

## **Terrorism in the EU. An overview of the current situation as reported by Europol**

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**SUMMARY:** 1. Introduction: combating terrorism in Europe - 2. Classifying terrorism - 2.1. Jihadist terrorism - 2.1.1. Lone actors - 2.1.2. Foreign terrorist fighters (FTFs) - 3. Terrorist attacks, arrests and court proceedings in EU - 4. The role of Europol in combating terrorism - 5. Conclusion

### **1. Introduction: combating terrorism in Europe**

From its very beginning the twenty-first century has been tainted by the rise in international terrorism at an unparalleled scale. Terrorism is a context of rapid change, greater complexity and genuine uncertainties. With reference to Europe, it has been qualified as an acute and diverse threat.<sup>1</sup> A review of the events which have occurred in the European continent since 9/11 shows an evolution of this threat and the emergence of new alarming scenarios, like those of ‘lone actors’ and foreign terrorist fighters (FTFs). This situation has enhanced the efforts by the European Union and its member states, in order to strengthen common policies and mechanism designated to prevent and combat terrorism. However, before establishing new policies, it is crucial to analyse the current picture.

In this regard, on 20 July 2016 two Reports on the evolution of the phenomenon of international terrorism in the European Union have been published by Europol, namely “*The European Union Terrorism Situation and Trend Report 2016*”<sup>2</sup> (hereinafter “TE-SAT”) and the “*Lone Actors Attacks – Recent developments*”.

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<sup>1</sup> Europol (2014), European Union Terrorism Situation and Trend Report 2014 (TE-SAT) available [https://www.europol.europa.eu/sites/default/files/publications/europol\\_tsat14\\_web\\_1.pdf](https://www.europol.europa.eu/sites/default/files/publications/europol_tsat14_web_1.pdf). accessed 24 July 2016

<sup>2</sup> The TE-SAT Report is produced by Europol on an annual basis since 2006.

Although giving account of the most recent terrorist attacks in Orlando, Magnaville, Nizza and Würzburg, these reports seem not to be update on the latest tragedies occurred very few days after their publication; in particular, the one which was perpetrated in Saint Etienne-du-Rouvray, Normandy.<sup>3</sup> The aim of this paper is to briefly analyse these reports, focusing on those aspects which are worth looking into. To this end, it will first consider the classification of different forms of terrorism provided by the TE-SAT and will elaborate on the most widespread one, the jihadist terrorism. Then, it will give a general overview of the situation in EU in 2015 in terms of terrorist attacks, arrests and court proceedings. Finally, it will conclude by highlighting the role of the Europol in the struggle against terrorism.

## 2. Classifying terrorism

It is not easy to say what exactly the term terrorism means. Indeed, the issue of defining terrorism is particularly controversial and, to date, no generally accepted definition exists. Dealing with this issue falls outside the scope of this paper. However, understanding terrorism is essential, in order to effectively fight against it. Thus, the current edition of the TE-SAT recalls the definition of terrorism established in Article 1 of the Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA), which all EU member states have implemented in their national legislation. This provision sets out a three-part definition of terrorism, consisting of: (i) the context of action; (ii) the aim of the action; (iii) the specific acts being committed.<sup>4</sup>

Furthermore, the TE-SAT provides the classification of terrorist organisations, based on their motives, as reported by member states. It must be observed that, in general, both structural and psychological factors are the underlying causes leading

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<sup>3</sup> BBC, 'France church attack: Priest killed by two 'IS soldiers' (26 July 2016) available <http://www.bbc.com/news/world-europe-36892785> accessed 27 July 2016

<sup>4</sup> This Framework Decision points out that terrorist offences are intentional acts which, given their nature or context, may seriously damage a country or an international organisation when committed with the aim of: seriously intimidating a population, or unduly compelling a government or international organisation to perform or abstain from performing an act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation. See S Peers, 'EU response to terrorism' (2003) 52 (1) *The International and Comparative Law Quarterly* 227, 229

people to radicalisation and terrorism. Europol has identified five categories, which are not necessarily mutually exclusive. These are: (i) jihadist terrorism; (ii) right-wing terrorism; (iii) left-wing and anarchist terrorism; (iv) ethno-nationalism and separatism; (v) and single-issue extremism. Overall, the threat to the security of the European Union has increased over recent years. However, it has been argued that jihadist terrorism and the closely related phenomenon of foreign terrorist fighters, travelling to and from conflict zones, amount to the main concern reported by EU Member States. For this reason, this paper only focuses on the analysis of jihadist terrorism.

