



France: Europe's Counterterrorist Powerhouse

By Reuel Marc Gerecht and Gary Schmitt

Counterterrorism, like espionage and covert action, is not a spectator sport. The more a country practices, the better it gets. France has become the most accomplished counterterrorism practitioner in Europe. None of the western European counterterrorism officials we have met with over the last eighteen months would dissent from this view. And while there may be a debate about which European state has had the most experience dealing with terrorism—be it Germany with its Baader-Meinhof Group, Italy with its Red Brigades, Spain with the Basque separatist group Euskadi Ta Askatasuna, or even Great Britain with the Irish Republican Army—there is no question that France has had as much experience with the most virulent, police-resistant forms of modern terrorism as any of them. Whereas September 11, 2001, was a heart-stopping shock to the American counterterrorism establishment—and only slightly less revolutionary for many in Europe—it was not a révolution des mentalités in Paris.

Two waves of terrorist attacks, the first in the mid-1980s and the second in the mid-1990s, have made France acutely aware of both state-supported Middle Eastern terrorism and freelance but organized Islamic extremists. The attacks in 1985 and 1986 were probably Iranian-inspired, carried out as pay-back for France's military and financial support of Saddam Hussein. The attacks in the 1990s, however, in part an outgrowth of the Algerian civil war, clearly revealed to French security officials that "proper" Frenchmen, *les français de souche*, could convert to Islam, and that Muslims raised in France could spearhead mass-casualty terrorism.¹

By comparison, the security services in Great Britain and Germany were slow to awaken to the threat from homegrown radical Muslims.² Britain gambled that its multicultural approach to immigrants was superior to France's forced assimilationist model. But with the discovery of one terrorist plot after another being planned by British Muslims, as well as the deadly transportation bombings

that took place in London on July 7, 2005, British public and security officials have begun to question the wisdom of their "Londonistan" approach to Muslim integration.³ Similarly, until recently, officials in Berlin believed that Germany was safe from homegrown Muslim terrorism, but two major bomb plots over the past year and a half—one aimed at German trains, the other at American military personnel, installations, and interests in Germany—have raised serious doubts in the minds of many German security officials about that previous assumption.⁴

French scholars and journalists have also been way ahead of their European and American counterparts in dissecting Islamic extremism and jihadism, and in analyzing the "Zacarias Moussaoui" phenomenon of European-raised Muslim militants and terrorists.⁵ And French officials, who work in counterterrorism domestically and overseas, appear to be well aware of this intellectual spade work, often maintaining friendly relationships with scholars and journalists working in the field. The French interior ministry and prison system, for example, were remarkably open and helpful to the renowned Franco-Iranian sociologist

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Farhad Khosrokhavar in his interviews of jailed al Qaeda members. Khosrokhavar's research, which produced the untranslated *Quand Al-Qaïda parle: Témoignages derrière les barreaux* (*When al Qaeda Speaks: Testimonies from Behind Bars*) is the most insightful look into the mind and manners of highly westernized, Europeanized members of al Qaeda. Nothing in the American literature comes close to dissecting the nature of al Qaeda's westernized elite.⁶ Given the distance and stiffness between the Federal Bureau of Investigation (FBI) and American scholars and journalists, it is unlikely that Khosrokhavar will soon have any American competition.⁷

The *Marsaud Report*, issued on November 22, 2005, by a special parliamentary commission charged with examining France's counterterrorism capacities, articulates the general French view of the threat posed by radical Islamic terrorism. It is perhaps the most cogent statement yet by an official European governing organization on why its citizens are inextricably involved in the fight against radical Islamic terrorism and unavoidably tied to the United States.

