

## **Judgement in the Fighters & Lovers Case, Copenhagen City Court**

### **Judgement (p. 47)**

#### **Grounds and decision of the trial**

According to the accused, they were aware of the fact that the surplus of the sale of t-shirts was to be transferred to the organisations PFLP and FARC for radio and printing activities. The accused had various tasks, including coordination, press contact and packing. PBM did not participate actively, but had posters with reference to the homepage at his hotdog stand. AFJ offered server-capacity. On this background, all the accused are found to have carried out activities which have contributed to the collection of funds.

It is considered of no significance in the case what the given money would be used for in the organisations. The decisive point for the question whether or not the paragraph 114 B in the penal code has been violated is – if or not the accused carry out terrorist activities as described in the penal code paragraph 114.

The accused were – according to their own explanations – aware of the fact that the collection could be against present legislation. This did, however, not mean that they desisted from continuing the project.

The production of evidence from the prosecutor on the activities and aims of the organisations has consisted in expert witnesses who have, to a great extent, obtained their information from international organisations, from the press, and – to a certain extent – from their stays in the Middle East and South America. Apart from Reuven Paz, who comes from Israel, they have to a very small extent obtained their knowledge from own experiences and observations of the episodes.

The evidence of the accused has equally consisted of expert witnesses whose knowledge – apart from Ilan Rababas – to a large extent stem from the same sources as the witnesses of the prosecution.

On the basis of the total production of evidence, it is considered a fact that the organisations have carried out a series of killings, kidnappings and other acts for which they have taken responsibility. The organisations have thus carried out actions mentioned in paragraph 114 – to an extent which could damage the countries in question. The court cannot - on the basis of evidence given - judge more closely on the carrying out and the extent of particular actions.

(p. 48).

#### **Concerning PFLP**

It is fundamental that the organization was established after the occupation by Israel of Gaza and the West Bank after the 1967 war. Members were persons already living in these regions and who were opposed to the occupation. The organization has during the years worked against the Israeli

occupation and against the settlements. Several, but not all, actions have been directed against military targets, especially in the occupied territories.

On this background – and since the court as mentioned above – cannot judge on the commitment and extension of individual actions, it is not found sufficiently proven that the actions of the organisation have been carried out with the aim of frightening the population to a serious degree or illegitimately to force the authorities of Israel to carry out or to omit to carry out an action with the aim of destabilizing or destroying the basic political, constitutional, economic or societal structures, cf. the paragraph 114. section 1 in the penal code.

On this background the persons accused are found not guilty on this part of the charge.

### **Concerning FARC**

The members of the organisation are recruited among the population of Colombia. The aim of the organisation is to change the political system of Colombia. A number of actions have been directed against state targets, including military and paramilitary groups. The organisation has not taken responsibility for the killing of 34 coca-workers, and it has not, during the trial, been proven that this action has been carried out by the organisation.

Two persons (out of three) from the jury declared:

Since the court has not been able to give its position on the carrying out and extent of individual actions, and on basis of the production of evidence, two jury members do not find it sufficiently proven – to a degree of certainty required for conviction – that the aim of the actions of FARC is to frighten the population to a serious degree or illegitimately force the authorities of Colombia to carry out or omit to carry out an action or with the aim of destabilising or destroying the basic political, constitutional, economic or societal structures, cf. the paragraph 114 section 1 in the penal code. These two jury members vote for not-guilty.

### **One jury member declares:**

Especially on the background of the attack May 2, 2002, on the church in Bojaya, where FARC members did not desist from using unprecise gas grenades even if there were civilians who might have been hit by these, and on the basis of the kidnapping of leading politicians, including the president candidate Ingrid Betancourt, it is found proven that the organisation also carries out actions which are included in the penal code paragraph 114 – in order to frighten the population and destabilise and destroy the basic political structures. This jury member therefore finds that the accused, by collecting money for FARC, have been guilty of violating paragraph 114 b.

The judgement is given according to the majority wherein the accused are found not guilty.

### **Thus the judgement is:**

The accused (7 names) are found not guilty.

Ulrik Stage-Nielsen (judge)