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TERRORISM: Threat and Responses

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Along with the highly developed forms of organized crime, can terrorism be ranked in the category of the tough challenges which the world has to face? This question is worth asking, as too often the perception of that threat is a faint one.

As far as I am concerned, I would say that more than a challenge, the terrorist threat is one of the major stakes in terms of security which our democracies have to cope with.

Indeed, terrorism should not, from my point of view, be mistaken with organized crime. Nobody disagrees with the seriousness of international drug trafficking, or the development of mafia-like organizations, but the terrorist threat pertains to another category. It is of a different nature, of an exclusively political essence in the Greek sense of the term as it affects the very structure of the «city».

Organized crime, under whichever form it appears, pursues mercantile objectives. It aims at illegally developing its profits. The destabilization of state-level institutions which can derive from it is the mere consequence of its enterprises, not the goal pursued.

On the other hand, terrorism deliberately thrives outside the realm of the state to fight it in the name of an ideology, of a political reasoning or within the frame of a geopolitical claim. The State itself is the target. Therefore, this is not the violation of national or international legal standards for merely economical purposes, but indeed with a situation of belligerence.

Terrorism is a form of war, a low intensity and circumventing strategy.

The stake therefore is the safeguarding of our democratic institutions, of our public and individual freedoms.

However, should this threat be considered as a major challenge?

The answer is undoubtedly positive. For such countries as Spain with the ETA or the United Kingdom with the IRA, or even in the past Italy with extreme right terrorism on the one hand and the Red Brigades on the other, the violence of such organizations obviously is a major national concern.

But is it the same with forms of terrorism considered as less conspicuous like Islamic terrorism the status of which - as we will see later on - is less even and more muddled. For some, such a principle as the safeguarding of Human Rights, the freedom of opinion, political expression and religious freedoms would condone with the apology of violence or specific activities supporting clandestine movements; for others, such behaviour is seen as illegal and repressed by law.

It cannot however be denied that for that type of terrorism, the threat it incurs and its geopolitical dimension are too often disregarded by public opinions which find it difficult to apprehend a potential threat, the outlines of which do not clearly appear.

From there, the management of such threat - when it does not materialize through acts of violence - may not be a political priority. France did not escape this phenomenon, even though there, perhaps more than anywhere else, this threat has always been taken into account.

France, like other European countries, has been directly hit by terrorism. Indeed, we have not been confronted with such powerful, organized and radical organizations as the R.A.F in Germany, the Red Brigades in Italy, the IRA in the United Kingdom and currently ETA in Spain, with a heavy toll taken on politicians, security forces and magistrates, but our country, because of its geographical situation, of its diplomacy and of geopolitical stakes, has, for the past thirty years, been confronted with the terrorist threat. The one from the Palestinian movements of the Front of Refusal, whether PFLP-SO or Abu Nidal's FATAHRC, the Lebanese Revolutionary Armed Fractions of George Ibrahim Abdallah or of Foued ALI SALEH's organization, which is Iran's vassal, and responsible for the bombing campaign which struck Paris in 1985 and 1986.

Concurrently, we have had to deal with Euro-terrorism through «Action Directe», along with separatist activities in Corsica, which are still going on. We have to deal too with the ETA activities on our own soil used by this organisation to support their terrorist activities in Spain.

However, I would like to center this address around another threat, namely the “Islamic threat” we have been fighting from 1993 on, and which in my eyes currently represents for France and also for the whole of Western countries the largest and most ominous threat.

Its evolution, which we have been able to observe and to curb by means of multiple investigations initiated in France, enabled us to follow its extraordinary metamorphosis, which is the leading factor of its dangerousness. We are today being confronted with a scattered, protean and worldwide threat.

As for the world economy, Islamic terrorism globalized but, as opposed to it, its structure is evolutive, its modes of functioning appear unpredictable and its development follows a web-like shape on an international scale, according to an erratic mode, which makes it difficult to grasp the phenomenon and therefore weakens the efficiency of riposte mechanisms.

I now would like to address briefly the symptomatic evolution of that Islamic threat through my professional experience prior to evoking the riposte process which we have initiated in France through an original anti-terrorist structure which made its efficiency plain and obvious.

