

# SUMMARY OF THE INTERNATIONAL CONFERENCE ON TERRORISM

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## **Threats and Challenges after the fall of the caliphate**

**PARIS  
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In partnership with



## CENTER FOR THE ANALYSIS OF TERRORISM



The Center for the analysis of terrorism (CAT), a non-profit institution of public interest, is a Paris-based research center aimed at becoming the leading European think-tank in the field of terrorism studies. Its goal is to form a unique research capacity on terrorism and strategic responses, including operational analysis, terrorism financing and implementation of terrorist activities; to inform the public about the terrorist threat through its online publications and a comprehensive database. It also provides recommendations for policymakers and European institutions.



## COUNTER EXTREMISM PROJECT

The Counter Extremism Project (CEP) is a non-profit, non-partisan, global policy organisation created to combat the growing threat from extremist ideologies. Led by a renowned group of former world leaders and diplomats, it fights extremism by pressuring financial and material support networks; countering the narrative of extremists and their online recruitment; and advocating for smart laws, policies, and regulations. The CEP is based in New-York, with offices in Berlin, Brussels, London and Paris. The CEP uses its research expertise and analysis to build a worldwide movement against extremism which threatens pluralism, peace and tolerance.

## **S**UMMARY

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## GENERAL PRESENTATION

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The international conference on terrorism, "What threats and challenges after the fall of the Caliphate?", organised by the Center for the Analysis of Terrorism (CAT) and the Counter Extremism Project (CEP), was held at the Ecole Militaire on November 7, 2019. It brought together various officials, practitioners and experts from France and beyond, some of whom rarely speak despite of their everyday commitment.

## GENERAL INTRODUCTION

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Jean-Charles Brisard, President of the Centre for the Analysis of Terrorism (CAT), recalled that the disappearance of the territorial caliphate with the fall of the last bastion of the Islamic State (ISIS) in Baghouz in north-eastern Syria in March 2019, doesn't mean that the terrorist threat is defeated.

Although, this territorial loss is important and symbolic by the fact that it means the end of ISIS territory which constituted the principal source of attraction of a lot of jihadists all around the world and the base of its financial power.

This new configuration does not reduce the level and intensity of the threat. In addition, organizations such as the Islamic State or Al-Qaida have always shown great resilience.

Currently, the Islamic State now become a global underground jihadi movement which maintain an active presence in the theater of operations. Almost 400 terrorist attacks have been claimed by Islamic State in north-east Syria since the fall of Baghouz. The jihadi benefit from many fallback areas in different regions in Syria. Otherwise, these organizations can count on various affiliates allowing the longevity of the threat. In addition, the Islamic State preserves a considerable international ring.

Henceforth, we witness a displacement and a delocalization of these organizations' operative capacity toward numerous regions of the world. A lot of fighters are effectively trying to move on others foreign territories as Afghanistan, Sahel, Libya or Malaysia. Among these individuals, we count no less than fifty French fighters.

The staying-power of ISIS is in part due to their ability to mobilize support through encrypted social media messaging. By not tackling this threat, the terrorist ideology continues to spread and develop in despite the loss of ISIS territory.

Nowadays, this threat become endogenous even so the exogenous threat did not disappear. It can give fighters guidance remotely by exteriors elements giving operational advises and communicating information about different targets... but it is essentially inspired. These jihadi may have virtual link with terrorist organizations, claiming themselves as it but whose acts are not always revendicated by these groups.

In other terms, this endogenous terrorism is the symptom of an ideology which is durably anchored in our society. Three categories of individuals constitute a potential threat in the different Europeans countries:

- Radicalised subject
- Frustrated people of the *jihad*: those who did not reached to join the Islamic State Caliphate
- The jail-leavers "returnees", weak-willed or logistic supporters to terrorists' organizations

The risk of dispersion of jihadists currently in Syrian-Iraqi area, free or detainees by the Kurdish, is a serious other issue.

So far, there is no common position on the fate of these people. Nevertheless, dealing with the regional instability and the recent Turkish military offensives, it is impossible to consider a judgment there. Furthermore, the possibility to establish judgment in Iraq is compromised.

In addition, **not less than 100 jihadists have escaped during their detention**. Some of them are trying to come back Europe by themselves, others reinforce terrorists' organisations in the area. Dealing with this inextricable situation, public politics have to be responsible in judging their nationals. As an example, the United-States is the first country to have repatriated, its jihadists. Europe has to get inspired by this and follow the American decision.

Ultimately, while the loss of Islamic State territory is a victory, Mark Wallace, CEO of the Counter Extremism Project (CEP) warned of the opening of another front, cyberspace. Indeed, the struggle for better control of cyberspace is essential because it affects us all.

The different terrorists' groups used various social networks to recruit or to plan attacks. In that, the battle for cyberspace is crucial. Mark Wallace argues that **Islamic State appealed in the Syrian-Iraqi area more than 30.000 foreign fighters from over 100 countries thanks to social media**.

Mark Wallace distinguishes the role of civil society in the fight against terrorism, particularly in cyberspace. According to him, the pressure exerted on social networks makes it possible to recognise the problems related to propaganda in order to achieve binding legislation.

Despite the good faith shown by these companies, many sensitive contents remain on the web. In July 2018, the CEP conducted a study, using software developed by it, to assess the effectiveness of this approach. 229 videos related to the Islamic State were identified in a period of only 3 months. More than 1300 videos have been uploaded by more than 270 YouTube accounts. The President of the CEP believes that the irresponsibility of social networks must be ended.

It is interesting to note that Internet has not created extremism but emphasizes it and allowed it to prosper. To conclude, the fight against terrorism passes by the control of the cyberspace.

## FIRST PANEL: THE STATE OF THE JIHADI MOVEMENT

This round table brings together Amin Boutaghane, Gilles de Kerchove, Manuel Navarrete, Hans Jakob Schindler and Kevin Jackson. Speakers play a role in the fight against terrorism and deliver their experiences in their different institutions.

*Amin Boutaghane is Chief of the French Anti-Terrorist Coordination Unit (UCLAT) since 2018.*

*Gilles de Kerchove is EU Counter-terrorism coordinator since 2007. He is responsible for coordination and efforts against terrorism.*

*Manuel Navarrete is Director of European Counter Terrorism Center (ECTC) in Europol*

*Hans-Jakob Schindler is Director at the CEP. He coordinated the Al Qaeda and Islamic State Sanctions Monitoring Team for the United Nations Security Council.*

*Kevin Jackson is Director of Studies at the Center for the Analysis of Terrorism (CAT)*





Over the last five years, Europe has experienced unprecedented levels of violence, unpredictable ten years ago, says Kevin Jackson, Director of Studies at the Center for Terrorism Analysis (CAT). Europe is regularly targeted the target of planned and actual by attacks, similar to what Paris and Brussels have witness, perpetrated by commandos returning from Syria and Iraq. By the end of 2013, we were indeed confronted with the return of European fighters who had gone to join the proto-state. At the same time, individuals who were unable to reach operating theaters but who wished to act, perpetrated attacks without receiving foreign logistic support. Today, many concerns remain about jihadist activity in Europe.

### ***EVOLUTION OF TERRORIST THREAT IN FRANCE***

Amin Boutaghane, Head of UCLAT, remains that the current terrorist threat is transversal. To counter it sustainably, he recalls that many devices have been put in place in recent years. True cooperation between countries is operated to combat the threat. This cooperation does not decrease. It is constant and the terrorist threat has been largely integrated international plan. Although a slight drop in the level and degree of threat is noted, the fact remains that the Syrian-Iraqi area remains a powerful incubator international threat.

To understand the current threat, it is essential, according to Amin Boutaghane, to touch on the incessant evolution of the threat, the ideological change and the modes of operation.

Indeed, since the 1970s and 1980s, different forms of terrorism have been revealed. At the end of the 1970s, Europe suffered from attacks foment by various armed factions, including the Red Brigades, the fighting communist cells, the Japanese Red Army, Action Directe, etc.

Among these organizations, a large part defined themselves as ultra-left groups. This terrorist threat was also composed by separatist movements. For example, France has been very affected by Basque terrorism, which claimed 900 lives, and Corsican terrorism. These organizations have posed a leaven of violent disputations that resurfaced today through European and South American protests in particular.

However, the Soviet invasion of Afghanistan foreshadowed the current state of the jihadist threat. The answer was certainly based on groups advocating jihad but they allowed immediate and effective resistance against the Soviet invader.

Afterward, the emergence of the Shiite Islamic Republic of Iran has spearheaded a religious leaven that has gradually moved into the international political landscape. Indeed, since the 80s the religious debate is persistent in the countries of the Middle East.

Subsequently, we witnessed the emergence of a global jihad developed and theorized by Osama Bin Laden, leader of the al-Qaeda group, which led to the attacks of 11 September 2001.

In addition, a religious haven has entered in the mind of many people who have found in jihadism and terrorism a vector to their frustration and injustice. In other words, terrorism would be for them a response to a form of oppression.

