

International Cooperation Against Terrorism

by Jacques Maffre

◀ Contents ▶

- I. Features of Terrorism (France)
- II. Situation in France
- III. Effective Measures for Terrorism

Some specific features cause terrorism to be an odd-case in the field of criminality.

Among these, for instance, first the fact that the motives of the terrorists may be of political nature; second, a new parameter has come to light that stands between the Police and the perpetrators, meaning public opinion. The effectiveness of a terrorist action is closely linked to its impact on the public through the medias. And lastly to be listed is a characteristic of utmost importance on an operational level: terrorism constitutes quite a serious challenge as far as investigating techniques are concerned, since it most often takes on as investigating techniques are concerned, since it most often takes on as a complex and sophisticated aspect of the internationalization of crime phenomenon. Borders are no hindrance whatsoever to the terrorists, but quite on the contrary, one might almost say that they know how to make the best use of these as well as of the various frontier legislations and polices, thus making life all the more difficult to the investigating officers.

This is precisely why international cooperation really constitutes one of the most essential aspects of the counter-stroke to be applied to the threat of terrorism.

Though the phenomenon showed up more recently than elsewhere, France had however to face various aspects of terrorism in the course of the last few years.

These aspects of terrorism are linked to four main causes:

1. The ancestral tradition of hospitality of FRANCE which has always kept a benevolent and wide-open door for foreign communities in difficulty and for people in search of political asylum, account for the presence of a diversified and numerous foreign community in FRANCE and more specially in PARIS.

2. The very history of FRANCE which -- like several other European States -- was made up of a variety of original provinces and inherited some problems related to regionalism that may at times evince some brisk manifestations (for instance in the Basque Country, in Brittany or in Corsica).

3. The tradition of diplomacy attached to FRANCE has led it to assert its role on the international stage and to assume its responsibilities on the occasion of international conflicts and political debates.

4. Lastly, PARIS being considered a privileged international platform for opinions and ideas to be freely expressed explain in part why some terrorist groups anxious to complete some resounding actions would select it.

To be more concrete, three distinct aspects of terrorism have emerged in FRANCE in the course of the last twenty years:

*the separatist movements (Brittany, Corsica, the Basque Country, the French West Indies);

*the extremist movements, and more particularly left-oriented extremist movements such as "DIRECT ACTION";

*the international terrorism.

For quite a long time, the terrorist threat was not processed in a specifically distinct mode either by the Police or the Justice. One could even be made to believe that the “regional” phenomenon apart, FRANCE was exempt of terrorism of extremist move and still more of international terrorism. Police and Justice have therefore had to develop suitable means to answer such a particular threat.

In the course of their struggle against terrorism on the in-border stage, the French Authorities – after some time, when they got used to the phenomenon – had quite a number of significant achievements, dismantling the left-oriented extremist group called “DIRECT ACTION”, arresting revolutionary extremists of the French West Indies as well as members of Corsican and Basque separatist groups.

Among the measures adopted to settle down a counter-stroke to fit the terrorist threat, international cooperation precisely benefited special efforts.

II. Situation in France

As a matter of fact, FRANCE has – for various reasons put forward before – to face a most peculiar situation as regards the international scale basis terrorism had brought about with it. Such a situation depended on the following state of facts :

There was a time when some terrorist groups had come to consider that profits could be derived from FRANCE altogether with its tradition of hospitality. It would also be a logistic and withdrawal rear base of interest when conducting actions in neighbouring countries (such as Italy, the Federal Republic of Germany and Spain).

On another hand, FRANCE and more particularly PARIS were places where in-coming groups from abroad came to commit attacks against friendly countries’ interests (such as the United States of America or Israel) and then took leave to other countries still.

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And lastly, the French population was to be aimed at personally through unreasoning lethal attacks by foreign groups in relation with some Middle East pending problems. (One should here pause a while and be allowed to outline the efficient cooperation on the part of several friendly countries the French Authorities and Services of Police could benefit in such a tragic and sensitive situation).

Then under the light of these experiences FRANCE resolutely took the path of international cooperation for which it has become a very strong advocate.

Such exertions are actually based on the absolute belief of Police and Justice's mutual assistance constituting the very foundation on which the device implemented for the struggle against terrorism should be allowed to lie and rely firmly.

As we already know, terrorism and its various exhibitions reveal specific features causing it to be quite an odd case in the field of criminality.

