

The history of french counter terrorism model



History

France has had a long and varied history of dealing with terrorism since the end of the Second World War; this was mainly marked by the traumatic period of the 1960's. Following the French government's decision to abandon Algeria, it was faced with a coup mounted by elements from the French Army Parachute units and the Foreign Legion, who took control of infrastructure in Algeria but were unable to jump on Paris to see the coup through in 1961.

France faced further unrest with the student violence of 1968, where there was a real possibility of the government being overthrown by violent unrest, this led to a massive military presence being deployed in the urban areas alongside the Police and Gendarmerie to contain and curtail the violence.

In the 1970's France had a quieter time than other European nations, with the major terrorist incident being the 1975 hostage taking in Orly airport, Paris that resulted in French authorities providing the Arab terrorists responsible with a plane to fly to safety to Baghdad, Iraq. (1)

However the 1980's proved to be much more violent and deadlier, in the first part of the 1980's these attacks ranged from the attempted assassination of members of the former Shah of Iran's regime, synagogue bombings, and the July 23rd 1983 suitcase bomb at Orly Airport, Paris where 8 people were killed and 55 wounded. (2)

The second half of the 1980's saw a much more concerted campaign of violence which began in 1985, with a 10 month bombing campaign targeting

post offices, restaurants, subways, trains and shopping malls in a manner that would be used decades later by Islamic terrorists to deadly effect. (3)

On 19th September 1989, a French airline UTA was blown up in mid air over Niger killing 170 people. (4)

During the 1980's France pursued a policy of almost ignorance to terrorism much the same as most other countries in Europe, whereby they turned a blind eye to terrorists passing through France or basing themselves in France so long as France was not attacked. While at the same time dealing with home grown terrorist attacks from the FNLC, " Front National Liberation Corse", ETA " Euskadi Ta Askatasuna", Corsican and Basque separatists respectively and Action Directe, a left-wing direct action group, there was no intelligence led effort or one that used a modern counter terrorist method it was simply a case of using Police detectives as a sledgehammer to crack a nut.

The 1990's marked the period of time when France began to shift its view on terrorism and the response it would take to it, this was prompted by the situation in Frances former colony of Algeria. Algeria was experiencing an epidemic of terrorism with the civil war between the GIA, " Groupe Islamique Arme" and the Algerian government forces.

The GIA, made the decision to extend the war onto French soil to involve the 4 million Muslims who live in France, many of whom are of Algerian origin and also to warn France for its support for the Algerian regime.

This took the form of hijacking an Air France airliner on 24th of December 1994, the airliner was stormed by the GIGN, French Gendarmerie intervention unit at Marseille airport resulting in the deaths of all the terrorists involved and the successful rescue of all the hostages apart from 3 executed prior to the storming of the plane. (5)

This was France's wakeup call, that it was now at the fore front of a war whether it liked it or not and that it would remain a target and would need to dramatically change the way it dealt with terrorism to protect itself.

The GIA, then proceeded to launch a bombing campaign against France, it commenced with a gas bottle bomb at the St-Michel station on the Paris regional rail line on July 25th 1995, killing 8 and wounding 80. This campaign continued with bombs at the Arc de Triomphe, Lyon rail lines, Paris city centre squares, Jewish school in Lyon, and further gas bottle bombs on the Paris metro lines. (6)

The effects of these attacks led to the establishing and refining of the French Counter Terrorism Strategy.

Following the events of the 9th September 2001 attacks on the twin towers, counter terrorism became a priority for the French government

Counter Terrorism Strategy

France made the focus of its counter terrorism strategy, Prevention, with the following features forming the prevention barrier.

Information, the gathering of information on suspects, organizations, and formulating plans to prepare for dealing with potential terrorist incidents and terrorists

Intelligence, identifying persons and groups involved in preparing acts of terrorism, gathering of evidence to enable a successful arrest and prosecution

Infiltration, entering into the groups responsible to identify all persons involved and the full extent of the plans made, and to disrupt activities across France, creating a climate of fear for all groups planning acts of terrorism on French soil.