Yet, however efficient the national legislation may be, the fight against Islamic terrorism is not the business of one single state. It should be transnational and in that field more than anywhere else, demands intense international cooperation.

Evolution of the Islamic threat

Owing to its ties with Northern African countries and because of the presence on its soil of a strong North African community, France has been directly concerned by the emergence of Islamic opposition in Algeria on a radical and violent mode after the interruption of the electoral

process and the ban on the «Islamic Salvation Front» in 1992.

From January 1992 on, many fighting movements resorted to terrorist actions against the Algerian government, among which the «Armed Islamic Group» ('G.I.A.'), the «Islamic Armed Movement» ('M.I.A.') and the «Movement for an Islamic State» ('M.E.I.').

Even though the «M.I.A.» did not export violence outside the Algerian territory, the «Islamic Salvation Army» (A.I.S.), follower of the «M.E.I.», was to create in Europe and mainly France logistics networks for the Algerian underground movements.

«G.I.A.» and «A.I.S.», however rival within Algeria, the first being "salafist" and the other being "Djezarist" were, at least at an initial stage, to share their logistic structures implanted abroad, notably in France.

However, in Algeria, the radical drift of the G.I.A. occurred before the «A.I.S.» was ever created.

Seemingly created by Afghani veterans who had been committed in Afghanistan with the activities of Gulbudin Heykmatiar's "H.I.A.", the "G.I.A.", led by several successive emirs, among whom Layada in 1992, "Djafar El Afgani" in 1993 and then Cherif Gousmi, Djamel Zitouni and Antar Zouabri from 1994 until now, appeared to be, among those organizations, the most violent and the most deeply implicated in the internationalization of armed fighting, mainly against France which, it should be underlined, is considered as the main support to Algier's "apostate" regime.

It is that Salafist point of view which led the «G.I.A.» to advocate a more and more radical and international «Jihad», which accounts for the fact that certain members of that organization were then to join the international Islamic parties supported by Oussama Ben Laden.

From 1993 on, the «G.I.A.», which existed in Algeria independently from the other organizations, attempted to internationalize the conflict by demanding the departure of aliens. As a consequence of that, many aliens living in Algeria, more specifically French citizens, were abducted and assassinated.

It is further to a communiqué from the «G.I.A.» evoking the abduction on 24 October 1993 of

three agents from the French Consulate in Algiers that an important police operation was triggered against the operational structures of the «F.I.S.» and «G.I.A.» implanted on the national territory, leading to the arrest of many individuals.

That initial operation indeed revealed - as was confirmed later on - the leading role played by associative structures and humanitarian organizations as well as NGOs in the support to the clandestine activities of the armed groups.

Likewise, the «Algerian Brotherhood in France» ('F.A.F.'), a duly registered organization, gathering «F.I.S.» supporters, had been used as official cover by activists in France, and notably for the benefit of a «G.I.A.» member, Ali Touchent, who was directly involved in the bombing campaign that struck France in the course of 1995.

In the light of numerous investigations initiated in France from 1993 on and led by the Magistrates of the Anti-terrorist Branch, it has been possible to collect several pieces of evidence which corroborated, by completing them, the information gathered by our intelligence services regarding the aggravation of the threat.

We have therefore been able to follow in real time the evolution of the various components of that radical nebula which from 1994 became a challenger until a violent opposition developed from 1995 on.

The analysis of the situation has been made all the more difficult since the operational schemes observed in Algeria were not, in some cases, pertinent any more for Europe. In such a way, one has been able to observe in France, but also in Switzerland and in Italy, the existence of logistic ties between the «G.I.A.» and the "Takfir Wal Hijra" ("Anathema and Exile"), two organizations which are, however, strongly antagonistic, and also with other components of the Algerian Islamic nebula.

Takfir Wal Hijra, set up as a secret society, often defined as a sect, the members of which are subjected to the practices of dissimulation and secrecy, was practically unknown until 1994.

It was to appear in the light, and its dangerous nature sprang up on the occasion of another large-scale operation triggered in France in November 1994 and June 1995 over a vast

clandestine network, mainly implanted, at that time, in the Paris region, with connections in Marseilles, in southern France, and also in other European countries, as a more recent investigation confirmed.