Subsequently, the United States invaded Iraq, which was in line with one of Osama bin Laden's predictions when he planned and orchestrated the 9/11 attacks. The idea was to attack the United States to encourage them to intervene in the Middle East. In this way, more Muslims would join the terrorist organization to fight the American invader. Moreover, the establishment by the Americans of a Shiite power in Iraq helped to fuel the frustrations of the Sunnis and helped to create what will be a few years later, the nebula of the Islamic State.

Finally, the civil war that shook Syria in 2011 appears very quickly as an opportunity for Abu Bakr al-Baghdadi who sends fighters to infiltrate the resistance in the country. These are placed under the banner of Jahbat al Nosra.

Thereafter, a propaganda was developed - including through social networks, to convince a large number of people, women and men, to join the lands of the "Sham".

In 2011, another event that does not seem to be related to this context is also symptomatic of the prefiguration of current terrorism. The killing perpetrated by Anders Breivik in Norway is indeed preliminary to ultra-right-wing terrorism, which began its expansion considerably, like Brenton Tarrant in Christchurch, New Zealand, Stephan Balliet in Halle, Germany, and supremacists located in the United States, inspired by Anders Breivik.

### ***THE MERAH CASE, SYMBOL OF A TRANSFORMATION OF THE TERRORIST THREAT***

From 2012-2013, plenty of young French left to join Syria and Iraq. **UCLAT detected more than 1300 people gone to participate in the Iraqi-Syrian conflict.**

To face this new urgent situation, a device was created in 2014. The Direction Générale de la Sécurité Intérieure (DGSI), successor of the Direction Centrale du Renseignement Intérieur (DCRI) was created the same year and works with other international intelligence services. The Direction Centrale des Renseignements Généraux (RG) which has stopped to be operational in 2008, is recreated and became the Service Central du Renseignement Territorial (Proximity intelligence service).

The same year, a platform administrated by UCLAT is available to allow the reception of signalments and calls concerning suspects, violent or dangerous behaviours. These signalments does not concern only terrorist suspicion but also other threatening people. **Since its creation, 72000 calls and signalments has been identified. Among these reported persons, less than 6000 has been considered either as radicalized-violent or proven terrorists. UCLAT enumerate 21000 reported people and around 9000 are tracked in France.**

In parallel with these new measures, a law strengthening the provisions relating to the fight against terrorism was adopted on 13 November 2014. It makes it possible to prosecute and incriminate individuals who have visited the area. Therefore, the mere fact of having travelled as a foreign fighter to the Iraqi-Syrian zone may be prosecuted for terrorist criminal association. As soon as they return to French soil, these women and combatants are directly prosecuted and imprisoned. However, the difficulty lies in knowing the abuses they may have committed in these theatres of operations.

According to Amin Boutaghane, the threat moult from a projected terrorism (actions committed by “returnees”) to an endogenous one with people who didn’t succeed to join the irako-syrian area, but who planned or perpetrated a terrorist attack.

Regarding the end of the Islamic State, Gilles de Kerchove estimates that for many reasons the organization will survive after its territorial loss and the death of its leader. First, as remained by Jean-Charles Brisard in his introduction, the Islamic State is a decentralized organization with many affiliates. Moreover, as Al-Qaeda, the organization has proven resiliency. **According to the BBC, approximately 84 attacks per month happened in Iraq since the fall of Baghouze.** It is not the end of the Islamic State.

### ***Few numbers to remind***

UCLAT enumerate between **450 and 600 French children** who might be currently in Iraq and in Syria. Almost **450 people might be dead**, of which **325 proven-death**.

**290 individuals are already returned in France** and prosecuted. **131 children among whose 125 came back from Iraqi-Syrian area**, others from Yemeni or Afghanistan.

Almost **5500 European citizens or inhabitants joined jihad in Syria and Iraq**, and **7000 from north-Africa**.

## ***THREAT OF RADICALIZED PRISONERS AND RETURNING FIGHTERS***

UCLAT studies the phenomenon of the radicalization of prisons and the returning foreign fighters from ISIS-held territories to Europe.

Despite the decrease of jihadi activities from 2015 to 2016, Gilles de Kerchove warned of the need to manage the issues linked to fighters that are detained in Kurdistan and “returnees” from Iraq and Syria who were unable to join the conflict.

Otherwise, there is another issue about the capacity of Islamic State to instigate sophisticated plots. According to Hans-Jakob Schindler, the intention is still there in spite of the operational capacities’ change.

Currently, there is the first wave of released of prison of people condemned for having join the operational theater. It concerns those condemned of modest penalties around 3-4 years of imprisonment.

Few “returnees” have committed attacks. However, they benefit of scattered rings and a positive persona of veterans. Most of them are willing to perpetrate outrages, tell Hans-Jakob Schindler and Gilles de Kerchove. The State services have to question on their level of dangerousness.

French institutions are facing a huge issue because **almost 21000 French have been identified as different states of radicalisation.**

Gilles de Kerchove, EU Counter-terrorism coordinator, preconize to determine a tipping point. To be radicalize is not a crime. What it is can be as an example to download content with a terrorist character as tutorial to do a bomb. It is a necessity to identify signs of radicalization, to detect weak signals. The aim is to prevent the threat.

According to the European coordinator, it is essential to avoid the radical contagion among the youth though the “de-radicalization” debate.

Many young people who stayed in Europe get inspired by the jihadi propaganda and represent a potential danger, despite of a ling with terrorist organizations.

## ***THE NEW THREAT'S CONFIGURATION***

The Islamic State is composed of ex-fighters of Saddam Hussein disappointed to assist of the decompositions of the Al-Qaeda's army and also by many Sunnis marginalized by the central power lead by Shias.

In all likelihood, there is a new fighters' generation. Many elements lead to the consideration that a new organization will appear.

Speakers are agree with the fact that Africa is now the new soil of *jihad*. This continent, in particular the Sahelo-Saharan area, is now a region where Islamic State and other terrorists groups as Al-Qaeda and Boko Haram jihadists cells prosper and reconstitute themselves. In this immense and desartic area, alliances are moving often for tribal reasons. The Sinai is threatened by a resurgence of the Islamic State where it still have a significant strike force.

A cooperative work has to be held with the African States so as to halt, at best eradicate, the regional and international threat if these groups reach to be recomposed. The south-east Asian case is raised because the region is affected by jihadi reconstitutions.

## ***OTHERS FORMS OF EXTREMISM***

Amin Boutaghane specifies that we must pay attention to others threats. Gilles de Kerchove also warns that the emergence of others groups using violence to promote their ideas has to be feared. I might be groups from the violent far-right wing which is getting more and more involved in actions, and possibly ultra-left which exploit violent social movements.

About the ultra-right, it is developing in United-Kingdom, Scandinavia, Germany, United-States, New-Zealand. Despite of this growth, there is no common vision about this problematic and various definitions are suggested.

Furthermore, it is interesting to realize how jihadi and ultra-right are getting auto-stimulated. Despite of their ideological opposition, they share a Manichean vision of the world.

Concerning ultra-left in France and abroad, the phenomenon of black blocks is relevant.

The advent of "ecological" terrorists is also observable, meaning individuals which consider there is not enough efforts make about climatic issue and they could become violent. As Gilles

de Kerchove explains, it could be soon an emergence of technophobic. In a technological world, it might be violent groups which rejected technological advance.

### ***THE PLACE OF NEW TECHNOLOGIES IN THE EVOLUTION OF THE THREAT***

It is essential to incorporate the threat linked to new technologies and their uses by terrorist on the analysis of the phenomenon.

Gilles de Kerchove stresses to the « virtual caliphate » issue, and also, as Mark Wallace and Hans-Jakob Schindler, observe to the importance of its control. In addition to its territory loss, the Islamic State still have a virtual one with decentralized platforms and open source software useful for jihadi. Moreover, they now crypt their communications.

The European Coordinator remains the persisting worry of virtual jihad in particular with what it calls the “confinement algorithmic”, which means that when a key word is written on a search engine, algorithms record it and the web user get more and more similar contents.

Gilles de Kerchove advocates an algorithmics’ modification. There are currently discussions to do so in order to counter encryption issues. The main goal is to obtain the removal of videos with jihadist contents. **In 2016, 80% of the propaganda was spread on social media as Facebook or Twitter.** Nowadays, these channels represent 40% of the broadcasts. The rest is shared on narrow networks. As they are smaller, their visibility is reduced and so it is harder to be aware of the information. It slows the radicalization. However, a huge campaign has to be led to contain the spread of these individuals on the various means of communication. The social networks are multi-use. Beside the possibility they offer to recruit and to broadcast propaganda, they enable to raise funds.

Hans-Jakob Schindler explains that terrorists have looked after alternatives with cryptocurrency, of which bitcoin to finance their groups. Many money laundering practices transfer funds in the legal economy. It provides to store the value and to transfer it toward organisations. Cryptocurrency is advantageous because it is largely accessible not considered as a financial asset (elusive and could not be frozen).