All these points would then come together to form the pre-emptive and preventative barrier to terrorist attacks in France.

This strategy was one where in theory it would prevent terrorist attacks from being committed and where entire terrorist groups could be dismantled and sent to prison , as well as being one that would serve to make terrorists think twice before seeking to commit acts of terrorism within France.

It has made terrorism an act of crime committed by criminals, as opposed to a war on terror waged by unlawful combatants as the United States has done. This has enabled it to bring the full weight of the judicial system, state security apparatus and law enforcement groups to the front as well as being able to enact new laws and statutes without them being deemed as against the values and rights of French citizens.

In 1984 and 1986, following the terrorist attacks on French soil of the 1980's the French government formed two new organizations.

8th October 1984 UCLAT " Unite de Coordination de la Lutte anti Terroriste", was created it falls under the general directorate of the Police Nationale , it was charged with;

Coordination of all groups involved in counter terrorism operations from the French State, to ensure that intelligence was shared, information pooled and all agencies were able to bring their full collective weight behind combating terrorism

Conducting operations, UCLAT would become the controlling organization for all operations, so that regardless of how small or large the unit at the fore front of the operation was it would be afforded the full support and control of UCLAT . This was to enable and ensure that investigations could be conducted fully and obligations complied with and above all terrorist attacks prevented.

Guidance, UCLAT became the unit responsible for setting and issuing policies and information on the manner of counter terrorism operations. This enabled all organizations involved to operate on common ground, so that all would follow the same standard procedures, and be able to operate alongside each other and pass investigations along to each other without disruption. (7)

To work side by side with the UCLAT, the other organization formed in 1986 was a specialized unit of the judiciary the SCLAT " Service pour Coordination de la Lutte Anti Terroriste" (8).

Under the SCLAT, a section of the 14th Arrondissement Trial Court of Paris would have sole responsibility for terrorism offences; this would prevent reprisals against judges and also ensure that the judges would have a knowledge base and ability unrivalled in any other court in France they are present from the early stages of an investigation with the judges reviewing the facts and ordering surveillance, phone interception and arrests, this ensures that the operations are conducted to the judges specifications to ensure cases are prosecuted successfully. It also means that in the event of major terrorism cases the prosecution itself is rock solid as the entire process has been advised and assisted by the specialist judges from the start. This is in a similar vein to the American state and district prosecutors who assist police investigations from the start, however where as they cover a broad spectrum of criminal law, the French SCLAT judges would have an expert knowledge of terrorism becoming specialists themselves in the same ways as the intelligence services that would prevent opportunities being missed to prosecute terrorists and to prevent incidents such as the Guildford and Birmingham miscarriages of justice, whilst ensuring terrorists no matter how small or on the fringes would be dealt with as such. They would also separate politics from prosecution, in a country such as France which has veered from left to right, has powerful communist parties and far right parties it was vital to ensure terrorism being used as a political tool.

Another unique part of the SCLAT process and the specialized trial court of Paris was that terrorism trials would not be trials by jury but trials by experts. Seven judges would preside over the case with one presiding as president and six as assessors; this was not a repeat of military tribunals of the Algeria

war, or of the British Dip lock courts of Northern Ireland. But recognition that in Frances strategy the methods of investigation into a terrorism case were above and beyond a jury of peers and required to be kept secret.

This has been argued that it is against the values and morals of Human Rights, but France believes it to be the best method of protecting the Human Rights of its citizens against citizens.

In similar vein to the British prevention of Terrorism laws and statutes, the French enacted their own Article 706 in 1986, these extended Police powers and punishments for those convicted of involvement in terrorism offences, these powers included:

Extension of detention limits with charge from 48 hours to 96 hours.

