

3.3.2. Jihadist groups

In general, jihadist groups operating in the Middle East have been more readily recognised as terrorist groups by EU+ countries, which has led to the exclusion of applicants for their conduct linked to these groups. Several cases emerge from Belgium, including from the Council of State in *X. v CGRS* (28 March 2025) which upheld a CALL judgment of 24 January 2022 in which an applicant was excluded as he was convicted and given a 3-year suspended sentence in Belgium for voluntarily and knowingly encouraging and assisting three young people to go to Syria to practice armed jihad and participate in the activities of the Islamic State. The council highlighted the concrete nature of the acts, including by sending young recruits to Syria and organising their travel, and using Islamic State propaganda to attract these people and incite them to fight.

Likewise, CALL excluded an applicant for the dissemination and editing of propaganda videos from various terrorist groups which are active in Syria, including ISIS and Jabhat al-Nusra in *X v CGRS* (1 August 2024). CALL considered these activities as incitement, even if indirect, to commit acts of terrorism and referred to the applicable Security Council Resolutions 1373 (2001) and 1377 (2001) to justify the characterisation of the acts as contrary to the purposes and principles of the UN.

Additionally, in *Applicant v Federal Office for Immigration and Asylum* (23 April 2024), the Austrian Supreme Administrative Court excluded an applicant who was convicted of participating in a terrorist organisation, participating in a criminal organisation and training for terrorist purposes. The conviction was based on his involvement with the group Al-Nusrah Front, later known as Hay'at Tahrir al-Sham (HTS), which is linked to Al-Qaeda and listed as a terrorist organisation. His activities included the promotion of the group on social media, his online appearance in military clothing with terrorist symbols and weapons, his participation in a training camp which included weapons training, and his performance of armed guard duties.

As these cases demonstrate, courts in Belgium and Austria have applied a lower threshold to assess cases related to Jihadi groups than the Finnish court in cases related to the promotion of activities of the PKK. While the Finnish court required more certainty of the consequences of the individual's promotional activities in the recruitment of people or required the applicant to hold a more high-ranking position, the Belgian and Austrian courts more readily excluded applicants with a low position in jihadist terrorist organisations and for more broad promotional activities, such as editing and disseminating propaganda videos, and the promotion of such groups on social media.

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