These new technologies are risky. The Islamic State has reached to be to richest organisation in the world. Hans-Jakob Schindler calls for a legislative recast. As an example, the European Union passed the 5<sup>th</sup> directive against the money laundering operations thus halting this phenomenon.

## ***THE ANTITERRORIST FIGHT IN EUROPE***

Kevin Jackson, Research Director of the International Center for the Analysis of Terrorism (CAT), asks if Europe has means and resources to prevent these “returnees” fighters, who escaped, to come back irregularly in Europe.

Manuel Navarrete, Director of European Counter terrorism Center (ECTC), Europol, underline that Islamic State is still a threat for European Union. The multitude of collected data at European level about jihadi has to be dealt in order to extract what is really important. The analysis must be meticulous to draw the short and medium threats. To do so, cooperation and coordination between nations are essential. An improvement is pointed out by him, even if this is not yet optimal results, viewing the decrease of attacks compared to what happened in Europe in 2015-2016, until 2017-2018 (with 68 and 13 deaths linked to terrorism). Since 2018, Europe know less attacks thanks to many disrupted plots. Members States succeeded in a better anticipation of the threat.

Currently, Europe has to face irregular returns of fighters, among who someone have already perpetrated attacks as Mehdi Nemmouche at the Jew Museum of Brussels in may 2014. A global approach has to be adopted to prevent from voluntary returns.

To this end, efforts must be concentrated on three key fields :

- **Borders:** to provide all countries having relevant data by using Schengen, Europol and Interpol systems. It must be a reinforcement of border controls.
- **Interoperability:** to connect each IT system
- **Financing:** to reinforce the fight against the terrorism financing

## ***THE FUNDING OF THE ISLAMIC STATE***

When Islamic State has a territorial caliphate, its main source of funds was extortion of local people, taxes on trade and oil traffic. The last one used grids previously developed during Saddam Hussein regime (under international sanctions). At the same time, ransoms and third states financing (this is a grey zone) may have existed. Slavery and trafficking in human beings, especially women, were developed to swell its budget, as well as part of the archeological heritage.



### **...*BY THE SALE OF ARCHEOLOGICAL CULTURAL GOODS***

The Islamic State granted excavation permits, even if it is absolutely not the main source of financing.

Gilles de Kerchove is convinced that what has been stolen is currently stored around Syria and Iraq until attention diminishes and goods are put back on the art market in 6-7 years in auction houses like Sotheby's and Christie's. In the antiquities market, items are not directly offered for sale.

The case is complicated because many buyers are not aware that they are involved in terrorist financing. On the contrary, some people think they are doing a service by protecting goods from the hands of barbarians. The object in question is not illegal, unlike trafficking in human beings or drugs. It is a vicious circle.

The example of a US Army colonel illustrates the fight that can be waged against trafficking in cultural property. While on a mission in Iraq, he entered the Archaeological Museum of Baghdad in 2003 and discovered that two thirds of it had been stolen. He tells of having phoned his general and asked him for a few days' permission to try to recover the goods. Nearly 15 years later, he is still tracking them down and has become the chief investigator of the New York District Attorney. His work is so successful that Sotheby's has stopped selling Mesopotamian goods, which are systematically seized and returned to their country of origin. Giving back these assets helps Syria and Iraq to restore their identity in plural countries where there are Yezidis, Kurds, Shiites, Sunnis...

The low level of legal action linked to this cultural trafficking makes the subject even more discreet. Therefore, resources for police investigations are limited and few cases emerge.

Hans-Jakob Schindler adds that Security Council Resolution 2347 of 2017 declares that this is an important issue in financing and that operational measures are listed so that they can be deployed by Member States in terms of controls and procedures on the art market. In the most important auction houses, for every 100,000 items sold per year only about ten people are present to check and control what is presented to buyers. Even in the most prestigious auction houses, the budget allocated to controls is very limited.

In 2016, Switzerland closed the privileged access to these free ports by listing the items stored and limiting the storage time.



However, this issue is not only a terrorist financing one but also has ideological importance. What the Islamic State wanted to do was destroy Iraq's identity in order to establish a black and white society without culture. Propaganda disseminated information that archaeological sites were being destroyed.

## **F**IRST PANEL : THE FUTURE OF THE JIHADIST MOVEMENT

This panel discussion brings together Shiraz Maher, Wassim Nasr and Petter Nesser. This panel is moderated by Kevin Jackson. The different speakers share their own expertise on the future of jihadist movements.

**Shiraz Maher** is the Director of the International Centre for the study of Radicalisation (ICSR), King's College, London

**Wassim Nasr** is a Journalist specialised in jihadi movements

**Petter Nesser** is a Senior fellow at FFI Terrorism Research Group

**Kevin Jackson** is a Research Director at the Center for the Analysis of Terrorism (CAT)



If a study was to be conducted over the last two decades, it would show that the jihadist movement has been very resilient.

Some researchers, including Shiraz Maher, Director of the International Center for the Study of Radicalisation at King's College, have asked themselves if we are winning against the ideology advocated by terrorist groups. According to him, the answer is negative because we would not be doing the right thing in order to contain the threat.

At the beginning of the twentieth century, the focus was essentially against the left, ranging from the Social Democrats to the most convinced and violent socialists such as Joseph Stalin. To counter communism, some responses have been made by different countries to prevent left-wing parties from thriving.

Nowadays, the times are critical and it is important for our society to be able to provide an answer.

### ***THE PREGNANCY OF THE GROUND OF THE JIHADIST MOVANCE***

Some factors seem to encourage the emergence of jihadist movements, the current situation in Syria was totally unexpected according to Shiraz Maher. If someone had speculated that the Syrian regime would collapse and that large chunks of the country would be taken over by a self-declared “caliphate”, it would not have seemed realistic. Nowadays some of the elements that have allowed the emergence and development of the proto-state still remain. Shiraz Maher expresses the fear that Syria will continue to be in a state of crisis throughout our generation because structural and ideological reasons are still prevalent.

### ***STRUCTURAL REASONS FOR THE SYRIAN CHAOS: SOCIO-ECONOMIC REASONS***

Petter Nesser, a researcher at FFI's Terrorism Research Group says that Syria initially had the ideal conditions to welcome the emergence of an Islamist caliphate, due to its special symbolic status.

ISIS developed in areas populated mostly by poor Sunnis, considered disadvantaged under the Baath regimes. In fact, these people live in total insecurity, unsure if they will wake up the next morning or if their house will be destroyed, argues Shiraz Maher.

Therefore, the idea that the end of the territorial, physical “caliphate” means the end of the Islamic State is a wrong idea. The vulnerability of this population remains a fertile ground for terrorist groups that use its vulnerabilities.

However, the "caliphate" did not change the people’s situation as it had hoped. Thus, the re-emergence of such movements is always possible, in fact they are still present. ISIS continues to carry out attacks in various areas of Syria and Iraq. On the other hand, the threat will be persistent as long as the underlying problems remain.

Indeed, the economic problems facing the local population motivated some jihadist fighters, even though it is not the only factor. Today, the aftermath of the war is still prevalent and many Syrians live in precarious conditions. Nevertheless, most of the Sunni population was already in pre-war camps where children grow up in deplorable conditions, according to Wassim Nasr. This environment can favour a wide dissemination of the Islamist ideology that feeds on these frustrations and precariousness. He believes that these children, within two or three years, will probably join ISIS, al-Qaida or another organisation. Moreover, it is essential to take stock of this issue and these vulnerabilities.

### ***THE ANTAGONISM BETWEEN WESTERN IDEALS AND JIHADIST MOVEMENTS: IDEOLOGICAL AND RELIGIOUS REASONS***

Wassim Nasr, a journalist specialised in jihadi movements, calls on Western countries to be less focused on Western fighters, who make up a small percentage of these movements. All kinds of people joined those movements that began to emerge as a result of the 1967 defeat of Arab forces against Israel during the Six-Day War, when the conflict moved east of the Jordan River.

In order to understand what ISIS is today, from its ideologically oriented composition, we must see this movement as politically revolutionary. This is difficult to understand in Western countries, which have become more secular. It is necessary to understand that religion can be the driving force behind political movements.

The proposed revolutionary project may seem very attractive, since it is nowadays one of the only ones proposed. The proposed ideas are easily accessible as well as the propagandist discourse. Therefore, this movement will continue to flourish throughout the century, says Wassim Nasr.

## ***A REGION EASILY ACCESSIBLE***

In addition to the religious aspect and the revolutionary ideology, the proximity to the borders of Europe and Arab countries has fostered the establishment of the caliphate in the Iraqi-Syrian area.

Shiraz Maher speaks of opportunism. In fact, he mentions the notion of "opportunistic criminality". In the past, if someone wanted to go to *jihād*, he had to go to Afghanistan, Yemen, or Somalia, which was complicated. Indeed, they would have to overcome barriers to enter these countries with their own visas. In addition, the cost of the trip was substantial.

Nowadays, going to Syria is easier. The area is at the gateway to Europe and it is less complex and less expensive. In the case of a young fifteen-year-old jihadist raising 300 or 400 Euros is far easier. Regarding the visa issue, it is easier too.

