

European interview

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« The assimilation of terrorists and foreigners is a serious mistake which does not match reality »

Interview with Gilles de Kerchove, EU Counter-Terrorism Coordinator

1. Over the last few months the Member States have stepped up their cooperation in their fight to counter terrorism (PNR, creation of a European border guard corps, inauguration of the European Counter Terrorism Centre, SIS, Eurodac, European Arrest Warrant). When will these measures have reached their full operational capacity? What has yet to be done beyond what has been accomplished to date?

The heads of State and government have identified requirements relatively well and decided on three main directions: prevention, repression and external action.

The present terrorist threat is a complex one: it comprises an endogenous threat comprising the phenomenon of foreign fighters the franchises of Al Qaeda and Daesh. This has led the EU to work both on the internal and external levels. Policies are not "just" repressive, nor are they "just" internal. Some examples of the demands made by the heads of State and government are as follows:

- Ensuring that Europe's platforms are used to the full (SIS, Europol, etc.).

- SIS: for the last few months, the platform has been supplied more systematically by the Member States, notably regarding foreign fighters. However matters are far from perfect due to technical, legal and cultural obstacles. Present work aims to do away with these obstacles.
- Europol (police area) has several databases such

as the EIS and focal points. The focal point on foreign fighters presently holds 2,700 names whilst we know that over 5,000 Europeans have left to fight in Syria and elsewhere.

- In the area of intelligence, the CTG (counter-terrorist group) which covers 28 internal security services, as well as those of Norway and Switzerland, is strengthening its cooperation instruments with the creation of a common platform. This evidently is a decision that is moving in the right direction.

- Guaranteeing systematic checks on the external borders

- The reform now underway will enable the systematic checking of European citizens at the external borders. The project put forward by the European Commission will soon be adopted by the Council and Parliament.

- Systematic checking supposes that the Member States have rapid internet connections, travel document scanners, centralised access to the pertinent databases. The question of the means available comes in to play.

- Stepping up preventive action and notably greater dialogue with the major internet companies. The aim is to get rid of illegal internet sites and to encourage a counter-discourse together. Since the launch of a dedicated forum at the end of 2015 the first results have been recorded with the deletion of 120,000 Twitter accounts. *The Internet Referral Unit* (Europol) is producing good results with a success rate of over

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85% in terms of achieving deletion of reported illegal content. Today the smallest platforms are the focus of concern.

Regarding rehabilitation, several programmes have been launched. They involve fighters returning from Syria for whom there is inadequate proof and for whom it is believed that the imprisonment is not desirable.

Community funds have been made available to the Member States: it is up to them to make the rehabilitation, disengagement and de-radicalisation programmes a reality, in the context of the return of hundreds of fighters.

Finally I have noted that Foreign Ministers in line with the suggestion made by Federica Mogherini want to form security partnerships with the countries on the shores of the Mediterranean and the Western Balkans. This process is on-going even though it is not easy since some countries are more open to cooperation with the EU than others.

2. The European tools to counter terrorism aim to facilitate the detection of dangerous individuals via "profiling". European cooperation is based on the computerization of the processing of the terrorist threat by fostering the interoperability of common databases. How do you assess the reliability of these tools? The pooling of information with other Member States might weaken confidentiality. Some security services are still reticent about sharing. How do you assess the Member States' attitude on this issue?

Today we are no longer in a paradigm of five or six people operating on the ground, but rather thousands: given the number of threats that we face we must turn to technical tools.

The interoperability of databases might mean two things: ensuring technical access to multiple databases in one go or the cross-analysis of files (this might cause problems in terms of data protection due to differences in goals). In my opinion we have to move in this ambitious direction even if this is the source of reticence in the European Parliament: we have to leave behind the rationale of limiting goals. Eurodac is a fingerprint database established to manage asylum requests: we

should also be able to use these fingerprints in checks undertaken on the external borders. Several thousand migrants are entering Europe without documentation or with forged papers. As a result the only way of checking a person's identity or for possible previous convictions is to use his/her fingerprints (Automated Fingerprint Identification System), it would then be possible to consult all databases containing fingerprints –without being restricted by their final goals. With this hypothesis restrictions should be made regarding the number of users, access conditions, etc.

In 2005, a decision obliging the Member States systematically to inform Europol and Eurojust of ongoing terrorist investigations and proceedings was adopted. Europol's database was to be provided with information about investigations and that of Eurojust with information about prosecutions. Eurojust is far from being informed of all proceedings. As far as Europol is concerned progress has been made but some services are still reticent because Europol is a police rather than an intelligence platform.