As far as mere repression is concerned and from the bare point of view of the investigator, its main characteristic is almost always a fact about which one may say that:

- the accurate knowledge of the real circumstances of this action,
- as much as the identification and tracing of its perpetrators; both imply investigations that need be conducted beyond the place of action.

Whereas in cases of traditional aspects of criminality that our modern societies happen to come across (of course not including the cases related to drug trafficking) it is possible to discover these pieces of the investigation at town or area(s) levels or even at the scale of the national territory, it is quite another matter as far as international or transnational terrorism is concerned.

It so appears that in this particular field, the pieces of the investigation which will allow an a-posteriori reconstruction of the actual material and human circumstances of the assault conducted by one or several terrorists as well as those that will cause the identification, tracing and arrest of the perpetrators will need be searched -- at any stage of the investigations conducted -- beyond

the national borders, in one or even several third countries.

III. Effective Measures for Terrorism

Terrorism being above all an itinerant criminality taking its course on the stage of one or more continents, the necessary measures for the appropriate counter stroke should systematically be taken within the frame of an extensive cooperation between services of different countries.

An existing effective international cooperation is therefore a determining datum in the struggle against terrorism. In this respect, it is absolutely essential, allowing repression and searching of criminal actions and still more enabling the Authorities in charge of security, among other basic elements:

- to identify the other side's Modus Operandi;
- to determine the nature and estimate the possible developments of the current menace so as to define a deterrent policy either
 - at tactical and technical levels,
 - or at strategic and political levels.

It goes without saying that an international cooperation in relation to such a sensitive matter -- because of its political implications -- arouses quite a number of questions.

Anyway the necessity of a mutual assistance has emerged a few years ago that has led some states to lay the foundation of a movement towards a genuine cooperation.

Such an international cooperation on a worldwide basis in its criminal investigating aspect has benefited the sustained efforts of the ICPO-Interpol.

On another hand, some States with common interests have started the machinery of cooperation as well, either on a bilateral or on a multilateral basis, setting up structures of a thorough and permanent cooperation as a supplement to the judiciary assistance already supplied through the ICPO-Interpol channel; for instance, France and several other European countries have gathered into

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the TREVI Group.

I/The ICPO-Interpol has seen its role greatly increased in the expansion of an international cooperation. Faced to the surge of terrorism the worldover as well as the necessity of an extended international cooperation to the investigation in this particular matter, in spite of the difficulties aroused by the principle contained in Section 3 of the Statutes of the ICPO-Interpol, the 53rd Session of the General Assembly in September 1984 in LUXEMBURG, had made a proposal for a definition of terrorism that had carried away the general assent.

In October 1985, the General Assembly in the course of its 54th Session in WASHINGTON decided on:

1. Drawing up of a guide-book by the General Secretariat and intended for the NCBs and Specialized Services (of the same type as the guide-book on drugs) reviewing the practical modes of cooperation;

COMMENTS ON THE U.C.L.A.T., the C.I.L.A.T. and the C.N.S.

I take the opportunity of this paper to say a few words concerning the structure set up by the French Authorities to ensure an efficient coordination between the various Departments and divisions of Police more particularly in charge of the struggle against terrorism in France. The Home Secretary (Ministry of the Interior) and the General Head of the French Police have entrusted the same structure with the implementation of a general outline of the cooperation to prevail with foreign countries.

This structure is the COORDINATING UNIT AGAINST TERRORISM or U.C.L.A.T. (Unite de Coordination de la Lutte Anti-Terroriste).

There are two further bodies in France in charge of political coordination in the field of terrorism.

These are:

- The INTERMINISTERIAL LIAISON COMMITTEE AGAINST TERRORISM or C.I.L.A.T. (Comite Interministeriel de liaison Anti-terroriste).
- The NATIONAL COUNCIL FOR SECURITY or C.N.S. (Conseil Na-

tional de Securite) has been appointed a few years ago by the Prime Minister two chairs it. It is composed of the Home Secretary (or Ministry of the Interior), the Secretary of State for Defence, the Lord Chancellor and the Foreign Secretary.

2. The creation of a specialized groups within Sub-Division I of the SG in a view to increasing the current capacity of the General Secretariat in the field of coordination and for a better cooperation in the struggle agaist terrorism;

3. Including international terrorism in the agenda of every meeting of the General Assembly and the Executive Committee;

4. Including international terrorism in the agenda of every regional conference.

One specialized Unit called "International Terrorism" and initialed "T.E." has come into existence in January 1986.