## ***THE NEW LANDS OF JIHAD***

According to Petter Nesser, Senior fellow at FFI Terrorism Group, Afghanistan still has a special symbolic value in the history of jihadism. We can think that other foreign fighters will go to this country, despite the fact that all the conditions for the development of a caliphate, such as those observed in the Syrian-Iraqi zone, will not be met.

The Taliban seek power and believe that they will be welcomed by the population, according to Petter Nesser.

Moreover, due to the revolutionary ideology, Asian populations can be attracted as well. In Southeast Asia, and particularly in the Philippines, extremist islamisation is spreading. Nevertheless, the area is mostly inhabited by Christians. The south of the country was the scene of five months of fighting - becoming a sort of refuge for jihadist fighters.

According to Shiraz Maher, the local problems can exacerbate a situation but they are not necessarily the driving force - the motivations of jihadist individuals are not always clearly defined. Moreover, it is necessary to distinguish between a local person who adheres to the ideology of the Islamic State and a European who joins the movement. The dynamics are totally different. In the first case, the vulnerability of poverty and the deterioration of living conditions can be a motor - just as it happened in Iraq and Syria. In the field, people have to make difficult and pragmatic decisions to protect their families. According to Shiraz Maher, what is perceived as an Islamist rise is nothing but local problems linked to relations between individuals and the State. In other words, it is essentially a local dynamic that manifests itself.

Wassim Nasr adds that in the Philippines, the same people who were fighting against the Americans were also fighting against the central Christian government in Manila, wanting more autonomy and independence. In this case, jihadism was an alternative and the fighters ended up joining terrorist groups like Al-Qaida and ISIS. Today, the problems are the same. Only the banner has changed.

Petter Nesser underlines the necessity of observing local mobilisations in the jihadist movements. An element of local conflict is enough to help fuelling and making it possible to have recruiting networks for jihadists. Given the history of the networks, it is clear that some actors undertake recruitments in an area where they exploit local factors in order to mobilise the population.

### ***A GAP WITH PREVIOUS TERRORISM THROUGH TECHNOLOGY***

Technology is exploited and used by jihadist movements for many purposes.

Social networks allow ISIS members to establish a discussion with geographically remote individuals. This is a major change in communications. Previously, to pledge allegiance to al-Qaeda, it was necessary to wait for Bin Laden or al-Zawahiri (at the time number 2 of al-Qaeda) to make a speech and then to transmit it. From now on, thanks to the technological innovations, it is easy to make contact with an individual who joined the Islamic State from the same region and to exchange with him.

On a different level, the efficiency of innovations has been proven once again. In Germany, an attack with a gun produced using a 3D printer was perpetrated. All these innovations will be exploited by jihadists who are always ready to make use of the latest technologies. Therefore, it is necessary to follow more conscientiously the operational use that jihadists can make of these new technologies.

### ***THE ROLE OF WOMEN ENABLING THE PERPETUATION OF JIHADIST MOVEMENTS***

In the past, women were not allowed to die as martyrs. Today, they are allowed to make bombs and to commit suicide bombings. A true evolution of their role took place within the jihadist movements - putting into question their future implication in the Islamic State.

Hans-Jakob Schindler demonstrates the distinction between the state project proposed by Daesh and Al-Qaida's one. In the first group, women were invited to join the caliphate and to answer the role assigned to them. In Daesh's weekly magazine, at the end of the territorial era, a

widespread call was made to mobilise women. This message was addressed to women around the world. In this context, the expected mobilisation is aimed at making them commit terrorist attacks.

The rhetoric spreading by the media of stereotypes like the brainwashing of these jihadist women is a disavowal of any ability of women to act freely, which is a mistake, believes Hans Jakob Schindler. By joining terrorist groups, women made an informed decision.

It seems that women are showing greater involvement in the abuses committed. Petter Nesser acknowledges greater involvement of women in jihadist international terrorism while trying to nuance their representation as fighters. Most have recruiting roles.

In sum, it is the women who also maintain the ideology of the Islamic State. The children educated in this ideology, generally by their mother, make up for their part the rise of the movement. Hans-Jakob Schindler advances the helplessness of Western societies in the face of this problem that do not really know how to act to anticipate and counter the threat. He points out that there are currently debates as to whether or not children aged 5-6 could be reintegrated into society, without presenting any danger whatsoever.

### ***AFTER BAGHDADI***

When the self-proclaimed caliph Abu Bakr al Baghdadi, first showed up in 2010 he was unknown. Wassim Nasr wants to point out the fact that societies had never thought that he would become the future leader of ISIS.

When he took over in 2010, the organisation was almost destroyed. He successfully managed to keep it alive and even to export out of Iraq, spreading it throughout the world. The first step of its exportation took place in Syria. Some fighters have gone all around the world to lead the jihad. Today, despite territorial defeats, the organisation can count on a myriad of affiliates.

Henceforth, the death of Abu Bakr Al-Baghdadi may not change the world. It only a symbolic victory for the West and doesn't change anything for the organisation. We have seen this before with the deaths of Osama Bin Laden and Abu Mussab Al Zarqawi: their movement is still alive with new leaders.

### ***TOWARDS AN INTERNAL COHESION OF THE ISLAMIC STATE ORGANISATION?***

Wassim Nasr feels it is too soon to evoke an internal cohesion. In fact, the group he knew few strife. When Abu Bakr al-Baghdadi self-proclaimed himself as a caliph, the internal and

external divisions were exacerbated. Internal conflicts could be absorbed between those who consider him and those who consider him too radical. Otherwise, his death was expected by those who blamed him for the collapse of the territorial “caliphate”.

From now on, the leader will be replaced. Petter Nesser remembers the fact that different regions pledged allegiance and fidelity to the “caliphate”.

Internal conflicts are a big component of jihadism’s history, as we can observe in the Afghan conflict. This movement survived and strengthened over time. Al-Baghdadi’s death can pave way for the emergence of new factions and new alliances with the Islamic State. However, a rivalry still exists between the different groups. Each one is in competition with the other to take the leadership in different areas.

Historically, Al-Qaida was composed of a few hundred fighters in Afghanistan. The network was not so sophisticated but still did not prevent the 9/11 attacks which were well organised. Nevertheless, there was a fragmentation inside the salafi jihadi movements across the world (North Africa, Afghanistan, Middle East etc.).

Nowadays, there is a proliferation of terrorist movements. Simultaneously, a process of “hybridation” creates rivalries within the different groups. It means that every radical movement with its own specific ideology will try to attract different profiles.

### ***THE LINK BETWEEN AL-QAEDA AND THE ISLAMIC STATE***

Sometimes, we can observe a partnership between the two groups. For example, the apartment where Al-Baghdadi was killed was under the control of members of Al-Qaida. The relations between the two groups are not so bad according to Hans-Jakob Schindler.

However Al-Qaida and the Islamic State frequently prepare suicide attacks to destroy each other. Furthermore, some fatwas have been decreed by Al-Qaida to target Daesh considering the group and their leader illegitimate. In fact, Al-Qaida never recognised the self-proclaimed “caliphate”.

Nevertheless, in the Sahel region the two groups have recognised each other. After the death of the “caliphate”, Al-Qaida agreed to welcome its former fighters without forgetting their antagonism.

Petter Nesser underlines the fact that we have to distinguish between the local groups and international rings who accept a cooperation based on mutual interests or mutual enemies. For example, if we look the European rings, the distinction between the two groups is not



simple. In the Sahel region, they work together and they accept each other.

### ***CONCLUSION ON THE FUTURE TERRORIST THREAT***

ISIS remains a powerful terrorist organisation, says Petter Nesser. Its territorial unity and the propaganda elaborated testify it. The jihadist ideology has obtained many followers in recent years. The mobilisation that was recorded during the war in Syria is unprecedented. Today, despite territorial defeats, the ideological matrix is still present and continues to resonate with many young people. Indeed, Petter Nesser underlines the fact that the activity of these groups and networks remains important.

To conclude, Petter Nesser believes that terrorism lives 40 year cycles. Previously, four waves had been identified, namely the anarchist, the anti-colonialist movement, the new left, and religious currents (from the Revolution in Iran in 1979 to the present day). The end of this period would be happening at this moment. However, jihadism shall continue to evolve because it is full mutation.

## **S**ECOND PANEL : ONLINE EXTREMISM AND RADICALISATION

The second panel gather Amin Boutaghane, Charlotte Collonge, Hany Farid. The round-table is moderated by Lucinda Creighton. The speakers have a role in the fight against terrorism and share their professional experience within institutions.

Discussions hinge on counter-narratives, the role of the institutions and their limits, the place and the efficacy of technologies in the fight against terrorism and the cooperation and shared initiatives to fight and prevent the violent radicalization.