The absence of Islamist attacks on French soil since 9/11 should not be misinterpreted: it does not signify at all that France has been immunized from such actions, notably because of its position on the Iraq conflict. Elsewhere, we have already indicated that terrorist cells have been taken apart [since 9/11]—cells which were planning attacks on our soil. Further, outside of our national territory, French targets were struck, like the May 8, 2002, attack in Karachi, which killed fourteen, of whom eleven were employees of the DCN [Direction des Constructions Navales, France's major shipbuilder], or the attack against the oil tanker *Limburg* off the coast of Yemen on October 6, 2002. France is an integral part of Western civilization, a target of radical Islamic terrorists. In this regard, she figures among the potential targets of these terrorists to the same extent as any other Western nation. A member of the international coalition in Afghanistan, where our special forces participate in the hunt of al Qaeda's leaders, France is thus considered an enemy, no matter her position on Iraq. Furthermore, France has been since 1986 on the cutting edge of countering

[Middle Eastern] terrorism: her contribution in dismantling networks and her central role in the international counterterrorist effort have made her undeniably an enemy of international terrorist groups. Additionally, France must take into consideration her geographic position and her history.

It has been clearly shown that France is the target of choice for the Algerian GSPC [the Salafist Group for Preaching and Combat].⁸

After 9/11, the Central Intelligence Agency (CIA) and the FBI decided to headquarter America's premier European counterterrorism liaison shop in Paris because they recognized—despite the acrimony arising from the run-up to the

Iraq war and the historical coolness between the CIA and French intelligence—that France is the European country most serious about counterterrorism.

French Lessons

It is unclear what practical lessons Americans can draw from the French encounter with Islamic terrorism, given the two countries' different histories of interaction with the Muslim world and the significant differences between the two when it comes to legal systems and the domestic purview of the state. Nonetheless, it is always worth knowing how others do things—especially other democracies—when what they do seems to work.

And one of the things the French do well—and perhaps the hardest thing for Americans to appreciate, let alone adopt—is granting highly intrusive powers to their internal security service, the Direction de la Surveillance du Territoire (DST), and to their counterterrorist investigative magistrates (*juges d'instruction*). The latter institution is the linchpin of France's counterterrorism prowess, allowing the French to combine the powers of prevention, deterrence, and punishment in one individual. This office, created after 1986, has no American parallel and in its powers seems to be unique within Europe. They oversee and often direct the investigative reach of France's myriad police services, especially the intelligence unit of the French national police, the *Renseignements Généraux* and the DST.⁹

This direction is exercised through a distinctly French combination of administrative statutes and—just as important—informal institutional and personal relations.

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The *juges d'instruction* do not have the authority to command the DST, which belongs formally under the authority of the interior minister. But because of the success of such magistrates as Jean-Louis Bruguière and Jean-François Ricard, who proved that they could handle sensitive information collected by a domestic intelligence agency, the DST has essentially formalized its relationship with these magistrates. The *juges d'instruction* can now direct DST operations and intelligence collection.¹⁰ The political class in Paris, often at odds with the judicial class, has grown comfortable with the independence exercised by these investigative magistrates. A cynic might say that this reflects the political sensitivity of the terrorism portfolio—better that magistrates handle the potential blowback from these cases than elected officials. But it is also an acknowledgement of how effectively and professionally the *juges d'instruction* have conducted themselves since 1986.

These magistrates and their offices have become the repositories of counterterrorism information in the French government. The advantage over the American system here is significant: counterterrorism personnel at the FBI, Justice Department, CIA, and National Security Council usually rotate out of the terrorism portfolio after a few years. Few could be said to have monitored specific cases and particular Islamist organizations for years on end. Bruguière, France's most famous *juge*, stayed on the counterterrorism beat for over twenty-five years and could overwhelm his interlocutors with details and insights that come only from long-standing first-hand experience. These magistrates have become, as Jeremy Shapiro and Bénédicte Suzan have pointed out in their incisive evaluation of the *juges d'instruction*, their own counterterrorism intelligence services.¹¹

Observers are struck by the ability of the French to concentrate the combined resources of the state quickly. From the substantial use of wiretaps and other forms of electronic interception to day-and-night physical surveillance and "preventive detention" that can be directed against targets about whom authorities do not have sufficient evidence to seek criminal prosecution, magistrates and their allied police and intelligence services can rapidly monitor, harass, and paralyze those they suspect of terrorist activity. As the French 2006 white paper on domestic security and terrorism states:

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To be effective, a judicial system for counterterrorism must combine a preventive element, whose objective is to prevent terrorists from acting, and a repressive element, to punish those who commit attacks as well as their organizers and accomplices. The French system follows this logic. But its originality and strength lie in the fact that *the barrier between prevention and punishment is not airtight.*¹²

The *juges d'instruction* have largely demolished this wall.

