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Terror and the Fifth Republic

Alexis Debat

FOUR HUNDRED years of coping with revolution, subversion, occupation and decolonization have turned France into one of the most policed states in the world, with approximately 394 public personnel per 100,000 inhabitants, and one of America's most respected partners in the War on Terror. While highly centralized under the Interior Ministry, the government's counter-terrorism function is not placed under a particular department. It is spread among a half-dozen police, intelligence and administrative agencies, each entrusted with a specific piece of the mission. The French success in rolling up a number of terrorist networks (arresting more than 230 people since 2002) can be attributed to this complex combination of centralization and flexibility, proactive and reactive policing, and the aggressive targeting of logistical networks.

The French Experience

BECAUSE OF its support for the Algerian military junta, which in 1992 cancelled the second round of elections when the first round had shown an extraordinary push

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from an Islamic coalition, France became the target of a loose confederation of neo-*salafi* terrorist networks built around a small group of former Algerian volunteers to the Afghan jihad in the 1980s and united in an organization named Groupe Islamique Armé (GIA). Beginning in 1993, the GIA started to assassinate French expatriates (including Christian religious figures) in Algeria, 42 in all between 1993 and 1996. The French government, which closely monitored Algerian Islamists in exile on its territory, quickly responded by unleashing an all-out war against these networks and their logistical infrastructure. In one year, from November 1993 to November 1994, 180 suspects were arrested, and a significant portion were tried. Then, in a chilling prelude to the September 11, 2001, attacks, a GIA commando hijacked an Air France flight in Algiers in late December 1994 with plans to crash it into the Eiffel Tower. Although foiled, this plot was a turning point in how the government perceived the Algerian terrorist threat.

Starting in 1994, French security services began sharing information on the international connections of French and Algerian GIA militants, including with the neo-*salafi* underground in London, and noticed the departure of many militants to Bosnia, Afghanistan and Chechnya for military training. But because this information-sharing strategy still relied on the old model of counter-terrorism built in

the 1980s on a system with limited judicial powers and plagued by interservice rivalries, it only skimmed the surface of GIA's French networks and failed to uncover their stealthiest and most violent elements. As a result, France was once again the target of the GIA in 1995 and 1996: Ten bombs targeted public squares and the transportation system. But French counter-terrorism services were able to roll up these cells in under four months. They traced the money trail back to prominent Algerian exiles in London, such as Rachid Ramda (alias Abu Doha), as well as criminal gangs, such as the Gang de Roubaix, which provided financing to some GIA networks by robbing banks. French intelligence analysts also started linking GIA's international networks to Al-Qaeda through Abu Doha and Rachid Ramda in London. The investigation into GIA's international connections in 1997 and 1998 quickly uncovered an international support network stretching across Canada, France, Belgium, Italy and South Asia that provided volunteers for the global jihad and false passports to recruits. This worldwide intelligence operation is credited with the arrest on December 14, 1999, of Ahmed Ressam at the U.S.-Canadian border in Washington state with a truck full of 120 pounds of explosives and four detonators, which he planned to use in a terrorist attack against the Los Angeles airport.

In spite of its relatively short span (less than ten years) the struggle against GIA networks gave French intelligence and law enforcement agencies an early and unique insight into the ideology, organization and *modus operandi* of modern jihadi networks—some of which still form the backbone of Al-Qaeda. This was accomplished by a vast and complex intelligence and law enforcement apparatus, drawing on forces throughout the government, whose structure, powers and organization are deeply rooted in France's political culture.

A Flexible Apparatus

THE THREE main services responsible for monitoring and investigating the terrorist threat in France are the Direction de la Surveillance du Territoire (DST), the Direction Centrale des Renseignements Généraux (DCRG) and the Division Nationale Anti-terroriste (DNAT).