**Amin Boutaghane** is the Chief of the French Anti-Terrorist Coordination Unit (UCLAT)

**Charlotte Collonge** is Head of counter narratives, Inter-ministerial Committee for the Prevention of Delinquency and Radicalization (CIPDR)

**Hany Farid** is Senior Advisor of the Counter Extremism Project (CEP)

**Lucinda Creighton** is former Irish Minister for European Affairs and Senior Advisor to the Counter Extremism Project (CEP)



## ***INTRODUCTION***

It is obvious that Islamist radicalization typically takes place on the Internet and various social networks. These electronic platforms have enabled different terrorist groups to not only recruit but also to plan attacks. Indeed, each attack was coordinated on-line with individuals having been radicalized through these communication channels and fomented terrorist attacks. Thus, cyberspace management has become a major concern in the antiterrorist fighting. Besides, due to the constant development of technologies, many more challenges remain to be taken up. Governments strive to protect citizens against potential attacks but sometimes face severe resistance from the main social media companies.

## ***THE ACTORS OF PREVENTION AND THE VIOLENT “DISENGAGEMENT”***

The prevention of radicalization is the core business of the Counter Extremist Project activity which works with governments, intelligence services and European organizations.

As for the Inter-ministerial Committee for the Prevention of Delinquency and Radicalization (CIPDR) and the French Anti-terrorist Coordination Unit (UCLAT), both entities work daily to prevent and contain violent radicalization. Both organizations sometimes cooperate on various projects.

## ***THE DIFFERENT PREVENTION AND CONTAINMENT RADICALISATION PLATFORMS’***

Amin Boutaghane, chief of the French Anti-terrorist Coordination Unit (UCLAT) emphasizes that the state of the terrorist threat requires a thorough analysis to hinder it. This includes the surveillance of individuals, specific measures and intelligence technics. Mr. Boutaghane reminds us that all intelligence services are involved in this fight. They play a prevention role to eradicate the threat. Each day, they strive to better control these new terrorist threats with a more detailed understanding and a better management of the cyberspace that is used by different terrorist groups.

Social networks allowed terrorists to coordinate themselves to stir up or realize attacks but also to diffuse what Amin Boutaghane calls « mental poison », the ideology promoted by these groups. Violent videos are regularly posted on these media generally staging decapitations and various acts of violence. Individuals, sometimes minors, have been able to access these videos available on these diffusion channels.

It was therefore necessary to act upfront. For some time, the deletion of these contents wasn't swift enough. Formerly, these contents were deleted in a week. Then, the deletion took place within 24 hours. Once elected, the French president, Emmanuel Macron, considered that it was necessary to get the countries to agree to withdraw these contents within an hour. Nowadays, thanks to a strong mobilization, the deletion time has been significantly improved. Many players such as IT companies, intelligence services and others have been involved.

Nowadays, different platforms play a considerable role in the radicalization prevention and in the description of Jihadist contents.

Firstly, Amin Boutaghane mentions the **Pharos platform** that depends of the French judicial police and gathers most of the dangerous and propagandist contents. This platform also collects also information about child pornography.

The service that manages Pharos uses the article 6-1 of the digital economy law to take appropriate measures. However, it is a complex disposition from a technical and logistics perspective as well from a procedural point of view. During 2018, Amin Boutaghane confirms the platform Pharos sent 12 100 withdrawal requests.

Another system developed by Europol, the **Internet Referral Unit (IRU)**, centralizes data. It has become a storage place and an accelerator for investigations on terrorist contents. This platform was instrumental in enabling the withdrawal of Jihadist contents within an hour. The IRU is a reference in Europe. Nowadays, it is essential that Internet's large companies work on this topic and provide clear answers.

### ***THE ACTION OF THE INTER-MINISTERIAL COMMITTEE FOR THE PREVENTION OF CRIME AND RADICALISATION (CIPDR)***

As stated by Charlotte Collonge , in charge of the « counter-narrative » at the CIPDR, the organization fixes the political directions for the Prevention of Delinquency and Radicalization. Amongst the CIPDR remits, the development of the counter-narrative is considered a priority by the authorities. It was noticeable, after the launch of the Website STOP DJIHADISME, that the institutional message wasn't audible. Part of the public doesn't buy-in to the government's approach. This is the « grey zone » which is principally composed of young people who could be interested or familiar with salafite-Jihadist propaganda. It was therefore necessary to suggest another counter-narrative which would originate from the people. The CIPDR work consists in gathering credible initiatives to address these young people (12-25 years old) by mobilizing the

entire civil society. This explains why the committee works with different actors such as associations for example.

The CIPDR works with around 20-30 associations in the field and on-line. An evaluation is carried out in order to measure the cognitive impact of their actions on the target population. It's a long process and still on-going.

The members of the committee work on different aspects: promotion of citizen values, living together and positive values. Indeed, as Charlotte Collonge said, the counter-narrative is also the provision of positive values and an alternative viewpoint. The objective is to create a counter-propaganda. The CIPDR support initiatives such as plays. Work groups are also set up to create awareness amongst the younger population.

As for the cyberspace, the CIPDR works with about 15 associations with whom it has close ties.

### ***ONLINE JIHADIST CONTENTS AND THEIR PROLIFERATION***

Hany Farid, principal advisor of the Counter Extremism Project (CEP) notes a development of the technologies to identify Jihadist on-line contents. Gaps remain however. According to him, the technologies sector is predictable, whether it be terrorist content, child exploitation material or pornography. At the beginning, we deny the problem, then we accept its existence while minimizing it and finally we consider there are no solutions to it, Hany Farid said ironically. However, as the latter said, these problems can be resolved.

To succeed, we have to implement different processes. In 2000, when Hany Farid worked on the problem of child exploitation, he noted a reluctance from companies to remove these videos for copyright reasons. During 5 years, governments tried to inflect companies' point of view that refused to take action claiming it was an impossible task.

But in 2008, Hany Farid developed with Microsoft, the software : photo DNA. This technology offers the possibility of taking pictures and extracting their digital signature to finally find where the content was published on Facebook or YouTube. When companies claim how difficult it is to withdraw contents, it's a lure said the CEP.

This innovative technology was implemented in less than a year. This solution was then developed further and is now available for audio and video contents allowing their swift removal. Hany Farid explains that the error rate is very low. Moreover, this system is autonomous. Nevertheless, On-line streaming is still not under control. For that, new

technologies have to be combined with human analysts. However, Hany Farid highlights that the daily quantity of published contents is huge making the job very complex.

To facilitate the withdrawal of Jihadi contents, different actions have to be implemented.

There are 3 possibilities according to Hany Farid:

- The social society can put pressure on companies
- Modify the legislation : as done in the UK, the European Union and the United states
- The C.E.O.s can transform the internet by removing certain contents and by not advertising these websites.

However, as Amin Boutaghane said, some countries are reluctant to find solutions against this Jihadist propaganda. For example, during the G7 last year, a lack of boldness was perceptible. This may be explained by the financial losses linked to the removal of contents.

### ***THE COOPERATION FOR THE FIGHT AGAINST THE RADICALISATION***

There is a continuum between institutions and players mobilize in this struggle. We note a real coordination between l'UCLAT and the CIPDR. The CIPDR is a preventive body whereas the UCLAT is in the coordinator for repressive activities. For all that, they work together on this subject.

**As an example, on the national plan on radicalization prevention, of the 60 measures, UCLAT worked on 33 of them.** The CIPDR try to contain the radicalisation whereas UCLAT is an answer for the radicalization. The CIPDR in close collaboration with UCLAT developed a formation kit for teachers and head of companies. The UCLAT is part of CIPDR's formations. The unity also works with Europe and in particularly with the Radicalisation Awareness Network (RAN). The UCLAT wants to optimise the collaboration with the G5 Sahel and the main countries of the Sahelo-Saharan region to anticipate and contain the threat.

As for the collaboration on the European plan, the RAN enables useful exchanges between players : policy makers as associations Charlotte Collonge insisted. It permits to know what is done in others countries.

Convergence points are visible between European partners. Since that, different countries can influence themselves.

As an example, the UK works with a communication agency. The associations use this latter to develop counter-narrative campaigns on networks and in the field. There also are territorials-committee organize in the Home office to adapt the correct strategy. Charlotte Collonge recommends to use this technical.

The CIPDR is involved in others networks like the ISCN (International Sustainable Campus Network) that is a emanation of the European Commission as the RAN. The ISCN is oriented for the policy makers. It permits to compare what clearly work but also what don't work.

Thanks to these meetings, the three counter-narratives which have the main impact on the young population has been identified : reformed speeches, terrorism victims and religious address.

The other teaching lies in the speech adaptation according to the pubic targets. It is indeed essential to know to whom the discourse is addressed, i.e. the bottom of the spectrum or an audience already sensitive to extremist discourse. Depending on the audience, the speech must be adapted

Lucinda Creighton considers the issues of download filters and the removal of jihadist content online under an hour remain matters of contestation. The 1-hour removal requirement is being lobbied against by those who do not want the swift removal of such content.

Hany Farid considers that industrials complaints are incorrectly founded. He thinks these companies don't want to make progress the situation in reason of economic cost.

As for the withdrawal within less an hour, they don't want to have the problem of the « whack a mole ».