Meetings: March 1986: Homicides (terrorism);

March 1986: Symposium on international terrorism and the illicit acts against civil means of transportation;

April 1986: The Protection of V.I.P.s

July 1986: Workshop on the final drawing-up of a guide-book on international terrorism.

II/As mentionned above, several European States tried -- either through bilateral agreements or through attendance to a common conferences to back each other up from a technical point of view.

France for instance which has some common concern with its immediat neighbours has signed bilateral agreements with the Federal Republic of Germany, Spain and Italy.

The most immediate and concrete consequence of these was the exchange of liaison officers between France and its partners. Italian German and Spanish police officers are currently working in the French Coordinating Unit Against Terrorism (U.C.L.A.T.), the commanding unit at the top of the anti-terrorism hierarchy in France as a result of these agreements.

*(Comments on the U.C.L.A.T., C.L.A.T. and C.N.S.)

One should underline here the most significant advantage of the system of experienced drug liaison officers posted in numerous countries for quite a long period of time now. Liaison officers constitute the basis of a daily permanent and effective cooperation.

The advantages of such a system are immediate. They include:

- faster transmission of both coming in and going out information
- more accurate information;
- permanency of the exchanges;
- easier decision-making;
- quick inquiries of the respective computerized files.

5. All the European countries mentioned before are parties to the EEC whose members are anxious to develop a full-scale Police and Security cooperation, attend the meetings of the TREVI Group (or TREVI Conference).

1) The origin of the TREVI Group:

The TREVI Conference had its origin in a proposal made by the British Prime Minister in December 1985, in ROME at the European Ministerial Council Meeting.

It advocated for a meeting of the Home Secretaries or the Lord Chancellors in charge of identical responsibilities in the field of law and public order.

The Ministries concerned met in June 1986 in LUXEMBURG where they implemented a cooperation in the field of the struggle against terrorism and of public security, between services of Police and Safety of the EEC countries.

High-ranking officials responsible for security issues were entrusted with the creation of several working groups in charge of studies and proposals in a view to developing cooperation between member countries.

2) Organisation and competence:

At the early stage, the working groups were five, then reduced to two and finally three (decision of the Ministries who held meeting in Rome, on June 21st, 1985). Groups I and II are in charge of terrorism and political violence and the third one's concern is international organized top-level criminality.

- Groupe I is in charge of issues related to the exchange of informati-

about terrorist actions and politically-oriented violence and deterrent measures.

The head of the Coordinating Unit Against Terrorism (U.C.L.A.T.) is the head of the French delegation. An official of the International Affairs Unit to the General Headquarters of the French National Police and any other official at managerial level or from the active services of the French National Police will assist him as may be necessary.

Within the frame of a mutual information concerning respective police practical experiences, Group II deals with the technical and technological aspects as to the training of the personnels of Police and the outfits of all Police Departments.

The official in charge of the International Affairs Unit to the General Headquarters of the French National Police stands as head of the French delegation; officials at managerial level or representative of active services will assist him if needed.

Group III exchanges information concerning the respective police practical experiences of the 12 EEC countries in their struggle against the main types of criminality, trying to work out new tactics of strategies.

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3) Functioning:

The Committee of top-ranking officials is made up of General Directors of Heads of Services of Police or Security. They meet every six months to decide upon the recommendations made by the Groups. They confirm whether the work of these groups is to be completed or dropped and retain proposals to be further submitted to the Ministries' approval.

In April 1986 in THE HAGUE, the Ministries decided upon a six-month periodicity of meetings, and any extraordinary meeting if urgently needed; after a proposal of the French representative. They precisely did so in London on September 25, 1986, on a request made by the French Government follow-

ing a terrorism campaign that had developed in the first half of September, in Paris.

Since then, they have met in BRUSSELS, COPENHAGEN and MUNCHEN. The upcoming meetings are to be held in ATHENS (December 1988), MADRID (June 1989) and PARIS (December 1989).

4) Characteristics:

Lying — in its principles and general trends — upon the will of the Ministries involved, the TREVI Conference — a means of police cooperation within the communal frame of the 12 EEC countries — is of an informal character. It constitutes a path for a mutual exchange of information through the liaison bureaus.

