EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

WORKING GROUP ON TERRORISM AND TRANSNATIONAL ORGANISED CRIME

Follow-up Activities to the 2nd Malaga Conference on Terrorism-TOC 2017

Document prepared by the CDPC and CDCT Secretariat
Directorate General I – Human Rights and Rule of Law

Introduction

Links between terrorism and organised crime

Since the advent of Daesch in 2014, what is the profile of a terrorist involved in the recent terrorist attacks in Europe?

Although there is no single profile, some criteria do not vary. This is the case with the common law criminal factor that is ubiquitous today. The terrorist wave that has hit the West since the 1990s is attracting most of its terrorists from the world of crime. The main characteristics of almost all offenders may not always have been correctly perceived and analysed. The authors of the attacks perpetrated in France and Belgium in 2015 and 2016 are almost all from the world of "*gangsterism*"[1]. The vast majority of these terrorists are in fact ordinary criminals. A report from the United Nations underlines to what extent the profile of foreign terrorist fighters from France is marked by delinquency[2].

The European police agency Europol thus states that "*in general, jihadists who commit attacks in the European Union are a specific group of young men with a criminal past*"[3]. In July 2016, Europol reported that 816 individuals known to be terrorists were also involved in serious criminal cases or organised crime cases; in fact almost all of these individuals committed these common law crimes before turning to terrorism. In addition, 67% of the terrorists in this sample (816) with a history of serious or organised crime wished to be foreign terrorist fighters (FTF) wanting to fight in Syria-Iraq.

An ICSR study at King's College London has reached similar conclusions. As such, this study argues that "*in many European countries, the majority of foreign terrorist fighters are former criminals*"[4]. ICRH, then, underpins its statements with comparative data[5]. Thus, for the German Federal Police, two-thirds of the 667 German terrorists are known to the police before leaving for Syria, and one-third have already been convicted; according to Belgium's federal prosecutor, half of the country's terrorists had a criminal record before leaving for Syria; according to the Norwegian and Dutch police, at least 60% of the terrorists in these countries are known for criminal cases. Finally, the ISCR's own database dealing with European terrorists with a common law background establishes that 68% of them are local offenders, 65% of them are violent, using firearms in 30% of cases, and 57% of them have been incarcerated at least once[6]. In Spain, a study covering the period June 2013 - May 2016, shows that 44.6% of prisoners for "*activities in relations with the Islamic State"* are common criminals[7]. It is therefore not surprising that the financing of terrorist attacks in the West comes largely from common crimes such as thefts, trafficking, scams, etc.

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[1] *Théorie des hybrides – Terrorisme et crime organisé*, Jean-François Gayraud, CNRS Éditions, 2017.
[2] United Nations Analytical Support and Sanctions Monitoring Team, *Analysis and recommandations with regard to the global threat from foreign terrorist fighters*, 2015, p.11.
[3] *Changes in Modus Operandi of Islamic State (IS) Revisited*, Europol, November 2016.
[4] Basra Rajan, Brunner Claudia, *Criminal Pasts, Terrorists Futures : European Jihadists and the New Crime-Terror Nexus*, The international Centre For the Study of Radicalisation and Political Violence (ISCR), King's College, London, 2016, p.3.
[5] Basra Rajan, Neumann Peter R, Brunner Claudia, *Criminal Pasts, Terrorists Futures : European Jihadists and the New Crime-Terror Nexus*, op. cit., p.7-8. Daniel H. Heinke, ISCR Associate Fellow, « German jihadists in Syria and Iraq : An Update », *ICR Insight*, 29 février 2016 ; Hamed el-Said et Richard Barett, « Enhanin the understanding of the Foreign Terrorist Fighters phenomenon in Syria », *United Nations Office of Counter-Terrorism*, July 2017.
[6] Basra Rajan, Neumann Peter R, Brunner Claudia, *Criminal Pasts, Terrorists Futures : European Jihadists and the New Crime-Terror Nexus*, op. cit., p.15 and following.
[7] Fernando Reinares and Carola Garcia-Calvo, *Estado Islamico En Espana*, Real Instituto elcano, 2016.

Working group on terrorism and transnational organised crime (CDPC – CDCT)[8]

I.   Composition

National experts with extensive knowledge of terrorism and transnational organised crime (TOC). Other professionals with responsibility for the planning and/or the development and/or the implementation of national relevant policies.

II.   Scope

Several core subject matters should be examined:

1.   The current organised crime-terror landscape;
2.   Practical and operational responses to terrorism-transnational organised crime issues;
3.   Strategic, operational and logistical connections between organised crime and terrorist groups;
4.   Emulation: terrorist groups engaging in organised crime and organised crime employing terrorist tactics;
5.   Criminality and radicalisation leading to terrorism.

In relation to the first point, the Malaga Conference on terrorism and transnational organised crime concluded that there appears to be "no structural and systematic connection or shared strategies between terrorism and organised crime. Terrorism and organised crime pursue different objectives; the main links between the two are of a logistical nature: supply of arms, producing explosive devices, recruitment."

As such, based on available data, there does not appear to be consistent or regular cooperation between known organised crime entities and terrorist groups. Rather, where such a connection does exist, it tends to be of a more opportunistic nature where groups to work together on an ad-hoc basis.