The French have other important counterterrorism agencies. Foremost among them are the Conseil de Sécurité Intérieure (Internal Security Council), chaired by the French president or his representative, which "defines the orientation for domestic security policy and establishes priorities." The prime minister chairs the Comité Interministériel du Renseignement (Interministerial Intelligence Committee), which brings together all of

the ministers involved in counterterrorism. The interior ministry leads the Comité Interministériel de Lutte Antiterroriste (Interministerial Counterterrorist Committee), which coordinates actions at the ministerial level.¹³ Most important is the Unité de Coordination de la Lutte Antiterroriste (Counterterrorist Coordination Unit), which was created in 1984 inside the interior ministry. This office collects information supplied by all the other agencies, including the interior ministry, the defense ministry, and the ministry of economy, finance, and industry.¹⁴ As noted by Shapiro and Suzan:

Previously, no single service had specialized in terrorism and thus no one was responsible for assembling a complete picture from the various different institutional sources, for assuring information flows between the various agencies, or for providing coordinated direction to the intelligence and police services for the prevention of terrorism.¹⁵

None of these organizations and offices is of course uniquely French. We certainly could not conclude that they operate more efficiently than their American counterparts—excepting the greater efficiency one would expect to find in a smaller, highly centralized state. What sets France apart are its *juges d'instruction* and their ability to harness the country's enormous

police resources. These magistrates are also able, because of their singular focus, to keep the counterterrorism apparatus in France operating with an esprit and at a tempo other countries find hard to match, especially as 9/11 recedes into distant memory. The French themselves are not deluded about their capacities: the counterterrorism white paper notes that “the threat now develops almost invisibly and is much more difficult for the intelligence and security agencies to detect.”¹⁶ French officials are confident, however, in what the French state, properly focused on an internal enemy, can do.

We underscore the power of the French state since so much post-Patriot Act commentary in the United States suggests that enhanced police powers—for example, the sequestration of terrorist suspects without immediate access to attorneys, or the use of wiretapping and physical surveillance that falls far short of “probable cause” of Foreign Intelligence Surveillance Act (FISA) standards—are counterproductive to counterterrorism efforts since they corrode our collective trust in the law and are ineffective in any case.¹⁷

We are uncomfortable with some French counterterrorism practices—such as the government’s ability to jail French citizens without sufficient grounds for actually taking them to court—and would not want to see them imported to the United States. Some in France worry that police power, when focused on the Muslim community, can become overbearing and counterproductive.¹⁸ The French national police and the DST are conscious of this concern. We suspect that the presence of Muslim Frenchmen in the police and domestic intelligence services—larger, it appears, than in any other European country—allows French officials to track this concern, as well as deploy a more effective counterterrorism cadre, better able to penetrate police-resistant radical Muslim circles. In any case, anxiety about police intrusiveness still appears to be a minority opinion in France, both among officials and in the wider population.¹⁹

Transatlantic Parallels

It is worthwhile to mention a critical study of Franco-American counterterrorism relations commissioned by the policy planning staff of the French foreign ministry. Entitled *The Counterterrorist Effort in France and the United*

States: Beyond the Celebration of Our Cooperation, Are There Long-Term Structural Problems?, its critique is pessimistic.²⁰ France’s highly codified legal system, in which the French state enjoys enormous powers of intrusion and coercion, does not resemble the messier U.S. system of separated powers, judicial independence, and presumptive rights held by individuals against the govern-

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ment. The censure in the piece, which likely represents the views of much of the French elite, is more procedural than moral. America’s legal and political system, at least under George W. Bush, could not handle such “extralegal” challenges as Guantanamo, extraordinary rendition, or warrantless surveillance. According to the authors of the report, the United States got hoisted by its own petard by making the struggle against

radical Islamic extremism into a highly politicized, militarily front-loaded “war on terror” that its legal and ethical system could not handle.