As far as terrorism is concerned, this is the only true European medium of cooperation in the field of the struggle against terrorism.

The TREVI Conference assists the working group on terrorism set up within the frame of a political cooperation between the 12 EEC countries. It is in contact with several non-EEC countries such as CANADA, U.S.A., Austria, Switzerland, Australia among others, in the “TROIKA” mode (last presidency, current presidency, upcoming presidency).

It is quite plain to set that the 1996 issue will bring an expansion of the activities of this Group, meaning that a permanent secretary will probably prove necessary.

The TREVI Group member countries are linked through a network called “CRYPTOFAX” which enables them a permanent fast and confidential exchange of information.

On the occasion of technical meetings there is a pooling of mutual experience and expertise of the various European services involved. Various subjects are studied in a view-to tighten cooperation.

Among these are currently studied; eventual establishment of some European Federal Centralized Division of Forensic Police; possible transmission to all European services of individual notes for the search of more specially wanted terrorists; drawing up of a synthesis on some terrorist group in particular; exchange of information on explosives and firearms robberies.....

테러리즘에 대한 국제협력

자크·마프르*

< 목 차 >

- I. 테러리즘의 특징 (프랑스)
- II. 프랑스의 테러리즘에 대한 상황
- III. 효과적인 국제협력방안

I. 테러리즘의 特徵 (프랑스)

테러리즘에 대한 구체적 원인을 범죄측면에서 특이성을 찾아보면
첫째, 테러리즘의 동기가 정치적 특성을 띠며,

둘째, 새로운 매개변수가 공공여론과 관계있는 경찰과 범죄자간에서 나타나게
되며 따라서 테러행동의 효과성(목표성취)이 매디아를 통해 대중에 영향을 미치는
문제와 긴밀히 연결되어 있다는 점이다.

그리고 끝으로 테러실행수준에서 가장 중요한 특징을 지닌다는 점이다. 즉, 테
러는 탐색방법에 관한 한 도전적이다. 그러므로 흔히 이것은 범죄현상의 국제화의
미묘하고 복잡한 양상을 띠고 있다.

이것이 국제협력이 테러리즘의 위협에 대처해야 하는 가장 중요한 시각을 구성
하는 이유이다.

최근 프랑스의 테러양상은 4가지 주요원인과 직결되어 있음을 볼 수 있다.

1. 외국국가와의 관계에 있어서 개방적이고 호혜적인 프랑스의 역사전통적 호
의감과 정치적 의미의 정치범 은닉보호가 유지되어온 점.

2. 여러 유럽국가들과 마찬가지로 프랑스의 역사가 기본적으로 다양한 지역과
지역주의와 연관된 문제에서 연유되어 이루어졌다는 점.

* 프랑스 / 警察本部)

3. 프랑스의 외교전통이 국제무대에서 그의 역할을 주장하게 되었고 국제적 갈등과 정치적 논쟁에 대한 책임을 맡아온 점.

4. 파리가 여론형성의 특수한 국제무대로 인식되어 왔고 어떤 테러집단이 광범할 수 있는 행동을 선택하여 완수할 수 있도록 뜻을 자유롭게 표현할 수 있다는 점.

이상을 테러리즘의 분명한 양상에서 지난 20년간 프랑스에서 있었던 테러에서 구체화하면 :

- ① 분리주의자 행동(브리타니, 코르시카)
- ② 극단주의자 행동과 극좌경주의자 행동(예, Direct Action)
- ③ 국제테러리즘으로 세분할 수 있다.

테러에 대응하는 과정에서 프랑스당국은 때때로 상당한 성공을 이루었다(극좌주의그룹인 「Direct Action」의 해체, 프랑스 West Indies 와 코르시카, 바스크의 체포등).

테러위험에 대응하기 위한 조치가운데 국제협력은 유익한 특별한 노력이다.

II. 프랑스의 테러리즘에 대한 狀況

사실 프랑스는 국제테러리즘의 기초에 관한 특별한 상황에 직면해야 했다. 그런 상황은 다음 몇가지 사실에 달렸다.

1. 어떤 테러집단은 호의성 전통을 가진 프랑스에서 유익이 생길 수 있었다는 것을 고려한 때가 있었다는 것이다.

2. 프랑스와 특히 파리는 외국에서 오는 입국집단이 우방국가의 이익을 침해(미국이나 이스라엘)하기 위해 오는 장소로 되어 있고 다른 나라로 떠나버린다는 점이다.