Formally created in 1944 as the main civilian unit responsible for counter-intelligence, the Direction de la Surveillance du Territoire (DST) is the latest institution in a very long and very successful French tradition of counter-intelligence that started with Joseph Fouché in the late 18th century under Napoleon. Placed under the responsibility of the Interior Ministry, the DST has seen its mandate broadened in the past ten years and is now the *de facto* central security agency in France, with responsibility over any traditional (espionage), asymmetric (terrorism) and criminal threats.

Once highly controversial, the DST's culture of aggressive intelligence and destabilization operations (including the wide use of phone taps) against subversives has been the cornerstone of the French counter-terrorism apparatus since the early 1980s. Thanks to an aggressive human intelligence (HUMINT) policy emphasizing the hiring of French citizens of North African origin and the recruitment of spies within terrorist cells in exchange for a reduction of their prison sentences, the service has built since 1995 an important network of informants throughout Muslim communities in France and abroad through the dozen or so liaison offices that it maintains in French embassies worldwide. In addition to its own networks, the DST maintains an extremely close relationship with other police services, especially the National Police (Direction Générale de la Police Nationale), whose jurisdiction extends over all large urban areas, the Gendarmerie Nation-

ale, a branch of the military with police authority in rural and small urban areas, and of course the Direction Générale de la Sécurité Extérieure (DGSE), France's main foreign intelligence service. These and other services, such as the Brigade Anti-Criminalité or the Renseignements Généraux, regularly feed its massive database of suspects or "persons of interest", whose movements, acquaintances and trips abroad are closely monitored.

The DST thus remains the centralizing authority for all information related to terrorist networks in their larger sense (operational, ideological, financial and logistical), as well as the reference point for all destabilization actions undertaken against violent neo-*salafi* networks. For example, it centralizes all information gathered throughout the French government on legal and illegal immigrants, especially those of North African origin, regardless of whether they are believed to be involved in criminal activities. It is through this clandestine monitoring that the DST was able in January 2005 to arrest three illegal Algerian immigrants and militants of the violent Algerian Groupe Salafiste pour la Prédication et le Combat (GSPC): Khaled and Maamar Ouazane and Hassen Habbar, who were plotting to conduct a wave of bombings in Paris, including one at the Eiffel Tower. This is also how the DST was able to track the whereabouts of several dozen French militants who had been recruited in France or the UK and sent for training to Al-Qaeda's training camps in Afghanistan or the Caucasus, including Zacarias Mousaoui, Djamel Beghal and many others (including some of Richard Reid's accomplices in France) who were later arrested.

From 2000 to 2005 the DST has been specifically credited with the arrest of around 150 militants involved in preparing terrorist acts in France and abroad. These busts resulted in the dismantlement of the Meliani Commando (also known as the Frankfurt Group), which

included one of Al-Qaeda's leaders in Europe, Mohammed Bensakhria, arrested in Spain in 2002, and Yacine Akhnouche, one of Al-Qaeda's main facilitators in Europe, in February 2003. The DST was also the lead agency in the investigation and the arrests in 2001 and 2002 of several individuals linked to Djamel Beghal, who had specific plans to carry out terrorist attacks against the U.S. embassy in Paris and several other American targets in Belgium. It also successfully identified—and then arrested in late 2002—a fairly extensive network of Islamic militants operating in the suburbs of Paris and Lyon and trained in Georgia and Chechnya to conduct a wave of chemical attacks in France, including against the Russian embassy in Paris. This operation yielded intelligence that led to several arrests in the UK, including Rabah Chekat-Bais (alias Rabah Kadri), the man considered to be the coordinator of Al-Qaeda in Britain, in November 2002. In 2005 the DST successfully infiltrated and dismantled several networks of volunteers ready to join the jihad in Iraq, including a network in northern France that was linked to the Madrid bombings, and a small cell that planned to conduct several bombings in France, which it was revealed the DST had quietly infiltrated with some of its officers of Moroccan descent.

Another important element of the French counter-terrorism system is the Division Nationale Anti-Terroriste (DNAT). Now under a new director, the DNAT has started refocusing its activities away from separatist terrorism and toward neo-*salafi* terrorism. Because of its privileged links to local police units, DNAT is emerging as a major partner of the DST.