Led by Mohamed Chalabi, an individual more notorious for his association with thugs than for his ties with Islamism, this well organized terrorist structure had activities encompassing providing shelter to fighters affiliated to the Takfir after their deportation out of Algeria, the falsification of official documentation and trafficking in weapons and explosives. It was in direct connection with Emir M'Ahmed who in 1992 had federated all of the components of the Takfir in Algeria.

Mohamed Chalabi, a cousin of Nouredine Sediki, co-founder of the movement, had put all of his know-how in banditism to the service of his assignment. Besides, he had set up operational ties with members of the "G.I.A." living in France, among others Mohamed Kerrouche, close to Redouane Abou Bassir, number 2 of the "G.I.A." and to Rachid Ramda, involved in the bombing campaign in 1995, who is being subjected to an extradition procedure.

Likewise, faithful to the Takfir doctrine which legitimizes acts of mobster-like violence, assassination and appropriation of apostates' properties, the Chalabi network highlighted the complex ties susceptible of emerging between gangsterism and terrorist activity, and also with other Islamic organizations, notably the "G.I.A."

An analogous situation will be found with the "Roubaix network" which on its side operated within the frame of international Jihad in connection with Fateh Kamel and Ahmed Ressam, who will be evoked later on, in Canada.

It cannot therefore be denied, notwithstanding the criticism raised by the highbrow, poorly informed of the reality of the threat, or by organizations dedicated to the protection of Human Rights such as the FIDH International Men's Rights Organization, that the dismantling of that network represented a major breakthrough in the fight against the clandestine structures engaged in a process of exportation of armed fighting.

It cannot be denied that the neutralization of the Chalabi network considerably inhibited the initiatives of the networks implanted in France, including those of the "G.I.A."

However, in spite of the police operations that followed each other in 1994 and 1995, the "G.I.A." reached its peak and took a genuine ascendancy over other organizations, among which the "A.I.S."

In May 1994, through a communiqué of unity, the "G.I.A." succeeded in amalgamating all the Islamic fighting movements, with the exception of "A.I.S."

The investigations led in France at that time over logistics groups affiliated for most to "A.I.S." have brought to light the importance of these Algerian underground organizations logistics networks and the will of the "G.I.A." to take control over them.

That way, in summer 1994, Djamel Lounici's prominent Neapolitan network was in part taken over by the "G.I.A.". The same phenomenon was recorded in Germany, but it is in Belgium that the strengthening of the G.I.A.'s structures was the most obvious.

The organization led by Ahmed Zaoui was indeed aimed at directly supporting the commando instructed by Djamel Zitouni to commit bombings in France in 1995.

The total control of the G.I.A. over the remaining components of the Algerian Islamic movement was achieved by the severing of May 1994 agreements and the physical elimination of the Algerianists and Afghanis opposed to Zitouni's political line.

However, the internal purges and the execution of the seven Tibeihirine monks on 27th March 1996 generated numerous dissensions and the elimination of Zitouni in July of that same year.

In order to maintain its credibility, Antar Zuabri, successor to Zitouni, implemented an even bloodier strategy. The reprobation against that relentless policy, including within the Islamic nebula, on top of the operations carried out by the Algerian Armed forces, led to a waning of the "G.I.A." in 1997.

However, in 1995, Djamel Zitouni's G.I.A. struck France directly. After the taking over of the "A.I.S." networks in Europe, the exportation of terrorist violence to France had become inevitable.

The first large-scale operation was the hijacking of an Air France Airbus jet at the end of December 1994.

On the 11th of July of the following year, after the neutralization of the Zaoui network in Belgium, which confirmed the operational capability of the G.I.A., Imam Sahraoui, close to the "F.I.S.", was assassinated in Paris.

On 25th July, a "G.I.A." commando, to which, among others, Ali Touchent and Boualem Bensaid were affiliated, perpetrated a bombing in the Paris subway, provoking the death of eight commuters and injuring a hundred. That particularly murderous bombing was followed by seven more, and attempted bombings, the last one on 17 October 1995.