Increased searches

Increased powers for police identity checks

No access to a lawyer for 72 hours

No disclosure of arrest to third parties for duration of custody

Increase of the maximum sentence for terrorism to 30 years and criminal conspiracy to commit terrorism to 10 years (9)

A further law was introduced in 1996 Article 647; this created an offence of “ Association de malfaiteurs en relation avec une entreprise terroriste”-

Criminal association in relation to a terrorist undertaking. (10)

This law gave the French unparalleled powers to arrest, charge and convict those on the fringes of terrorism, those where there is insufficient evidence

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for a more serious charge and also those beginning to enter into terrorism before they commit serious offences.

This has been the most widely used law in the French counter terrorism arsenal, it was designed to deal with the singularly French problem in terrorism, that of Algerian nationals in France committing terrorist acts for the GIA.

France also updated the “ Vigipirate” plan in 1995, 2000 and 2004; Vigipirate is the French National Security alert system designed to implement safeguards to protect the public and provide them with a warning as to the threat faced by them of a terrorist attack.

It is divided into 2 systems the level of threats marked by different colours, and the area the threat is located.

The colour codes are;

White- No threat

Yellow-Imprecise threat (Increased vigilance)

Orange-Plausible threat (Reduced public activities, increased police presence in sensitive areas)

Red-Proven threat (Physical protection of public institutions, rescue and response organisations on standby, Military patrols supplementing Police)

Crimson-Imminent threat (Closure of public areas as needed, intervention units on standby, Emergency measures brought into force, possibility of state of emergency) (11)

The areas of threat are;

Piraterre- Land attack

Piratair- Air attack

Piratmer- Sea attack

Piratome- Nuclear attack

Piratox- Chemical attack (12)

The French public are long used to the sight of armed police and troops on the street and this not viewed as an infringement on civil liberties, as with the British threat levels, bins are removed from stations and replaced with see through bags, random checks are put in place and control points established.

French Intelligence Organisation

(13)

Intelligence gathering is by the following units;

Ministry of Defence

DGSE-Central Directorate for External Security, the French external

Intelligence agency comparable to MI6

DRM- Directorate Military Intelligence, groups the three branches of military intelligence together

DPSD-Defence Protection and Security Directorate, responsible for the protection of staff, equipment and material of the ministry

Ministry of the Interior

DCRI-Central Direction of internal Intelligence, French domestic intelligence agency French equivalent of MI5

SDIG-Division of General Information, responsible for public security, urban violence, public disorder

DGGN-Gendarmerie National, paramilitary Police gathering of intelligence by police methods in rural areas and overseas territories

DRRP-Intelligence Direction of the Paris Police Headquarters, responsible for the gathering of intelligence and policing operations in counter terrorism, this can be considered the equivalent of the Metropolitan Police's Anti Terrorism command

Ministry of Budget

DNRED-National Customs Intelligence and Investigations Directorate, responsible for gathering of intelligence from persons entering the country and through ports and airports, the equivalent of Her Majesty's Revenue and Customs intelligence unit

TRACFIN-Financial intelligence Analysis and Money Laundering Investigations, responsible for gathering intelligence from financial

transactions, money laundering, fraud and conducting financial checks on terrorism investigations

From these agencies the intelligence is gathered, evaluated and processed, the police fulfil the role of street level intelligence collation from information given to officers in the street, and from general discoveries in the course of law enforcement. This is parallel to the Gendarmerie conducting the same role in their areas of responsibility, intelligence and information is passed up to the DRRP, who fulfil the role of over watch for the police and DGGN for the Gendarmerie and who pass on areas for investigation and surveillance to the Police from other agencies, and collate the information from the police and Gendarmerie and pass this on to the National Intelligence Council. The DGSE and agencies under the control of the ministry of Defence pass on intelligence gleaned from outside of France to be acted on by domestic agencies, and to formulate plans and actions in the counter terrorism strategy. Similarly these agencies pass on to friendly foreign agencies intelligence originating from inside France.

The DCRI fulfils the role of domestic over watch identifying targets for surveillance, cultivating informers and placing of agents inside suspected terrorist groups, liaising and working the police and Gendarmerie on joint operations.