## **2. 1 Jihadist terrorism**

In 2015, France suffered a number of jihadist terrorist attacks. On 7 January, two gunmen attacked the editorial staff of the French satirical magazine Charlie Hebdo in their office in Paris, killing twelve and wounding eight people. On 13 November, a series of attacks, perpetrated by three teams, were carried out in Paris in a football stadium, a theatre, cafés and restaurants. Overall 130 people were killed, including 89 at the Bataclan theatre. The Islamic State claimed responsibility for these acts, which clearly aimed to cause mass casualties. In addition to the attacks in France, on 14 February, a gunman attacked a free-speech debate in Copenhagen, Denmark. On 17 September, an Iraqi individual resident in Germany, classified by the authorities as a potentially dangerous Islamist extremist, attacked a female police officer with a knife on a Berlin street. On 6 December, a man was arrested by police after stabbing three people at a London Underground station. A witness claimed that the suspect screamed ‘this is for Syria’. These events are some of the jihadist terrorist attacks which occurred in Europe in 2015.<sup>5</sup> Given that the threat of jihadist terrorism is widespread across Europe, it is necessary to understand what this expression actually means.

The term ‘jihadist terrorism’ refers to the terror inflicted by groups and individuals who evoke their very particular interpretation of Islam to justify their violent actions. These people may or may not have religious backgrounds themselves. After the

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<sup>5</sup> Europol (2016), European Union Terrorism Situation and Trend Report 2016 (TE-SAT) available <https://www.europol.europa.eu/content/european-union-terrorism-situation-and-trend-report-te-sat-2016> accessed 25 July 2016

re-establishment of the caliphate in June 2014 and December 2014, the Islamic State has inspired at least 50 attacks. IS doctrine distinguishes believers from infidels and promises to the former an utopian society without distinction based on origin, language, colour or race. Most jihadist terrorist acts that took place in the EU in 2015 were performed in the name of Islamic State. Moreover, it is worth noting that many European jihadists hold prominent positions in IS and are likely to maintain contact with terrorist networks in their home countries.

The above mentioned attacks show that IS terrorist cells are currently operating in the EU and are largely locally based. The attacks in Paris in January and November 2015 have revealed a change in the intent and capability of jihadist terrorists, in order to intimidate Western audience. Their strategy aims to inflict mass casualties on urban populations with the purpose to induce a high state of well-publicised terror. Indeed, in selecting targets, IS appears to have a preference for soft targets, very often attacking civilian sites where people congregate in large numbers, as for instance hospitals, schools, sporting arenas, hotels, cultural centres, cafés and restaurants, shopping centres, and transportation sites. The rationale underlying this preference is not only to kill or injure, but also to generate terror, create chaos, and intimidate the public. Soft targets are opposed to hard targets, such as government buildings and foreign embassies, which typically restrict access to the public and implement sufficient security measures.

Another feature of jihadist terrorism is that, with reference to domestic terrorists, the long radicalisation process has been replaced by rapid recruitment. The communication strategy of terrorist groups is based on the extensive use of the Internet and social media for dissemination of propaganda material, as well as for recruitment and fundraising. Within the multi-layered approach in propaganda production, IS continues to use media activities to radicalise vulnerable individuals and encourage aspiring terrorists to conduct lone-actor attacks. The effectiveness of such tool constitutes a serious threat, since it allows the recruitment of EU-based Islamist extremists, who have no direct contact with terrorist groups in conflict areas. Moreover,

the Internet permits to reach a wide and various audience and gives the opportunity to communicate covertly.