The dismantling in September 1995 of a logistics support structure initiated by Ali Touchent in the Lyons area led to the identification of the members of that commando, who were arrested at the beginning of November, and marked the ending of that terrorist wave.

However, the threat of Islamic terrorism has not been eradicated yet.

From 1996 on, it changed further to the progressive vanishing of traditional organizations, with the exception of GSPC, until it metamorphosed into a scattered threat with new outlines, multiple forms and abandoning the traditional North African and European field to develop over the whole of the planet.

It appeared however that the new networks had as a common feature the promotion of a radical Jihad, including the USA or their interests abroad among their potential targets, and having in their ranks mujahidin who had received a military training in Afghanistan.

The role played by the Pakistan-Afghanistan area in the training of the mujahidin appeared as early as 1994 through investigation initiated in France on the "Afghani connection".

That way, it could be established that North African individuals of Algerian, but also Tunisian and Moroccan origin, often approached in suburban slums, had been sent to the Pakistan-Afghanistan area by organizations set up to that effect.

If Germany has been one of the main connecting points of that organization from 1994 to 1996, it

appears now that most of Islamic militants are transiting through the United Kingdom.

This mujahidin travelling agency had right from the start resorted to a network located in Pakistan, depending on a "Maktab ul Khedamat", in other words "Bureau of Services" then supervised by a certain "Abou Qassim".

The above-stated character, identified in 1998 as being Chaouki Badache, has been arrested in Brussels along with militants of the GSPC, the new component in Hassan Hattab's "G.I.A."

After the "Maktab ul Khedamar" had been put into mothballs, that network was taken over by Zine El Abedin, Abou Zoubeida, Oussama Ben Laden's representative in Pakistan, to whom another militant of the international Jihad succeeded in 1999.

Concurrently, supporting organizations based in Europe, mainly Germany and the United Kingdom, will play a twofold role: sponsoring the maintenance of camps and providing trainees over the Pakistan-Afghanistan area, and bringing logistics to the Chechen cause.

The interception in the USA, on 14th December 1999, of Ahmed Ressam, an Islamic militant of Algerian origin, illegally residing in Canada, while he transported more than fifty kilogrammes of explosives in the trunk of his vehicle, shed a crude light over the reality of that threat.

Ahmed Ressam was no stranger for the French authorities who, as early as 1996, had unearthed clandestine structures, among which the main one in Canada, led by a man named Fateh Kamel, also of Algerian origin.

The investigation led in France on the violent aggressions perpetrated over the Lille region by radical Islamic militants, not being vassalized to any known organization, brought to light the existence of a vast international network operating in Canada and Europe, but also over the Far East.

That way, through that particularly intricate investigation, it has been made possible to establish that the members of that organization moved all through the five continents, that some of them had been staying over the Pakistan-Afghanistan area, that they also had travelled to Bosnia, where they had been in contact with Abou el Maali, that they had also approached, among others, Fateh Kamel, active "G.I.A"

members, and also Tunisians from the "N'Nadah" movement or the "F.I.T.", and that their sole objective was to promote the international Jihad.

Accordingly, they resorted to gangster-like methods in order to finance their activities, therefore concealing the genuine nature of their involvement.

The Canadian network led by Fateh Kamel, to which they were linked, had, on his own side, applied the rules of dissimulation and secrecy specific to the Takfiris, in such a way that the members of that structure had so far enjoyed no police interference.

The arrest in the course of last December in Frankfurt, of Islamic militants affiliated to the same movement and in London, in February 2001, of individuals linked to the international Jihad nebula, among whom one close to Ahmed Ressam and to the Salafist ideologist Abou Qutada demonstrates, should this still be required, the permanence of that threat which is more and more difficult to define.

This underlines the danger of these networks and the need to fight them by implementing adequate riposte mechanisms.

This will be the second part of my comments.

Means to fight terrorism

States cannot, whatever the degree of terrorist threat, resort to the same weapons as those of their opponents, the risk being considerable, when one faces a peril considered as unbearable, to put exceptional resources into being and thus diverting from Republican legality.

Reliance on illegal measures, which some States provisionally turned to in periods of crisis, is hazardous and inefficient.