France has an advantage as well as a disadvantage in that it contains a large population of Maghrebian Muslims; this is the area where France has suffered previously from the overspill of the Algerian GIA terror.

Alongside side these The DNRED similarly gathers intelligence from persons entering France from which it can pass these details on for further action, and also to prevent those considered undesirable from entering France. This is a main part of French anti terrorism legislation allowing for the removal of those considered undesirable to the well being of the French nation, they are able to do this in a much easier manner than the British authorities, with the French being less concerned with Human rights of suspected terrorists

With the TRACFIN, operating to identify suspected terrorist finances, and passing on suspicious details to enable fellow agencies to extend operations.

The National Intelligence Council fulfils the role of the COBRA committee in the UK assessing the threat, and with the UCLAT adjusting the Vigipirate level accordingly, and setting priorities for actions.

To show this further an example of intelligence being shared, managed and passed downward from an outside source, would start with the DGSE being informed by a friendly agency of suspected terrorists entering France, this information would be passed via the NIC to the DCRI for auctioning and to the DNRED, to commence checks on the whether the suspects had entered the country.

On establishing that they had this information is then passed out onto the DGGN and DRRP, so that surveillance can be commenced in conjunction with the DCRI, on identifying other members of the cell, details are passed for actions to the TRACFIN to establish financial profiles of life on the suspects. Intelligence then flows back from these groups to form a complete profile to be passed to the NIC, to then be acted on prevent an attack occurring.

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The exact same would occur if the initial information was gathered by the TRACFIN, it would then be passed onto the other agencies for acting on to complete a profile, forming a spider's web of information passing to each other to act on or having been acted on, that fills in each piece of the jigsaw.

Analysis

In this section you will:

Evaluate the effectiveness of the counter terrorism strategy, plans and policies

Identify elements or areas that have not been addressed by the strategy or plans within the strategy

[40 per cent marks have been accorded to this section.]

Key in your text here.

Effectiveness of the French Counter Terrorism Strategy

France has been considered the most effective example of Counter Terrorism in action; this has been due to its success in dealing with ETA, and the GIA cells operating within France. The British had proved themselves extremely adept at dealing with the dangers posed by the IRA, in the same way as the French and Spanish did with ETA, but these were single issue terrorist groups and the world of terrorism had changed.

This was due to France facing Islamic extremist terrorism a lot earlier than other nations, and there being little else to compare against when post 9/11 nations looked to protect themselves from Islamic extremism.

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However it is important to understand the fact that France has several features that are unique to it alone, when comparing it to other nation's performance in countering terrorism.

The threats faced by France all fell within single issue to a greater degree, ETA pushing for Basque independence, FLNC for Corsican independence, and GIA and its Algerian Islamic off shoots pushing for the Islamification of Algeria. However since 9/11, France has been faced with the Global Salafi Jihad threat and it must be noted that there have been no successful large terrorist attacks by Salafi terrorists in France.

ETA and the FLNC

ETA and the FLNC are both single issue groups and have been treated similarly, with a combination of using limited diplomacy with the Corsicans to establish frame works for removing them of a platform for violence, mass arrests and high lighting of the fact that they have moved similarly to the IRA into organised crime and racketeering. ETA has been very effectively damaged by working with the Spanish authorities, who have engaged ETA in political talks while the French have stepped up arrests and surveillance on its members cutting the head of its leadership and forcing the group to become unstable and cause infighting.

Both groups have suffered as well from the fact that in the modern age it is extremely hard for western single issue terror groups to operate given the level of documentation and tracking that we accumulate in day to day life. Both groups have been targeted in much the same way as the British did with the IRA in Northern Ireland.

Islamic terror

The effectiveness can be judged by its ability in identifying the threats posed to it, preventing those threats, and in ensuring the effective rule of law.

Identification of threats

The French were the first to understand and take seriously the threat posed by its citizens becoming terrorists and that of radical Islamists within Muslim communities posed.