Two issues remain: convincing the intelligence community to use Europol and its new integrated ECTC platform more and to identify the technical, legal, cultural or psychological obstacles preventing information supplies to European platforms. (SIS, VIS, Eurodac, Europol, ECRIS, etc.).

Under the SIS and the use of article 36 paragraph 3 (signs to watch for discreetly in the context of a possible departure to Syria or an involvement in a foreign fighters' networks), some security services are reticent about giving information via police channels: direct connection between the security services and the SIS would be a possibility – a detail which might make a great difference.

In addition to the optimisation of IT tools we also have to pool various sets of information in order to achieve a fine analysis of various threats which weigh over our internal security. After the attacks in 2001 criticism of the American counter-terrorism system took two forms: "*we are not connecting the dots*" and "*failure of imagination: we are not thinking out of the box*": the data collated has to be connected by all of those involved in security: security services, police, magistrates, etc. and we have to ensure that the Member States feed databases both from a qualitative

and quantitative point of view – we also have rank and establish priorities: we cannot monitor thousands of individuals. Choices have to be made. In the context of Charlie Hebdo, it was not the present generation of jihadists but the previous one that committed the attacks. As the treaties stand the Union is not competent in terms of intelligence (article 4 paragraph 2 of the TFEU). We might deplore this, but that is the way things are.

However this does not mean that States are not cooperating: there is bilateral bi-multi-lateral and even multilateral cooperation (taking place well before the Paris attacks). In 2015, for the very first time, and on two occasions (12th February and at the European Council of December), heads of State and government launched an appeal to the security services to step up their cooperation and for this to be more structured. The present question is not about whether they are cooperating but what type of structure they need to be more effective.

3. At the beginning of the 2000's the UK wanted to participate in certain measures of the Schengen convention, notably in the area of security although it is not a member of the area of free movement. If there is a Brexit who would have the most to lose in the field of counter-terrorism? Is the UK a resource country for police cooperation and the fight to counter terrorism?

Both the European Union and the UK would be penalised. The UK is one of the Member States that has supported me the most since my appointment eight years ago. This support is unflinching and pro-active. If the British support me it is because they believe that the EU can provide them with added value. As far as the UK is concerned the only sensitive area in terms of pooling information involves intelligence. Beyond that as far as external action and the prevention of radicalisation and the mobilisation of European platforms are concerned, the UK wants more Europe: under the SIS it only has access to some of the data from which information about people who have been refused entry into the

Schengen area, who have been expelled or whose visa has been rejected is missing. Personally I believe that exchanging information automatically with the British makes a great deal of sense: last year their teams prevented the entry of nearly 40,000 into Europe. In the area of intelligence MI5 and MI6 are amongst the best services in the world. In terms of counter-terrorism and because they had to counter the IRA, the British have developed extremely advanced policies including the prevention of radicalisation, the ability to create a public argument opposite to that advocated by the terrorist organisation (counter discourse or counter narrative) and internet monitoring mechanisms. The European solutions developed with the Commission are based on British experience. Likewise the team of communicators trained to advise the Member States in developing a counter narrative, is based on the Home Office's experience. The twenty experts of the Internet Referral Unit (Europol) is inspired by Scotland Yard's work.

4. Europe has already experienced several periods of terrorist threat in the past. Today's Islamist terrorism is confusing the usual grids of analysis. Is the threat from within or from the outside (since some jihadists have a European passport). In what way is the threat on the part of the Islamic State different from the one Europe has known to date?

The threat is much more complicated and diversified than it was in the wake of September 11th 2001, and this due to three things:

- A great number of people living in Europe, who have no link to a terrorist organisation, who have never been abroad, have been radicalised and, "inspired" by Al Qaeda or Daesh's rhetoric (to copy the title of Al Qaeda's magazine in the Arab Peninsula "Inspire") and some are prepared to undertake attacks at any moment. This kind of radicalisation takes place across the internet, via itinerant preachers and even in prison. This first feature falls in line with a strategy promoted

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by Al-Souri: encouraging radicalised people to take action at home with small attacks in order to spread a psychosis about attacks, which is just as effective as that caused by large scale attacks like those that took place in 2001 and in 2015.