Hazardous inasmuch as it draws the State out of democratic boundaries and strengthens its foes; inefficient since, not being able to respond to the principle of double criminality, exceptional legislations weakens international cooperation and even make it impossible in extradition cases.

France, even though badly shaken in the course of its recent history by terrorist organizations, never engaged in that way. On the opposite, it implemented an original system, based at the same time on the centralization of riposte

processes and on the synergy deriving from the joint action of the various parties intervening in that fight.

As in most foreign countries, France disposes of intelligence services and of several criminal investigation departments.

However, it is the leading role of the judicial authority in the management of investigation and the elaboration of riposte strategies against the terrorist threat which constitutes the essential originality of the French system as opposed to those of Anglo-Saxon countries.

For the last fifteen years, France considerably strengthened the whole of its institutional counter-terrorism system and improved its operational methodology according to the evolution of the threat.

In the field of terrorism more than in any other, the anticipation and prevention of the threat is of the essence. The knowledge of the networks, of their logistics and of their strategy is essential for the prevention of risks which, for the government, is a priority assignment.

This assignment is devolved upon the three intelligence services currently operational in France, D.G.S.E. for actions abroad, D.S.T. and the Police Intelligence for those carried out within the French territory.

We shall see however that the D.S.T., through its organization and its own assignments, contributes to the synergy underlined above by ensuring a continuity between intelligence and repressive actions led under the authority of magistrates specialized in fighting terrorism.

A cornerstone of the repressive system, the Examining Magistrate plays a leading role in France in the fight against terrorism.

Even though the prosecution is carried out by a strong and hierarchical Prosecution Department, today freed from the control of the Ministry of Justice, it is, on the other hand, the Examining Magistrates, Magistrates of the Judicial order, constitutionally independent, who are in charge of the management of criminal investigation, of whichever nature.

The Examining Magistrate, an original institution, which exists only in France and a few countries which have adopted the Napoleonic Code, has considerable powers at his disposal

regarding investigation, which he derives from his status of judge: he can notably order, alone, house searches, seizures, telephone wiretapping or indict a suspect; it is also him who implements the international cooperation by means of issuing international Letter's Rogatory or international warrants for arrest.

Nevertheless, a recently enforced legislation notably increased the rights of defence. Today, the defence is a full-fledged player in the judicial investigation, able to influence on its course.

That way, this system seems well-balanced today: although protective of defence rights, and notably the presumption of innocence, it has proven its efficiency, in particular in the fight against terrorism which, in France, has always been a priority.

Therefore, the evolution of terrorist violence in France led the legislature to alter on several occasions the institutional system according to the level of the threat.

During the Algerian war, the political leadership of the time instituted a State Security Court, an exceptional jurisdiction with nation-wide competence which was in charge of prosecuting, investigating and judging offences committed against the internal and external security of the State.

This jurisdiction, the very principle of which was disputed, was suppressed in 1981 without being replaced by any substitute structure. Thereupon, terrorist actions, considered as ordinary violations, fell under the jurisdiction of territorially competent Examining Magistrates.

The emergence, no later than the subsequent year, of a terrorist wave of unprecedented seriousness, which was to persist until the end of the decade, swiftly emphasized the shortcomings of the system.

The Examining Magistrates in charge of these cases were not in a position to have an overall grasp of the various components of the threat and elaborate adequate riposte strategies.

The effect of *ratione loci* jurisdiction was a dispersion of the procedures pertaining to one single network. Grouping them in the hands of one single judge required a time-consuming and uncertain procedure.

Moreover, that state of things seriously hindered international cooperation, the necessity of which had grown more and more obvious over the years, particularly in the fight against Euro-terrorism.

Organizational or logistic ties had indeed appeared among the various organizations composing that European nebula (German Rote Armee Fraktion, Action Directe, Red Brigades).

The Parisian magistrates in charge of the major part of the inquiries were required to be imaginative in order to develop a budding international cooperation within this less than favorable context.

In the wake of a particularly bloody campaign of terrorist attacks in 1985 and 1986, the government of the time decided to react.

The Law of 9 September 1986 thoroughly modified the regime of prosecution, examination and judgement of terrorist actions.

Henceforth, as far as prosecution, examination and judgement of terrorist offences are concerned, the Parisian jurisdiction exercises a competence concurrent to that arising from the application of common law rules.