France has since the end of the Second World War imposed a policy of forced assimilation on its immigrant community as opposed to the British system of multi culturalism. This has led to the French having a wider knowledge and view of its Muslim population, and of being able to penetrate the walls of silence that have been observed within parts of the British Muslim communities when it comes to sharing information with the security services.

This has also led to a substantial number of Muslims serving in the French police and security services; this has provided it with unrivalled access to raw human intelligence from the community most vulnerable to Islamic terrorism, the Muslim community itself, this is something other countries have found extremely hard to emulate. France has used this to great effect, it identified at the lowest level that terrorists from the GIA used petty crime to fund their acts of terrorism and by focusing on those street level terrorists it was able to identify and follow those further up the line. Likewise with the gang Roubaix, the police by using the counter terrorism model were able to establish that this was not a simple case of multiple armed robberies but was

the means by which a terrorist group was acquiring funds to stage attacks.

(14)

France was also the first country to identify the threat posed by radical imams arriving and preaching at mosques within France, to this end it maintains a policy of observing what occurs inside the mosques and maintaining watch over the sermons delivered by the imams. It noted that in the vast majority of cases, imams had arrived from abroad and begun the process of radicalising a fractured community. To this end it established as the best policy, one of removing radical imams from France once identified and in refusing entry to those it considers radical, as of the 7th of January 2010 it had deported 29 imams on the grounds that he had “ Shown contempt for our society’s values and incited violence”. (15)

Again the French recognised that one of the most important ways in preventing terrorism and in an effective counter terrorism strategy was to prevent its own citizens from becoming radicalised in the first place. It identified that a large percentage of its prison population was Mahgrebian, and that this was the population most at risk of being radicalised, that convicted terrorists had access to a captive audience and that they were looked upon with reverence and were in a position to cause great harm. Those non-Muslim typically European offenders were also at risk either by coercion to belong to the strongest group, or as a means to make amends for their crimes these people, the French recognised could become the deadliest Terrorists. To protect against this in 2008 they established the “ Conseil Francais du Culte Musulman”, French Council of the Muslim Faith (16), to ensure moderate imams who preached non Salafi or Jihadi Islam

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would preach inside prisons, and offer a different voice to that of the Jihadi's. A second initiative was the " Detenu Particulierement Signale", a special regime where by inmates can be kept in isolation and evaluated regularly to prevent other prisoners being radicalised. (17)

The French have also made large steps into working with the Muslim communities to separate French Islam from outside and radical interference, and to also work with and promote the Muslim communities so that they can grow and move forward and prevent its members from moving towards radicalism.

Preventing the threat

The French have been firm practitioners of intervening hard to ensure terrorist attacks are prevented and in identifying that in some cases the best information can be gleaned from those at the bottom of the terror pyramid. The actual attack group from a terror network may be small but the logistics network can be immense and involve many small players. Using the conspiracy to commit terrorist acts and the criminal association in relation to a terrorist undertaking, they are able to arrest on mass and deal with those who may have had a very minor role that in other countries would only attract a minor sentence, and deal with them as terrorists. By doing this they are able to send a message that even if you exist on the fringes of terrorism you will still attract the full force of the state, these minor players can also become the biggest source of further intelligence and can be amongst the best to turn into informers. Further assisting in this is the states full use of the opportunity for those arrested to become states witness against those higher up the chain, by utilising these together the French have been able to

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form a destabilising effect on groups, who do not know whether they have been infiltrated, or as to whether anyone will turn states witness. However this is something that has been found to be impracticable with Salafi terrorists who prefer to fall together.

Another tool in the prevention arsenal is one of using security agents to provoke those involved to commit a minor offence to enable them to be arrested; this is allowed by French law if the commission of that offence is vital to prevent a more serious offence.

In view of the even greater threat posed by the Salafi terrorist's the French have established the FIPN, " Force d'intervention de la police nationale", a new anti terrorist unit regrouping the intervention units of the French police to provide a force to deal with any Mumbai style attacks. (18)

Recognising the importance of technology in countering terrorism, the French were among the first to ensure that all agencies involved had the means and resources as well as the legal backing to monitor emails and seize information on computers, conduct electronic surveillance and wiretaps.