We can agree with some of this critique—for example, we do not think the Bush administration effectively thought through the judicial and legal challenges it would encounter as it interrogated and imprisoned members and suspected members of al Qaeda, the Taliban, and other extremist Islamic groups. But the stabilizing genius of American government is its extremely open political system, in which convulsive questions can be asked and debated, and bipartisan consensus can usually be found on serious matters of national security. The Bush administration, reflecting the desire of all presidents to protect executive prerogatives they deem necessary to wage war successfully, got itself into a difficult spot with aspects of the “war on terror” precisely because it did not allow politics to intervene early enough on the thorny—at times gut-wrenching—questions of how to interrogate, imprison, and eliminate “enemy combatants.” The French political and legal system does not do debate easily; if allowed, the American system does it sublimely well.

These “procedural” challenges, which torment some of our allies, are unlikely to seriously affect our counterterrorism cooperation with Paris. Throughout the run-up to the Iraq war, which was perhaps the nadir of post-World War II Franco-American relations, counterterrorism cooperation blossomed. In 2007, Nicolas Sarkozy, who openly admires much about the United States and rarely engages in the anti-American cynicism

so common among the French intellectual elite, was elected president. Unless he has been hiding his true feelings—something he is not known for doing—Sarkozy does not seem to believe the United States has been ethically deficient since 9/11. We suspect that many in France, especially those in its intelligence and security services, understand the unique challenges the United States confronted after 9/11—the challenges that only a global military power could confront.

In the end, looking at the French and American approaches to counterterrorism provides an odd symmetry. In the case of France, the threat is largely—but not simply—within the confines of its own borders. To meet the threat, the French are willing to give their officials what we would consider extraordinary powers and discretion. In the case of the United States, the terrorist threat comes largely—but not solely—from abroad. To meet that threat, President Bush has used his power as commander in chief to its fullest. And while his political opponents and a few judges criticize the use of that power, for the most part, Americans have not reacted in a manner that suggests that they see a darkening, dangerous shadow over their personal liberties. Similarly, since 1986, when French domestic counterterrorism became much more intrusive—when Judge Bruguière’s distinctly un-Anglo-Saxon mission began—France has not gone down the slippery slope into tyranny. France’s society, its politics, and many of its laws have actually become much more liberal and open.

As a practical matter, there will always be a trade-off of sorts between citizen liberties and the powers a state needs to fight certain threats. Yet it is the paramount duty of any liberal democracy not only to protect the rights associated with a decent political order, but also to protect the lives of its citizens. Exercising power in the name of security is not necessarily illiberal. And as our examination of the French approach to counterterrorism suggests, the exercise of such power can be considerable indeed. It is a point that some liberal and civil libertarian critics of the Bush administration, who too rarely study what is going on abroad, might do well to remember.

Notes

1. Reuel Marc Gerech, personal conversations with French officials and scholars focusing on Islamic radicalism in France, 1980–2000. For a good discussion of Middle Eastern and Islamic terrorism in France and the official French reaction to it, see Ali Laidi and Ahmed Salam, *Le Jihad en Europe, les filières du*

terrorisme en Europe (Paris: Seuil, 2002). It was the effort by the Algerian-born but thoroughly Gallicized Khaled Kalkal, in particular, to blow a high-speed Paris–Lyon train off its rails in August 1995 that caught Paris’s attention.

2. Reuel Marc Gerech and Gary J. Schmitt, personal conversations with British and German counterterrorism officials, September 26–28, 2007, in London, and March 26–27, 2007, in Berlin.

3. For an excellent account of the British perspective on its homegrown Muslim terrorist threat, see Peter Clarke, “Learning from Experience: Counterterrorism in the UK since 9/11” (Colin Crampton Memorial Lecture, Policy Exchange, London, 2007), available at www.policyexchange.org.uk/images/libimages/260.pdf (accessed October 29, 2007).