Despite the wide powers of the DNAT and the DST, as well as the DST's status as the main coordinating agency for internal security, both services are still limited in their intelligence mission by their status as branches of the judicial police, tasked with gathering evidence for trial. This

gap in the domestic intelligence function is filled by another major sub-unit of the powerful Ministry of the Interior and key element of the French counter-terrorism community.

Legacy Systems

NOTHING SPEAKS more powerfully of the French culture of social control than the existence of the Direction Centrale des Renseignements Généraux. Created in 1893 and significantly reinforced during the Vichy regime in 1941, the DCRG (or “RG” as it is referred to in France) is a powerful domestic intelligence service whose original mission was to collect all intelligence relevant to internal security and the struggle against subversion. For most of the RG’s history, this assignment was defined as loosely as possible, to the point that the RG soon became, for all intents and purposes, a political police, with responsibilities for reporting not only on political organizations and labor unions but also on members of Parliament and local governments, and a wide variety of groups in civil society (from religious organizations to universities), even monitoring activities in casinos and nightclubs. Indeed, the domestic intelligence powers of the Renseignements Généraux still extend much further than in any other Western democracy and include virtually any group whose activity is interpreted as “potentially subversive.” These broad powers, as well as its decentralized but highly coordinated structure—and its impressive pool of 3,900 officers (three times more than the DST), including 700 attached to the headquarters of the police in Paris—undoubtedly make the RG the most ruthless and efficient counter-terrorism tool of any government. Through aggressive HUMINT and wiretap operations, the RG has been able to recruit tens of thousands of informants and deeply infiltrate radical *salafi* networks in the *cités*,

the suburban and poor neighborhoods in and around Paris, Lyon, Lille and Marseille, where most of the French Muslim community is concentrated and which erupted in rioting in November. Another important part of the RG’s work is to closely monitor mosques and Muslim organizations, especially the ones classified as “*salafis*”, and the many clandestine prayer grounds that have proliferated in the past several years. In a yearly report on religious groups that was leaked to *Le Monde* in February 2004, the RG had identified forty mosques considered to be “*salafi*”, 32 of which were located in or around Paris. These mosques, which are sometimes linked to Saudi or Pakistani charitable organizations and often operate on the fringe of the law, are very closely monitored by the RG. Their rosters, finances, cultural activities and even the imam’s Friday sermons are the subject of detailed intelligence reports, which are then transferred to regular police authorities (since the RG does not perform arrests). If a specific sermon, for instance, is judged to be inciting violence and racial or religious hatred (a serious crime in France), the police have the authority to compel an imam or the director of a mosque to report to police authorities for a “warning.” They can also arrest and expel him (if he is foreign) and search his mosque for other illegal activities.

The RG also pays very close attention to the *salafi* movement’s institutions, clubs and businesses. The German investigation into Abu Musab al-Zarqawi’s Al-Tawhid networks in Europe, as well as the investigations into the Madrid and London bombings, have all emphasized a major operational shift away from the mosques and toward private entities such as sports clubs, non-profits and small businesses. They also watch employees of certain sensitive sites, like nuclear plants or airports. In a still-classified case, the RG discovered in 2004 that a dozen private contractors operating on

the grounds of Charles de Gaulle Airport (including one from Air France) had significant, albeit non-violent, *salafi* beliefs and connections.

Despite their history of tempestuous relations and their occasional bureaucratic turf wars, the RG and the DST now largely complement each other and cooperate better than at any point in the past fifty years. Their combination of intelligence and judicial assets is particularly helpful with regard to the most recent jihadi networks, which involve only a couple major operatives but a wide array of volunteers, couriers and helpers usually recruited outside of the mosques. The arrest in January 2005 of a cell of amateur jihadists in Paris who had set up their own ratline to Iraq also came as a result of a joint RG-DST operation.