A final mention is for indefinite detention which is a final resort used in France to detain those against they cannot provide an offence or conviction but who are too dangerous to be allowed to remain at liberty.

Effective rule of Law

France has enacted since the 1980's various laws to enable it to prevent and tackle terrorism to its fullest extent, other countries have viewed these laws

as being excessive and contrary to human rights. However in France the vast majority of the public have been happy to surrender some measures of freedom to offer greater protection against terror attacks. These laws have not been introduced rapidly in the aftermath of a major terrorist attack, but have been introduced gradually in line with the ever changing terrorism threats

It has recognised that to be able to effectively counter the terrorism threat it needs a superior mechanism of dealing with it, by coordinating all the agencies responsible for preventing and investigating terrorist attacks. Establishing dedicated judges to deal with the arising investigations and prosecutions, it has set in place a multi layered organisation that can methodically and intelligently build a case and prevent an attack rather than rush in attempt to deal with a situation ad hoc.

It has benefitted from having over 20 years to refine this system and fine tune it, where most countries are still in the evolving stages of infancy of counter terrorism.

In 2001 and 2003, 2004, it has again fine tuned its terrorism laws to grant greater powers to the police to be able to stop and search vehicles and people, anonymous witness presentations.

The French have also long used methods that would have been viewed in the UK as being incompatible with human rights, surveillance inside of mosques being a vital tool in fighting radicalisation, that the French have justified by its separation of religion from the state.

It has fine tuned the law so that it can bring its full force upon those it suspects of planning or committing terrorist acts against it, whilst informing the public of the threat it faces and of the need for these laws to be in place.

Shortcomings

The French system has been implemented and has been effective due to the fact that the majority of its terrorism has been unique to France. The vast majority of the French Muslim population is from Algeria, and has existed in France since prior to the independence of Algeria, this coupled with the French system of forced integration meant that the French already had a vast knowledge of these groups, and a large experience in dealing with these communities. It remains to be seen how it will fare when dealing with threats from groups outside of the Magrebian community.

The French system is geared towards dealing with larger groups of terrorists, where we have seen now a shift towards very small groups planning and executing these operations alone, or with minimal outside support. Mass arrests and targeting of small scale participants in these activities are of no use.

The scope of the counter terror strategy has been in prevention from domestic terrorism, but with France part of mainland Europe and home to a large community of persons who can enter and remain largely unmonitored as part of the asylum seeking community it remains to be seen how France can adapt to counter these people who enter with no papers, no controls and float around almost unobserved.

France has not yet experienced a major terrorist attack featuring suicide bombers, the frame work of the counter terrorism strategy is to prevent and deter attacks, how well this system would work in the aftermath of a large and devastating attack remains to be seen.

The “ Chalabi”, network raids in 1998 showed that mass arrests can have little effect, 138 people were tried for terrorism offences 83 were eventually convicted, and none received a sentence of more than 8 years, 2 other networks in Lyon and Lille were completely missed in the mass arrests which led to a further bombing campaign.(20)

Finally the whole counter terrorism strategy has been criticised by human rights lawyers, campaigners and groups, if France was to fall foul of the European court of human rights it would have to massively adjust and change the vast majority of its counter terrorism defence.

Conclusion

France has undoubtedly established an effective counter terrorism strategy in dealing with the threats it faces, and in building up a counter terrorism plan for facing Islamic terrorism. It has also benefited from the relationships it maintains with its former colonies many of whom are now on the front line of terrorism, Mauritania, Lebanon, Niger, horn of Africa and from countries it conducts major business with Yemen, this has given it unprecedented access to information on people and groups originating in these countries.

Relationships have been improved and built up with other European and international partners to share information, and work together as well as

being a partner in the new anti terror organisations that have been formed to recognise the global dimension of the new terror threats.

It has shown that it is capable of tackling the Salafi threat having tackled groups preparing to attack the Stade de France 1996, the