However, once the dangerous content is identified and removed, the latter can reappear on other websites. Indeed, Amin Boutaghane assures these contents can be available on other websites as the Dark net. The technology is able to avoid the dissemination of these contents. Thus, it's necessary to be watchful and fast in the total withdrawal of these videos. However, Mr. Boutaghane affirms the content withdrawal within an hour can be delayed.

Amin Boutaghane recommends a onerous fine that have an effect more discouraging. When the economic factors are showed, the reactivity is generally multiply.



## **T**HIRD PANEL : JUSTICE AND TERRORISM

This panel focuses on the link between justice and terrorism and the state of the threat from a judicial point of view. The three speakers, Isabelle Panou, Marc Trévidic and Hilde Vandevoorde, occupy or have occupied key roles in the fight against terrorism within the various French, Belgian and European judicial institutions. The round table is moderated by Sacha Belissa, Head of the Judicial Division at the Centre d'Analyse du Terrorisme (CAT).

**Isabelle Panou** is an Investigating Judge at the Court of First Instance in Brussels. She was in charge of the investigation into the attacks of November 13, 2015 in Paris.

**Marc Trévidic** is a former Investigating Judge at the anti-terrorist unit of the Tribunal de Grande Instance de Paris between 2006 and 2015 and since 2018 he has been President of Chamber at the Court of Appeal of Versailles

**Hilde Vandevoorde** is a former lawyer who became a prosecutor specialised in organised crime and terrorism. Since 1 December 2017, she has become National Member for Belgium at Eurojust and heads the Counter-Terrorism Group.

**Sacha Belissa** is Head of the Judicial Division of the Centre for the Analysis of Terrorism (CAT)





## INTRODUCTION

The novelty of this modern jihad, in connection with the Iraqi-Syrian zone, lies in its massiveness, which puts considerable pressure on judicial institutions, which must adapt at the same pace as the political and legislative powers. Sacha Belissa, Head of the Judicial Division at the Centre for the Analysis of Terrorism (CAT), recalls that **at European level there are approximately 5500 departures to the Iraqi-Syrian area with approximately 1600 returnees, 1400 dead and approximately 2500 missing.**

**As for France, more than 1300 adults have joined terrorist organizations in the region.** However, these figures do not take into account the number of radical ideological adherents who insidiously support those who have publicly chosen jihad.

According to Sacha Belissa, the current situation can be analysed from two different angles.

- The first concerns people present on French and European soil and therefore in the hands of French and European justice.

**In total, French courts have tried 477 people in 188 trials since 2014: 10 criminal trials, 164 correctional trials and 14 juvenile trials.**

**According to the Ministry of Justice, 76% of the 283 French adults or "returnees" French residents have been prosecuted.** This figure is explained by the fact that women did not start being prosecuted until 2016.

The latter recalls that out of 121 individuals convicted by the French courts, **113 are men and 8 women for an average sentence of seven years' imprisonment.** Only four men were convicted by a criminal court. The rest of the individuals were tried for various offences: planned attacks, attempts to leave, logistical support or financing. **The average sentence imposed on all litigation is 6 years and 8 months' imprisonment.**

Since 2014, the average sentence per year, all categories combined, has increased slightly over the years, despite the will of the political authorities to tighten criminal policy. From 2016, the Public Prosecutor, François Molins, expresses the wish to criminalise terrorist offences, in particular for individuals who joined the Iraqi-Syrian zone after the 2015 attacks - considering that they could not ignore the deadly ideology of these organisations from that date. This will to tighten up has had difficulty to emerge, although there have been a total of 10 trials since 2016. Between 2014 and 2016 no trial have took place.

The judicial treatment by the French and European jurisdiction leads to another issue. This is the follow-up of radicalized prison "leavers". **In France, 1/3 of those convicted of terrorist offences will be releasable by 2020 and 75% by 2022.**

In addition, there is a huge burden on the intelligence services. In response to the urgency of the situation, Prime Minister Edouard Philippe announced the creation of a specific unit to monitor terrorist or radicalised detainees as soon as they leave prison.

- The second challenge concerns the fighters and their families still present in the area - usually detained by the Kurds of Syria ("Rojava") or in Iraq.

A significant number of jihadists and women have still not returned yet to their home countries. **The Kurds are said to hold about 2000 jihadists and 11000 foreign women and children. For the French, there would be 60 men, 100 women and 250 children.**

Almost all European States rejected the hypothesis of a return of these combatants - arguing that these jihadists should be tried in the place where their crimes were committed. According to some States, the Kurdish authorities would be competent to judge this contingent under international law. However, this is questionable in practice. Rojava's judicial institutions are not sufficiently trained and constituted. This explains why Kurds frequently call on States to take back their nationals. In Iraq, about ten combatants have already been sentenced to sentences from perpetuity to death. However, the death penalty is contrary to European values - making it difficult for States to accept that a judgment, contrary to French and European values, can be handed down. Finally, there remains a significant risk of the dispersion of these jihadists, which can be explained by the instability in the region caused by the American withdrawal and the Turkish offensive.

### ***THE EVOLUTION OF THE LAW***

In 2000, the treatment of people who chose to do *jihad* was totally different from the one we now know, recalls former anti-terrorist judge Marc Trévidic. In the case of Bosnian rings, those that had joined Bosnia, at war against Serbia, were not prosecuted. In France, only those who were preparing, upon their return, an attack in France were prosecuted. Moreover, the mere fact of having joined mujahideen was not enough to be an association of terrorist criminals. Only the fact of planning an attack was taken into account.

Subsequently, France began to prosecute, with the same offence, individuals who went to al-Qaeda training camps in Afghanistan, believing that this was sufficient to determine a terrorist criminal association.

Later, France began to prosecute, again with the same offence, those who were preparing to leave for *jihad* areas. Gradually, the mere fact to have been in contact with terrorists *in situ* was enough to create a terrorist agreement and thus allow them to be arrested before they reached the theatres of operations. French justice intended to prevent a future terrorist action.

With the evolution of the law, Marc Trévidic believes that the real question was whether individuals were judged for what they intended to do or for what they had already done? He recalled that this question only concerns anti-terrorist justice. French justice has therefore gradually had a preventive function, as an administrative police force, which has posed problems because its role is to be the guardian of individual freedoms.

So there has been a real evolution. From now on, it is possible to be prosecuted for the simple fact of having tried to join a terrorist group. So it is natural that there are many more individuals to treat. At the same time, several prisoners will be released from prison, which will require increased surveillance. So the issue is completely different now.

The Belgian judge, Isabelle Panou, explains that, like France, Belgium has undergone legislative changes. In Belgium, there is the general offence of "participating in the activities of a terrorist group" has been confirmed. The latter explains that, as in the French case, the Belgian courts have amended and shaped the legislation according to the urgency of the situation. For example, joining theatres of operations was not an offence. From now on, this is subject to criminal law - but this does not mean that it is retroactive.

Judge Isabelle Panou insists that cooperation is now essential to deal with terrorist cases. In the context of the dossier of 13 November 2015, for which she was in charge, she highlights the cooperation work between France and Belgium. Joint investigation teams including France, Belgium, Eurojust, Europol and the Netherlands have been set up. The latter also points out that the five-member survey lasted a total of four years.

### ***INTERNATIONAL COOPERATION IN THE FIELD OF ANTI-TERRORIST JUSTICE: THE EXAMPLE OF EUROJUST***

Hilde Vandevoorde, Head of Eurojust's Counter-Terrorism Group, recalls the importance of the European Agency in the fight against terrorism in Europe. The institution deals with cooperation at the judicial level but does not have its own investigative powers. The main task is to help the national authorities while allowing the different countries to meet. In other words, the European agency allows international cooperation by bringing countries together with the support of interpreters to make the work operational. The objective is for instance to make comparisons of the domestic law of the different countries.

Hilde Vandevoorde explained that the Member States have to share with Eurojust information about criminal investigations opened in the context of terrorism. This is the result of a European decision dated 2005 which obliges Member States to send this information to the European Agency. The 28 Member States have an obligation, as soon as they open a terrorist case, to keep Eurojust informed of its progress, the follow-up of the procedure and judicial decisions - even if they do not use the European Agency as a coordination platform. Eurojust then carries out comparisons and analyses which will be referred to their national correspondents in the field of terrorism. They will thus be able to benefit from decisions and analyses made abroad by having a perfect knowledge of this information. In this respect, international cooperation is therefore crucial.

However, not all States systematically send this information. For Eurojust, it was therefore necessary to remedy the transmission system. To compensate this failure, the former member for France, Frédéric Baab, worked to facilitate the way in which States could send information. To do this, it launched the **European Anti-Terrorism Judicial Register**. It was launched at the beginning of September 2019 and makes it very much easier to send information to Eurojust. Since then, several States that did not send information have finally done so. These include data from court files, entities included in the files and references from magistrates or even competent prosecutors' offices.

Then, the data are inserted into a suitable system that generates "hits" and when similar links are observed in other cases, the respective States can be notified. Then, the latter decide whether or not to request coordination platforms. Eurojust is therefore limited to judicial cases and information only. There is no duplication with Europol.