In practical terms, all enquiries related to terrorism are centralized in Paris, and are assigned to specialized Prosecutors and Examining Magistrates.

Besides, in matters of terrorism, the police custody has been extended from 48 to 96 hours.

This centralization has undisputedly borne its fruits. It has made possible a better knowledge of the networks and a wiser management of these investigations according to their true dimensions.

The French legislation has also manifested its audacity with regard to the repression of the most serious offences committed abroad.

On top of the centralization of prosecution, investigation and judgement of terrorist actions, one can add, under certain circumstances, an extra-territorial competence.

Indeed, the French law makes it possible to search for and judge the perpetrators of criminal offences committed abroad, when the victim is a French national. It is pursuant to that extraterritorial legislation that I have been assigned, among others, the investigation regarding the City of Poros, an attack perpetrated

by the Abu Nidal Group in Greece in 1988, or the attack against an airplane of the French UTA airline on a scheduled flight between Brazzaville (Congo) and Paris via N'Djamena (Chad).

Regarding the latter, resorting to the above-stated legal provisions, made it possible, through an intense international cooperation, to search for the perpetrators of that attack. They were members of Libyan Intelligence Service, who have been convicted in absentia by the Paris Criminal Court.

Moreover, in 1994, the Parliament was to define as terrorist actions the crimes and offences committed within a terrorist context, whatever the nature of the organizations in question or the origin of the targets, which can be French or foreign.

However, the efficiency of such a weapon depends on how easily it can be used.

Legal weapons are no exception to that rule, especially in the field of counter-terrorism where the internationalization of the phenomena demand a global and joint response.

That way, with a view to efficiency and in order to enhance the legal arsenal France has set up in order to fight terrorism, the operational methodology implemented is focused around three main lines:

- resorting to police services specialized in counter-terrorism;
- coordinated intervention, under the supervision of the Judge, of all parties concerned by this fight in order to generate a genuinely operational synergy;
- developing international judicial cooperation, failing to which no efficient response can be brought to that world-spread threat. We have seen how essential it had been regarding the investigation on UTA's DC 10 airplane.

A determined policy, which mobilized all of the services in charge of preventing and fighting terrorism in France, has borne its fruits.

In such a way, we have been able, through multiple judicial investigations initiated on such a count of indictment as criminal conspiracy, to arrest in the field of radical Islamism, the presumed members of these terrorism movements

and seize thousands of documents and material, the processing of which enabled us to understand the functioning of these networks and anticipate their actions.

That constantly updated assessment of the status of the Islamic threat has enabled us, among other things, to promote in May 1996 a joint operation on the level of four countries against G.S.P.C. networks and Takfir Hijra susceptible of perpetrating terrorist attacks in France on the occasion of the World Football Cup.

The same applies to the case of Ahmed Ressam, arrested in Washington State in December 1999 with more than 50 kilogrammes of explosives, whose verdict of guilt passed last April before a Jury in Los Angeles is, for most, the result of a fruitful international cooperation between France and the USA.

Conclusion

In conclusion, I wish to emphasize the necessity of strengthening international cooperation in that area.

As terrorism has entered the international arena, the fight against terrorism needs to be international. All States concerned by that threat should be aware of such a requirement.

Improvements remain to be implemented, notably in the field of extradition, where too many difficulties are being currently encountered. The case of Rachid Ramda is topical to that regard. Arrested in November 1995 under a suspicion of involvement in the wave of attacks committed in the summer and fall 1995, he still is in jail pending extradition without any real prospect regarding the outcome of the procedure.

The success of counter-terrorism therefore demands significant improvements in these fields. Indeed, there will not be any efficient repression of terrorist violence without an in-depth strengthening of international cooperation. All is a matter of willpower, political willpower, and human willpower.

And I would like to say, as a paraphrase of a Persian author from the 6th century, who wrote: «if destiny does not help us, we shall ourselves contribute to its achievement», that the French magistrates in charge of fighting terrorism have, for many years, forced the destiny of international cooperation in the legal field by anticipating the process of repressive cooperation not formally provided for by international conventions.

This is what we have realized recently with the USA for the Ressam trial.