4. See Mark Landler, “Bomb Plot Shocks Germans into Antiterrorism Debate,” *New York Times*, August 22, 2006; Craig Whitlock, “Germany Says It Foiled Bomb Plot,” *Washington Post*, September 6, 2007; and Mark Landler, “Germans Weigh Civil Rights and Public Safety,” *New York Times*, July 12, 2007.

5. For an excellent early discussion of Islamist networks in Europe, and France especially, see Antoine Sfeir, *Les réseaux d’Allah: Les filières islamistes en France et en Europe* (Paris: Plon, 1997). Sfeir’s concerns proved prescient. See also Jocelyn Césari, *Être musulman en France* (Paris: Karthala, 1994); Bruno Étienne, *La France et l’islam* (Paris: Hachette, 1989); Gilles Kepel, *Les Banlieues de l’islam* (Paris: Seuil, 1994); and Rémy Leveau and Gilles Kepel, eds., *Les Musulmans dans la société française* (Paris: Éditions du CNRS, 1988). Zacarias Moussaoui’s mother was fourteen when she was married in Morocco. Five years later, Moussaoui’s parents moved to France, where he was born. In time, his mother left his father, raising the children herself. According to his family members, no religious education was provided to young Zacarias.

6. Farhad Khosrokhavar, *Quand Al-Qaida parle: Témoignages derrière les barreaux* (Paris: Bernard Grasset, 2006).

7. The position of American detainees is different from those in France, making it more difficult for U.S. officials to grant access to these prisoners. It is not very hard, however, to find European security and intelligence officials who have debriefed Guantanamo detainees in Guantanamo and are willing to discuss their findings privately. U.S. officials are much more sensitive, and official classification on this issue is much greater. Western Europeans—and the French in particular—are more open about discussing terrorism operationally and intellectually than their American counterparts are.

8. Assemblée Nationale, *Rapport Marsaud*, document number 2681, November 22, 2005, 18–19. Translation by author. GSPC has now associated itself as part of al Qaeda. If one adds up the detainees who have passed through Guantanamo, those

that come from Francophone North Africa represent a significant proportion, comparable in number to those who have come from Pakistan, a country four times more populous than Francophone North Africa. In addition, seven French nationals are also known to have been detained in Guantanamo. See John Rosenthal, "The French Path to Jihad," *Policy Review*, October/November 2006.

9. See Jeremy Shapiro and Bénédicte Suzan, "The French Experience of Counter-terrorism," *Survival* 45, no. 1 (Spring 2003): 78–85, available at www.brookings.edu/views/articles/fellows/shapiro20030301.pdf (accessed October 29, 2007).

10. *Ibid.*, 78–85.

11. *Ibid.*, 79–84.

12. Dominique De Villepin, *Prevailing Against Terrorism: The White Paper on Domestic Security Against Terrorism* (Paris: La Documentation Française, 2006), 53. Emphasis added.

13. *Ibid.*, 49.

14. *Ibid.*, 50.

15. Jeremy Shapiro and Bénédicte Suzan, "The French Experience of Counter-terrorism," 77.

16. Dominique De Villepin, *Prevailing Against Terrorism: The*

White Paper on Domestic Security Against Terrorism, 36.

17. For an eloquent defense of this position, see Philip H. Gordon, *Winning the Right War: The Path to Security for America and the World* (New York: Times Books, 2007).

18. For a thoughtful discussion of backlash among Muslims in France, see International Crisis Group, "La France face à ses musulmans: émeutes, jihadisme, et dépolitisation" [France Facing Its Muslims: Riots, Jihadism, and Depoliticization], *Rapport Europe* 172, March 9, 2006.

19. For example, in *Le Monde*, a center-left publication generally considered the French newspaper of record, news reports and editorials infrequently express concern about the intrusiveness of French counterterrorism methods among the country's Muslims. A comparison of *Le Monde* with the *New York Times*—in which criticism of the Patriot Act is constant—is striking.

20. Victoire Boccara and Bénédicte Suzan, *Lutte antiterroriste en France et aux Etats-Unis: au delà de la célébration de notre coopération, des problèmes structurels de long-terme?* (Paris: Centre d'Analyse et de Prévision, Ministère des Affaires Étrangères, N/06-079, July 12, 2006).