### ***THE HYPOTHESIS AND FEASIBILITY OF THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL TRIBUNAL FOR SYRIA***

Several States have put forward the idea of setting up an International Criminal Court for Syria. If this were to be made effective, it would have to be validated by the United Nations Security Council beforehand. However, there is no consensus on this proposal.

Judge Marc Trévidic considers that in practice this is impossible to conceive because it would mean not incriminating the Syrian regime. This cannot therefore be done because, otherwise, there would be an immediate veto by Russia. Marc Trévidic also points out that even at European level this has never been achieved. However, if it is to be considered at the international level, it must be possible to do so at the European level.

Hilde Vandevoorde believes that this is above all a political decision. This issue must be addressed and taken up at the level of global political institutions.

Concerning this question, the Belgian judge Isabelle Panou also considers that this question is a political decision. However, she stresses that this would be impossible to achieve in the immediate future since the countries have not been able to agree on a single Criminal Court. The latter considers that for legal, psychological and emotional reasons, it was not feasible to create a single Criminal Court. An international prosecutor's office would not be either.

### ***THE PROSECUTION OF INDIVIDUALS BELONGING TO OTHER TERRORIST GROUPS***

This question is a matter for the assessment of individuals who have joined others groups than the Islamic State in Syria. Do judicial institutions treat individuals who have joined groups such as Hayat Tahrir al-Cham or *jaysh mohamed* in the same way?

According to Isabelle Panou, there is no differentiation. She does not have that feeling and says she would not make that kind of differentiation in the assessment of a sentence. For Judge Marc Trévidic, **what matters is not so much the group than the time they left**. He reminds us that it is not the same thing to leave at the very beginning of the revolt in Syria in 2011 as to leave after the attacks perpetrated in France in 2015.

At the beginning of the civil war in Syria, there had not yet been all the abuses committed by the Islamic State. An individual who joins a group in the area after the attacks leaves no place for doubt. Justice considers that he cannot ignore the group's deadly ideology. We can no longer speak of ambiguity, their choice is made with a full and complete consciousness.

As far as penalties are concerned, they must be proportional to what the courts can prove about what has been done, says Isabelle Panou. For the latter, the Criminal Court as it is conceived in Belgium is not adapted to terrorism cases.

Hilde Vandevoorde recalled the central role of the European organisation Europol, which managed to collect a colossal amount of information on the various terrorist files and provided information for the content during the trials. For example, Europol teams worked on the Belgian and French attacks by submitting reports.

## ***THE INCLUSION OF THE VARIOUS GROUPS ON THE UNITED NATIONS TERRORIST LIST***

The Ahrar al Sham group has not been included in the United Nations list. **In France, there are currently 12 cases under investigation for individuals who have chosen to join this group.** There is a legal debate around this issue.

According to Marc Trévidic, the inclusion of individuals on this list is a purely political choice. He believes that if judges made their judgments according to these lists, it would mean that they are subject to political power. The latter claims that he has never looked at such lists.

Judges do not have to rely on a political decision in their assessment. It is necessary to look for the constituent elements of the offence and not to find out how the group is designated, considers Hilde Vandevoorde. **The judge may rely on all kinds of elements, but the judge will mainly and essentially look for constituent elements.**

For Isabelle Panou, the inclusion of an individual or group on a list is indicative information but should not, in any way, guide a judgment. In addition, the latter points out that the characterization of a terrorist group or individual is changing.

## ***THE RECENT JUDICIALIZATION OF WOMEN***

In France, the judicialization of women only began in 2016. Indeed, before 2016, women were not considered as key players in the various terrorist organizations. They were often confined to the role of wives and mothers. For example, in the so-called "gas bottles" trial, two of the protagonists had tried to reach Syria without being worried by the courts.

Gradually, the French justice system became aware of the fact that the latter played a significant role, whether through recruitment, indoctrination or in the various abuses committed.

Hilde Vandevoorde affirms, as a Belgian magistrate, that within the Belgian Federal Prosecutor's Office, files are opened for "returnees" women after having determined what their activities have been within the various terrorist groups. Several women have already been convicted of activities within terrorist groups.

The role of women is more important than we thought. In some pictures of the Islamic state, we can clearly see armed women fighting, recalls Hilde Vandevoorde.

About the constituent elements of the offence, whether it is a man or a woman, this does not change anything, precisés Isabelle Panou.

We are in the process of developing gender equality. Originally, the wives of fighters returning from al-Qaeda camps, like Sylvie Beghal, who was as radicalized as her husband, were simply taken into custody so that they could be heard about their husbands.

Then there were some women who were prosecuted, especially in Belgium, because the courts considered that they had played major roles. For example, Malika el Aroud, played a leading role and de facto had a significant sentence. The situation has therefore been reversed since al-Qaeda. Indeed, at the time of Osama Bin Laden's group, promiscuity between men and women did not exist. The role of women was to help the *jihad* only behind the computers while respecting Salafist orthodoxy. Subsequently, women began to be involved in the war. Groups of jihadist women have gradually been formed, recalls Marc Trévidic. Thanks to social networks, we have become aware of this progressive evolution of the role of jihadist women. From now on, we see them Kalashnikov by hand ready to go into battle.

### ***THE DEFINITION OF TERRORISM AND ITS LEGAL QUALIFICATION***

The definition of terrorism is unclear in Belgium, according to Belgian judge Isabelle Panou. This is an assessment made by the Federal Prosecutor's Office. The latter decides whether or not to attribute the terrorist qualification. It is purely and simply an assessment that is made. When an attack is carried out, investigations are conducted to determine whether the act is of a terrorist nature. The investigative elements will then determine the terrorist qualification.

For Eurojust, Hilde Vandevoorde, considers that the agency does not have a clear position on the definition and recalls that each state has its own definition and the means to deal with it. The latter recalls that what is considered a terrorist act in one country will not necessarily be considered a terrorist act in another. Eurojust cannot impose anything on Member States.

Marc Trévidic recalls that in France the definition of terrorism is based on an "individual or collective enterprise whose aim is to seriously disturb public order through intimidation or terror". This definition was adopted in 1986 and has not changed since then. The latter also explains the fact that today not qualifying an act as a terrorist act is very badly perceived by the public opinion.



## ***SPECIAL INVESTIGATION PROCEDURES***

At the European level, some countries such as Germany or Belgium have procedures in place to protect these special investigative techniques as much as possible. Would it not be possible to harmonize this in all countries in Europe?

**In Belgium, there are three special research methods: observation, infiltration and the use of indicators.** The legislator has allowed the use of confidential files for everything that has been used as a technique of investigation, infiltration and the names of persons who would be threatened if their names were to leave the file.

The Belgian Constitutional Court held that the existence of a confidential file was not contrary to the law of a State governed by the rule of law provided that the file was reviewed by an independent judge. Judges of a special chamber of the Court of Appeal check the confidential file and give an opinion as to whether the content complies with the legal principles of a country.

Regarding special investigative methods, there is no protection of anonymity. Certainly, the file is protected. However, the protection of the police and magistrates needs to be reworked, says Judge Isabelle Panou. We have laws concerning this protection, but it is difficult to enforce.

## ***THE CREATION OF A EUROPEAN PUBLIC PROSECUTOR'S OFFICE***

According to Marc Trévidic, terrorism has always been a means of bringing countries closer together in judicial matters. In this respect, the latter considers that the creation of a European Public Prosecutor's Office is entirely possible, but also a court at Schengen level. To do so, however, it will be necessary to harmonize the judicial conceptions of each country and to know which system would be dominant. Isabelle Panou believes that a European Public Prosecutor's Office would be interesting because collaboration is essential. However, this option remains a political issue according to the latter.

## ***THE PROSECUTION OF MINORS***

Today, it seems complicated to prosecute minors even though some have fought and committed abuses. What particularly concerns the public opinion is the future risk that these minors could cause. Many people talk about "time bombs".

Belgian legislation for minors comes under a special jurisdiction and is totally different from French legislation. Indeed, minors are subject to a separate jurisdiction in Belgium, insists Belgian judge Isabelle Panou. No minor shall appear before an investigating judge unless he is



16 years of age and except in certain exceptional cases. This is the responsibility of the Youth Court, which is now called the Family Court, a youth judge who applies very specific rules. No minors are placed in pre-trial detention in Belgium. In this country, you can't really investigate on a minor. There is a real difference with France.

In France, investigating judges have seen minors who have been referred. From the age of 16, minors can go to prison. Under 13 years of age there are no possible criminal sanctions. French law provides for the choice between an investigating judge or a juvenile judge. They are subject to the jurisdiction of a criminal court for minors, including in cases related to terrorism. With regard to children, it is mainly and essentially psychologists and educators who will have a central role and not criminal justice. They are considered as victims of war, recalls Marc Trévidic. Concerning the trauma and abuses committed, it is therefore the role of psychologists that will predominate and certainly not criminal justice, which will have no legitimacy to avoid what some call "time bombs".