This increased interaction between the DST and the RG, which sociologist Jean-Paul Brodeur has defined as the integration of “high policing” (political policing) and “low policing” (policing of ordinary crime), is especially important now that terrorist networks in Europe tend to adapt to police techniques (especially the surveillance of mosques and *salafi* groups) and drastically reduce their “operational footprint” to a size which essentially blends their terrorist planning into their own legitimate activities or environments. While counter-terrorist activities are highly coordinated through the office of the minister of the interior through several sub-units such as the Unité de Coordination de la Lutte Anti-Terroriste (Unit for the Coordination of Anti-Terrorism, or UCLAT), this increased need for synergy has reached the point where there has been talk in the past several years of a fusion between all three counter-terrorist services—the DST, the DNAT and the RG—into a giant Direction Générale de la Sécurité Intérieure (DGSI), which would be the equivalent of the DGSE for internal security. This initiative is still highly controversial and, due

to personal rivalries between members of the French government, will not be decided upon before the 2007 presidential elections. But in a prelude to this inevitable integration, the three services will move into the same building just outside Paris at the end of 2006, where services and individual officers will increasingly act in coordination with one another.

A Distinctive Legal Regime

THESE CAPABILITIES operate within a muscular legal regime where reach and flexibility create tremendous opportunities for fighting an amorphous threat, opportunities that attract the interest of other Western nations. France is one of only six countries of the European Union to have specific anti-terrorism legislation, and it is by far the strictest. As with its counter-terrorism apparatus, France’s judicial regime reflects the nation’s sense of urgency with respect to subversion (especially foreign) and its culture of social control. French anti-terrorism laws lay out a regime of exception, a “regulated derogation from the common practice”, which treats not only terrorist acts but the intent to commit them as the highest possible offense to society, carrying some of the longest penalties in the French legal system (up to thirty years imprisonment). This judicial compact is built on two main pieces of legislation: the Terrorism Act of September 9, 1986, which established the centralized prosecution of all terrorist acts, and the Terrorism Act of July 22, 1996, which criminalized actions based on the intent to commit terrorism and gave the law enforcement community broader powers to investigate and detain suspects through a special and harsher legal procedure.

On top of several measures aimed at facilitating counter-terrorism investigations, the first law, enacted in the middle of the first wave of foreign terrorism in 1986, reorganized the anti-terrorism judi-

cial apparatus by establishing the principle that terrorism anywhere against France or its citizens would be investigated as a national matter. As such, it created within the central judicial administration a small pool of investigative magistrates, the Section Anti-Terroriste du Parquet de Paris, entirely dedicated to directing all terrorism investigations and prosecution. Since then, this small but extremely powerful unit, which is headed by the supremely media-savvy Jean-Louis Bruguière, has directed more than 300 terrorism investigations and collectively amassed what probably amounts to the most comprehensive pool of expertise on terrorism anywhere.

The second piece of legislation, enacted in 1996, established a truly unique concept in the anti-terrorism legal ethos: the now-famous “criminal association in relation to a terrorist venture.” This notion, which has no equivalent anywhere else in Europe, puts forward the belief that anything that happens before a terrorist act is already terrorism. By allowing the investigating magistrates to truly integrate prevention and suppression, this capability opened a vast field of opportunity for proactive policing against the entire spectrum of threats, from the terrorist groups’ logistical and financial networks to their operational capabilities, and formed the basis of nearly all anti-terrorism investigations in the past ten years.

But while this legal regime enables the earliest possible treatment of the terrorist threat, it creates several problems from both an operational and a judicial point of view. First, by broadening the confines of the terrorist crime, the 1996 law pushes law enforcement agencies to conduct very large and very expensive investigations involving dozens and sometimes hundreds of individuals. This is reported to be a major problem for a country that is the only one not to have significantly increased its internal security budget after 2001. Second, while both pieces of legislation were passed without major opposition