3. 프랑스인구가 중동문제와 관련된 외국인에 의해 부분별한 치명적인 공격의

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목표로 되어 왔다는 점이다.

이상의 이와 같은 경험에서 볼 때 테러리즘은 범죄의 특징을 떠므로 국제협력의 방침을 설정하고 강력한 주장을 하게 된 것이다.

이와 같은 시도는 현실적으로 경찰과 형사사범의 상호협력의 절대적 신념위에 토대를 두고 테러에 대한 투쟁장치를 확고하게 하게 된 것이다.

Ⅲ. 效果的인 國際協力方案

테러리즘을 범죄적 측면에서 볼 때 이에 대한 적절한 대응조치는 여러나라의 광범한 협력 틀 속에서 취해져야 한다. 이런 면에서 볼 때 범죄행동을 억제하고 탐색하여 관계당국으로 하여금 보안책임을 지게 하고 이와 같은 기본적인 요소가운데서도 특히 상대방의 작전전략(Modus operand)을 확인하고 억제정책을 규정하기 위한 현재의 위협의 전개가능성을 예측하고 성격을 결정하는 일이다.

그리고 범죄수사측면에서 국제협력은 ICPO - 인터폴의 지속적 노력을 추구하는 일이며 한편으로 공동이해관계를 가진 나라들은 당사자간 또는 다원국가간의 조대위에서 협력체계를 출범하는 것이다.

불론 이에는 ICPO - 인터폴 통로를 통하여 형사사범 협력에 보충적으로 항구적 협력의 기구를 구성하는 것을 포함한다. 예컨대 프랑스와 유럽에서 국가들은 TREVI 그룹을 형성하였다.

ICPO - 인터폴은 국제협력의 확대에 있어서 크게 기여해 왔으며 테러의 수사에 대하여도 협력을 확대해 온 것이다.

ICPO - 인터폴규약 3 조에 내포된 원칙에 의해 야기된 애로에도 불구하고 1985년 10월 워싱턴의 54 차회의의 총회에서는 다음을 결정한 바 있다.

1. 사무총장에 의해 안내편람을 설계하고 협력의 실천적 방안을 검토한다.

U.C.L.A.T (테러대처 조정체제)

↳ 프랑스의 테러분야 정치조정기구(2)

↳ { C.I.L.A.T (테러대처 부처간위원회)
C.N.S (국가안보회의)

목표로 되어 왔다는 점이다.

이상의 이와 같은 경험에서 볼 때 테러리즘은 범죄의 특징을 떠므로 국제협력의 방침을 설정하고 강력한 주장을 하게 된 것이다.

이와 같은 시도는 현실적으로 경찰과 형사사범의 상호협력의 절대적 신념위에 토대를 두고 테러에 대한 투쟁장치를 확고하게 하게 된 것이다.

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그리고 범죄수사측면에서 국제협력은 ICPO - 인터폴의 지속적 노력을 추구하는 일이며 한편으로 공동이해관계를 가진 나라들은 당사자간 또는 다원국가간의 조대위에서 협력체계를 출범하는 것이다.

불론 이에는 ICPO - 인터폴 통로를 통하여 형사사범 협력에 보충적으로 항구적 협력의 기구를 구성하는 것을 포함한다. 예컨대 프랑스와 유럽에서 국가들은 TREVI 그룹을 형성하였다.

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2. 하부구조내에서의 전문그룹의 창설

3. 총회와 집행위원회의 매년 개최

4. 모든 지역회의 의제에 국제테러 포함

5. TREVI Group (TREVI 회의)

1) 기원: 1985. 영국수상 제의(로마)

2) 조직과 담당

초기에는 실무그룹이 5개였으나 2개로 그리고 끝에는 3개로 구성. 1,2 그룹은 테러와 정치폭력담당이고 3 그룹은 국제적 범죄조직에 대한 것이다.

3) 기능

최고관리층은 경찰 및 보안책임자로 구성되고 6개월마다 열리며 1986. 헤이그 회의에서는 6개월 회의주기 결정과 긴급시의 임시회의를 결정했음.

4) 특징

테러리즘에 대한 협력의 유럽만의 매개체임.

그리고 현재 연구중인 것은 유럽동맹 법의학 경찰분과의 설치이다.