**C**LOSING SPEECH BY SIR JULIAN KING,  
**EUROPEAN COMMISSIONER FOR THE SECURITY OF THE UNION**

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Ladies and Gentlemen

Thank you very much for the invitation.

Never forget these horrific attacks that have happened on European soil, including here in France, where more than 250 people have lost their lives since 2015. Even if the presence of ISIS has decreased on the ground, the terrorist threat remains high in Europe. We saw it again during the terrorist attack at the Paris Prefecture. This threat continues to evolve.

I believe we can say, in the face of this threat, that we are better prepared collectively than we were in 2015. However, we must not give up, because the threat is far from gone.

In 2015, we experienced some prepared and organized attacks from abroad, by terrorist groups infiltrated in Europe, notably by abusing the migration route. Over the last two years, the recent attacks have been made by people who have never traveled to Syria and Iraq, but who have become radicalized here in Europe, in their communities, online or in jail.

According to information received from the internal security services of the member states, some 5,500 foreign fighters from Europe visited fighting areas in Syria and Iraq. About 1,400

died, 1,600 came back and 2,400 are probably still in the area. Among the fighters still in the area, about 500 are in detention, mostly in Syria, but there are also a number of people on whom there is still no information.

In addition, around 1,400 children of at least one European parent are still in Syria and Iraq; around 600 of them are in camps or held in Syria. Most are under 6 years old. This situation poses significant challenges. The decision to repatriate or not their nationals is the responsibility of the Member States. Some, like France, or Belgium, have made the choice to repatriate some very young orphaned children, under certain conditions. The return of these children and their reintegration may pose short-term security challenges, but in the long-term the security implications of what will happen to children who remain in the area, growing up in a conflict environment, will also be major.

Most member states do not wish to repatriate adults, preferring them instead to be tried on the spot. Again, this poses challenges. The establishment of international tribunals is complex, particularly due to the large number of people to be judged and the cost of such a structure. Another possibility discussed by Member States is the establishment of hybrid tribunals, with Iraqi judges but assisted by international experts.

It must be said that the returns of foreign fighters in Europe have been almost zero for two years. However, we cannot neglect this threat because of the volatility of the situation on the ground, especially since the Turkish attack in northern Syria. The situation on the ground is unstable, and we cannot exclude that some jihadist prisoners have escaped, and are trying to return to Europe.

We must also take into account the threat posed by the release from prisons of the first convicts of terrorism. About 1100 people have been convicted of terrorism across the EU, and an estimated 2500 people have been convicted for other reasons, but have become more radical in prison. Almost 300 people sentenced for terrorist reasons must leave prison in 2019. In France alone, the CAT estimates that 115 people convicted of terrorism should be released from prison in 2020.

Finally, we are also facing the rise of far-right terrorism, as we have witnessed with the attack on Christchurch, New Zealand and the recent attack on the synagogue in Halle, Germany. It is a complex phenomenon and of a different nature in different Member States, but it often uses the same sources as jihadist terrorism, such as the dissemination of violent content online.

Faced with these multiple challenges, Member States remain at the forefront when it comes to ensuring the security of their citizens. However, the European Union provides tools and support to strengthen the coordination between its Member States.

We have adopted a two-pronged approach: on the one hand, we are depriving terrorists of the means to harm by limiting their access to weapons, explosives and financing and by strengthening the protection of our external borders and the exchange of information. On the other hand, we have put in place actions to prevent radicalization, both online and in our communities.

Regarding the means of action of terrorists, we have strengthened existing legislation on firearms and precursors of explosives so that the most dangerous firearms and chemicals for making homemade bombs like the TATP are out of reach for the citizens and especially those who would seek to harm.

We have also taken measures to strengthen the exchange of financial information between the authorities of the Member States. It is not a question here of monitoring the movement of large sums of money from third countries, which we are already doing, but rather of using information relating to often small financial transfers. Indeed, most terrorist attacks in Europe have been financed with few means. Thus, national banking registers are being set up in all the Member States and we have facilitated access to these registers by the police authorities. These tools are fundamental in order to be able to follow the financial traces of criminals and terrorists and thus be able to better dismantle networks or contribute to a terrorist investigation.

But in the future, we must go further and I support the establishment of a real European system for monitoring financial movements linked to terrorism, as there is in the United States, with which we have elsewhere very good cooperation, through Europol. But I think it would be useful to have our own system so that we do not have to systematically go through the American system to have information about our own nationals.

We have strengthened controls at our external borders, through the introduction of systematic controls by all citizens, including European citizens. We have reached an agreement on the European PNR and the Commission has supported the Member States in the operational implementation of this tool which will allow us to detect dangerous people before their arrival on the European territory.

We have also introduced new files, such as the European ESTA (ETIAS) which will allow the control of people traveling to Europe from non-visa countries. The entry / exit system will

record data on the entry and exit of third-country nationals crossing the external borders of the Schengen area.

We have strengthened the European tools for the exchange of information between the police and judicial authorities of the Member States. The Schengen Information System contains more than 80 million data, and has been accessed more than 6 billion times between 2017 and 2018, an increase of 200% over 2015. In addition, we have strengthened incorporating biometric data and making it mandatory for Member States to create SIS-related terrorism alerts. We have also established connections between our various European databases, security and migration. This "interoperability" legislation will, once implemented on the ground, allow our law enforcement and border guards to have all the necessary information quickly and efficiently.

Our agencies, Europol and Eurojust, also play a vital role in supporting Member States in the fight against terrorism. For example, the establishment of the European Counter-Terrorism Center (ECTC) enabled Europol to provide operational support to member states in the context of investigations following a terrorist attack. This Center has been involved in most investigations related to a terrorist act since 2015 at the request of the Member States concerned. Recently, Eurojust has also set up a European Anti-Terrorist Register. The latter coordinates all the judicial information relating to suspects and persons convicted of terrorist attacks. This centralized information will help prosecutors coordinate more actively and identify suspects or networks that are investigated in cases that may have cross-border implications.

But prevention is always better than cure. That is why we have developed actions to prevent radicalization, online, in our communities and in prison.

Terrorist content online is not diminishing and continues to poison people's minds. Indeed, they have played a role in every attack on European soil in the last two years, either to incite an attack, to give instructions on the procedure or to glorify the deadly effects.

Among the efforts, we are undertaking to combat this malicious content, we can mention the work on Internet forums, which provides a framework for voluntary cooperation with major Internet platforms. But progress has not been enough. That is why we submitted in September 2017 a proposal for legislation to combat online terrorist content.

This regulation will require the platforms to react within one hour when the police or judicial authorities send them a cancellation order. The first triologue was held with the European Parliament in September and we have set a timetable for an agreement by the end of the year. We will make every effort to achieve it.

In 2016, we adopted a voluntary Code of Conduct on the withdrawal of hate speech online by major Internet companies. Currently, information technology companies evaluate 89% of content reported within 24 hours and 72% of content considered as illegal hate speech is removed, compared to 40% and 28% respectively when the code is launched in 2016. However, they must improve their feedback to users.

Some Member States have gone further by taking legislative measures at national level to better combat online hate content. For example, Germany and France have passed laws aimed at removing hate content from internet platforms within 24 hours following a report, on pain of financial penalties. It will be important in the future for the European Union to look into this aspect as well, otherwise there will be a proliferation of national approaches and therefore a fragmentation of the European approach to this important issue.

The radicalization in prison, as well as the follow-up of prison sentences for prisoners convicted of terrorism or radicalized in prison is an important issue. Its management is the responsibility of the Member States, but we have put in place tools to help them. For example, the European Radicalization Awareness Network (RAN) has set up networks of experts on radicalization in prisons and has published a handbook on good practice for prison staff in the Member States.

Recently, a manual has also been published on prison exits from foreign fighters or radicalized individuals. It is important for Member States to put in place national strategies for this purpose and the Commission provides them with support, expertise and funding.

The latest terrorist attacks have essentially targeted public spaces. This is the reason which explains that we have also worked to protect more effectively our public spaces: French cities such as Lyon and Nice have received financial support from the EU for this purpose. In total, we have released more than 150 million Euros to help European cities to secure their public spaces.

The measures and tools I have just presented to you allow the Member States to be better prepared. However, many challenges persist and we must not diminish our vigilance.

To conclude, I would like to have a thought for the victims and the families of these terrible attacks. We have also taken steps to support them. We have thus reinforced our support for victims of terrorist attacks by adopting a European legislation to ensure that every victim receives the support and help they need, regardless of their nationality. And we will soon set up a European center of expertise for the victims of terrorism.

Every year, on March 11, we organize a European Day for Victims of Terrorism in Brussels, and France has also chosen the same date to commemorate victims of terrorist acts in France or French victims abroad.

I would also like to welcome the initiative taken by the city of Nice, which is organizing the International Congress of Victims of Terrorism from 21 to 23 November 2019. It is indeed important to reinforce the exchange of good practices to better help victims of terrorist acts wherever the attack took place and the nationality of the victims concerned.

Finally, I would like to say to you: do not give up the guard, do not forget the victims, continue the work together.

Thank you very much for your attention.