from human rights groups and lawyers’ organizations, the principles they defend are questionable from a legal perspective and would even be considered illegal in many countries, including the United States. For example, the introduction of the notion of criminal association in relation to a terrorist venture gives the investigative magistrates very broad powers to interpret certain actions—which taken by themselves might otherwise be perfectly legal—as acts of terrorism if they are seen to be supporting even indirectly a group planning terrorist acts. Judge Bruguière has been criticized many times in the French media for his propensity to conduct large and public anti-terrorist sweeps and indict a vast number of suspects, most of whom are later acquitted. This happened several times, including in 1997, when, in an embarrassing public rebuttal of Judge Bruguière’s investigations, one hundred of the 131 suspects tried after the June 1995 anti-terrorist raids on GIA networks were acquitted upon trial. And despite the highly central and hierarchical nature of the French judicial system, the judges of the Section Anti-Terroriste du Parquet de Paris can conduct these investigations and detentions with little oversight or accountability, which creates tensions within the legal establishment and furthers the critics’ argument that this legal regime represents a major anomaly in the French democratic system. But in spite of these controversies, the French minister of the interior, Nicolas Sarkozy, introduced a new anti-terrorism bill in September, which would even strengthen this judicial regime and increase the reach of the counter-terrorist apparatus.

Implications for the United States

DRAWING LESSONS from the deeply monarchic French model to apply to America, a quintessential republic, can be an exercise in futility. The French system is far from

perfect, and the two countries stand at opposite ends of the cultural spectrum. Certainly the most important contribution of France to the American-led War on Terror since 2001 has been its continued cooperation with the U.S. government through several formal and informal arrangements. In July an article in the *Washington Post* reminded us of the closeness of Paris and Washington on matters of terrorism when it was revealed that the CIA had set up a top-secret center in Paris (codenamed “Alliance Base”), where representatives of the French and American intelligence communities would not only share intelligence but plan joint operations. One of these operations, revealed by the same article, involved the capture in June 2003 of the German militant Christian Ganczarski, who had joined Al-Tawhid.¹ Another led to the arrest in September of several members of a network linked to the GSPC, the Zarqawi organization in Iraq. One of the members of the network, Kaci Warad, had even spent several weeks in a terrorist training facility run by the violent group Jund as-Sham in the Sunni areas around Tripoli, Lebanon, where he had learned to make home-made explosives and detonators and received orders to go back to France to set up a terrorist cell. One of these designs involved detonators built with web-operated cell phones, which could be detonated from anywhere in the world via the internet. A tip from Algerian intelligence, as well as Warab’s frequent telephone contacts with a “Mohamed al-Tunsi”, killed by U.S. forces at the Iraqi-Syrian border last summer, led to another communication between the CIA and the DST that again exposed the network, leading to nine arrests, including longtime GSPC operative Safe Bourada, last September.

Beyond that pragmatic addition to the American counter-terrorism effort, the French model holds more lessons for the struggle against Al-Qaeda’s new and stealthier generation generally than for the capacity of the American government to successfully incorporate these new fundamentals in its own counter-terrorist system. In the end, the French model shows two major prerequisites of a successful counter-terrorist apparatus: the absolute pre-eminence of a central (if not ubiquitous) national authority, with continuity of capacity, priority and effort down the operational and judicial chain, and a high degree of political clarity and consensus on the acceptable level of social control in the pursuit of security. But while there is no doubt that the Bush Administration and Congress spent vast resources toward that goal, they have yet to address the fundamental and dramatically underestimated question of the constitutional costs of “absolute security” in America. Because terrorism’s smaller footprints and larger ambitions outrun any government’s capacity to devise consistent, long-range policies to neutralise it, the American people have to choose between further empowering a slow and flawed government apparatus—and slowly eroding some of the founding principles of their democracy (such as federalism and civil rights) in exchange for an imperfect sense of security—and simply settling for managing the terrorist threat within the narrow confines of its democracy.

The answer is not terribly complicated for anyone ready to take an honest and non-partisan look at the terrorist threat. In the end, the big picture is where the terrorism fight is always won. □

¹See Alexis Debat, “Osama bin Laden’s Heir”, *The National Interest* (Summer 2005).