- The phenomenon of foreign fighters: these fighters are not “foreign” but European (around 5,000 of them). They return better trained, more radical and with some of them aiming – as with the Bataclan – to commit attacks in Europe. Gradually as the pressure mounts on Daesh in Syria and Iraq (Daesh has lost 40% of its territories in Iraq) Islamic State will probably want to plan further attacks in the West and more particularly in Europe.
- Structured organisations like Al Qaeda or Daesh. Certainly Al Qaeda’s core is weaker but it has not gone away. In the chaos in Yemen, the organisation is redeploying. It is also present in the Maghreb (AQIM) and elsewhere via franchises such as Jabhat Al-Nosra in Syria. Although Daesh is on the defensive, the organisation has achieved changes in franchise affiliation of Al Qaeda in the Sinai with Boko Haram, a small branch of Al Qaeda in Islamic Maghreb and to a certain extent Khorasan in Afghanistan. Islamic State is therefore a powerful organisation.

The pressure placed on Daesh may result in three things:

- The planning of further spectacular attacks in Europe. Clearly for the organisation this means continuing to make people believe in its power whilst its base is crumbling.
 - Perhaps a higher number of returning fighters from Syria and Iraq
 - The displacement of the leadership to Libya.
- Daesh is on the defensive. We know that the airstrikes

against the transport of oil has affected its finances directly (it has also had to reduce the wages it pays its fighters). Moreover when the organisation loses control on the ground, it loses its capacities (of extortion, local taxation).

Regarding the way returning fighters are managed, two options might be considered: is there any proof or not of participation in terrorist acts? The Council is in the midst of adopting a directive to harmonise the definition of “foreign fighters” which is indeed progress although the Council of Europe’s protocol already includes measures on this issue. However this does not make this issue of proof any simpler. Although most fighters were extremely narcissistic in the beginning as they provided a great deal of information on the social networks, they are a lot more careful today. Then, even if digital evidence is recorded most of them are stored in “clouds” in the USA. Accessing them involves a long and complicated procedure of legal criminal cooperation and American law has to be respected. For example if a Frenchman in France communicates via Whatsapp with another Frenchman in France and if access to the conversation is sought, the American fourth amendment has to be respected with a requirement of “probable cause”, a notion that is much more demanding than in Europe. The current Presidency of the Council of the EU has made access to digital evidence one of its priorities.

In regard to those for whom we have no evidence, we either monitor them 24/24, but this occupies around 20 intelligence agents or we place them in rehabilitation programmes.

If three conditions are met: if there is no blood on their hands, no proof and that the individual wants to reintegrate society, it is preferable to place a returning foreign fighter into a rehabilitation programme. However the practice of “*taqiya*” (dissimulation of the person’s real intentions) confuses these conditions. Just a few months ago, I worked with European Commissioner Vera Jourova in the organisation of a ministerial conference on this issue. In sum we have to be better at detecting, collecting evidence and establishing rehabilitation programmes.

5. Several European political leaders have assimilated the migratory wave now ongoing in Europe to a window of opportunity for the return of terrorists to European soil. How do you analyse this statement in view of the information that you have at your disposal?

Since the threat is both exogenous and endogenous terrorists do not necessarily need to use the migratory routes. There have only been a few and even no terrorist asylum seekers or economic migrants (one case in Turkey). The assimilation of terrorists to foreigners is a serious mistake and does not reflect reality. It is likely that Daesh wants to foster the amalgam between migration and terrorism. It is not by chance that the passport found near the Stadium of France was counterfeit and Syrian.

However we have to be careful that the strengthening of detection measures in airports does not push foreign fighters to use the migratory routes. This is why measures have been strengthened with the decision to undertake systematic checks on Europeans on the external borders. Technical support, such as fingerprint scanners and even IT connections have been given to front line Member States (Greece and Italy).

We must ensure the integration of the refugees. Europe is generous and must remain generous in terms of the reception of asylum seekers. But integration requires a specific effort. Without this there will be attempts to recruit disillusioned migrants and a rise of Islamophobia which will lead in turn to a radicalisation of Muslim

communities. In this context I support the idea put forward by the German Finance Minister to tax petrol by a few cents. Across Europe this would raise a few billion for an integration plan to which I personally would add the increase in controls on the external borders.

6. Should the coordination of the fight to counter terrorism be undertaken beyond their external border of the Schengen area?

This already exists. In expectation of the establishment of a government of national unity in Libya there is coordination between the intelligence services and the special forces of some Member States. For my part I have established an information pooling group on the problem of foreign fighters comprising representatives of the security services and the competent ministers from countries on the shores of the Mediterranean, ranging from Morocco to Turkey. Meetings have taken place in Brussels, Rabat and Baghdad. Beyond diplomatic coordination there are also initiatives at Member State and USA level. We might quote the anti-ISIS coalition (Islamic State) comprising 66 countries, involved in various missions such as military strikes, the fight to counter the financing of terrorism, counter discourse, the stabilisation of Syria and Iraq via the redeployment of basic State services and the question of foreign fighters.

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