In terms of emulating behaviour, several terrorist groups may emulate organised criminal groups by seeking financial and/or material benefits (directly or indirectly) through criminal activities such as trafficking, smuggling, extortion, kidnapping for ransom, and the illicit trade of natural resources. Unlike terrorist groups (which generally seek political or ideological change), organised criminal groups seek personal financial or material benefits as the ultimate goal of their activities. For terrorist groups, mobilising financial or other resources is generally viewed as an instrument to achieve their particular aims rather than as a goal itself. Furthermore, organised criminal groups rarely seek to cause political change or further a particular ideology,

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[8] The CDCP and the CDCT are two steering committees of the Council of Europe. The CDPC (European Committee on Crime Problems) is responsible, in particular, for "steering legal co-operation among the Council of Europe member States in order to assist them to develop modern penal policies (…), following the implementation and promotion of the relevant Council of Europe Conventions in the criminal law field (…)". The CDCT (Steering Committee on Counter-Terrorism) is responsible, in particular, for "co-ordinating the Council of Europe counter-terrorism activities (…), identifying possible additional priority activities against terrorism and make appropriate proposals to the Committee of Ministers with a view to intensifying the Council of Europe's action against terrorism (…)" (Terms of reference of the two committees). Their links: https://www.coe.int/en/web/cdpc/home and https://www.coe.int/en/web/counter-terrorism/cdct.

but are more concerned with profiting from illicit activity. As such, any state disruption by organised crime is usually intended to create, expand or maintain conditions in order to benefit their operations.

On the third point, there has been a lot of research into individual criminal profiles of individuals who are at risk of radicalisation and violent extremism. The pathways from "ordinary" or low-level criminality to violent extremism and terrorism are complex. However, a number of European terrorists have a well-documented history of criminal behaviour as terrorist groups such as ISIS and affiliates - hybrid groups with characteristics of terrorist organisation, organised crime, and non-state armed groups - may be actively seeking out recruits with relevant criminal skills. For the purposes of preventing radicalisation leading to violent extremism and terrorism, identifying certain at-risk populations, including organised criminals, may be of benefit to broader counter-terrorism efforts.

### III.	Potential Approaches and Thematic areas

1.	Prevention

- Multi-sector: multidimensional approaches to preventing the formation of crime-terror nexus and address enabling factors and root causes of crime and terror;
- understanding macro- and micro-interlinkage between organised crime and terrorist activity.

2.	General intelligence and situation analysis

- Evolution of organised crime and terrorism:
  - points of convergence and divergence;
  - "new" means and methods of criminal activity;
  - instrumentalities: strategic use of criminal structures, networks, etc.;
  - means to help assess and identify prospective terrorists from the known criminal population: identifying risk factors leading to radicalisation among petty criminals (taking into account at-risk communities + individual characteristics, converts).

3.	Recruitment

- Addressing underlying factors and vulnerabilities enabling crime, radicalisation and terrorism. This includes good governance, inclusion, education, conflict resolution and community mobilisation.

4.	Disruption activities

- Common dynamics, *modus operandi*, and/or business models of organised crime and terrorist groups;
- Common interlinkages: arms trade, explosives, recruitment;
- Sub-regional approach: examine and understand differences and contextual issues within and between different sub-regions of Europe, especially those connected with third countries of concern in Middle East/North Africa;

- interception and interdiction of illicit trafficking of arms, oil, cultural property.

5. Countering abuse of the internet

- Planning and execution of attacks;
- radicalisation and recruitment;
- fundraising and money laundering activities.

6. Disengagement

- Concept is familiar to both organised crime and terrorism: actions that provide alternative routes for at-risk individuals to explore other than crime and violent extremism, encouraging them to "disengage" before they commit serious offences;
- disengagement practices vary from state to state, can involve direct or indirect interventions by law enforcement or security services.

7. Investigation and prosecution

- Joint Investigative Teams (JITs):
  - practical coordination and logistical challenges;
  - international and inter-institutional coordination issues and opportunities;
  - exchange of Best practices and model cooperation guidelines;
  - legal framework issues: Encouraging ratification and implementation of Second Additional Protocol to 1959 MLA Convention.
- Special Investigative Techniques (SITs) and financial intelligence:
  - lessons learnt from fight against organised crime and terrorism;
  - following the flow of money: money laundering techniques and fundraising activities;
  - surveillance and monitoring techniques;
  - potential avenue: implementing and operationalising the Recommendation on SITs as applied to both terrorism and TOC.
- Specialisation and training of investigators, prosecutors and judges:
  - classified intelligence and sensitive material;
  - conversion of intelligence to criminal evidence;
  - procedural or substantive obstacles;
  - national or transnational legal framework issues;
  - maintaining secrecy of sources while ensuring proper evidentiary standards.

8. Post-conviction
- Prison recruitment and radicalisation;
- prison monitoring and prison intelligence

IV.   Potential Output

1.   Legislative Guide to TOC-Terrorism

2.   Recommendation on Investigative Measures for TOC-Terrorism

3.   Professional Training Courses/Training Handbook for TOC-Terrorism

4.   Terrorism-Organised Crime Toolkit: compilation of best practices and approaches from CoE member States

5.   Implementing the Recommendation on Special Investigative Techniques in relation to Terrorism and TOC.