It is worth observing that the call for Muslims to join IS applies to both men and women. In this regard, the role of the latter is of particular interest. They have proven to be very successful in recruiting within in the EU territory. However, IS openly calls upon women from Western countries to travel to its territory, even without a male guardian. Once women enter IS-controlled territory, this autonomy is rapidly lifted and their movement strictly controlled. Return to their home countries is explicitly forbidden and punished. What IS expects from women is to comply with its ideology, and thus to obey their husbands, cater for children and train themselves to become the next generation of foreign terrorist fighters. The Islamic model portrays women as empowered managers of their households, whose efforts are rewarded by the respect and affection paid to them by husbands and relatives. In addition, women usually do not take actively part in frontline combat, although allowed to participate in weapons training and play an active role in the health sector. It goes without saying that IS clearly uses the prospect of marrying young women to attract male foreign terrorist fighters.

### **2.1.1. Lone actors**

The attacks carried out by radical Islamists acting as lone wolves represent an emerging scenario in Europe. They have been regarded by member states as a serious risk, which have sharply increased in 2015. The latest attacks, such as those in Munich and Ansbach in July 2016, seem to confirm the trend, to the extent that TE-SAT 2016 stresses that they are to be considered a favoured tactic by Islamic State. As a matter of facts, IS have repeatedly called upon Muslims living in Western countries to perpetrate lone actor attacks in their countries of residence, rather than risking detection when trying to travel to conflict areas. In 2015, IS spokesman Abu Muhammad al-Adnani urged the group's supporters to target the 'crusaders' in their countries, wherever they are. He stated that those Muslims able to commit a terrorist attack in their country of residence, and fail to do so, will need to justify themselves on the Day of Judgment. IS leadership has established the following choice for Muslims living in the West: either they migrate to

Islamic State territory or they carry out an attack in their places of residence. As mentioned above, publications and messages posted online has represented the favourite strategy to radicalise individuals in a very short timeframe.

According to Europol, ideology and religion are not the only reasons justifying the attacks of lone actors. It has been suggested that mental health issues should not be overlooked. Indeed, this factor may affect the target choice and the scale of the attack. Consistent with the latter view, investigations revealed that the Nice attacker suffered from a serious psychiatric disorder and was under medical treatment, while the Munich terrorist, a 18-year-old German-Iranian guy, had suffered from bullying for seven years. Recent academic research has demonstrated that around 35% of the perpetrators of lone actor attacks occurred between 2000 and 2015 suffered from mental health disorders. Europol itself stated in a further Report that a significant portion of foreign fighters have been diagnosed with mental health problems prior to joining IS.<sup>6</sup>

### **2.1.2. Foreign terrorist fighters (FTFs)**

One of the main concern related to jihadist terrorism is the phenomenon of foreign terrorist fighters. Numbers of FTFs in Europe remain exceptionally high. In fact, at the end of 2015 it was estimated that more than 5,000 Europeans travelled to conflict areas in Syria and Iraq for terrorist purposes. Individuals and groups with direct experience in the conflict areas are considered to be as more lethal on their return than other jihadist extremists. As Europol pointed out, the perpetrators of the Charlie Hebdo attacks had links to Al-Qaeda in the Arabian Peninsula (AQAP) in Yemen and a number of the suspects involved in the November Paris attacks are believed to have previously travelled to and trained in Syria. Individuals, mostly male old enough to serve as fighters, from Belgium, France, Germany and the UK account for approximately three-quarters of the total number of FTFs. However, an increasing flow of females and youngsters responding to the call of violent jihadist organisations has also been reported. By way of example, females account for approximately 40% of the Dutch

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<sup>6</sup> Europol (2016) Changes in the modus operandi of the Islamic State terrorist attacks available <https://www.europol.europa.eu/content/changes-modus-operandi-islamic-state-terrorist-attacks> accessed 25 July 2016

travellers currently in the conflict zone in Syria and Iraq. However, only 11% of returnees to the Netherlands are female, perhaps underlining how difficult it is for women to leave IS territory.

Motives for travellers are various. Some are driven by religious, humanitarian or political aims, while others are moved by personal circumstances and experiences, such as social marginalisation and/or criminal history. Recruiters tend to take advantage of social, economic and personal problems that make individuals vulnerable and susceptible to radicalisation. In Finland, for instance, young people with a criminal background or without strong family support are usually targeted. Slovenia reported a new trend of converting marginalised individuals from the Roma community. In general, radicalised individuals and groups have an anti-western mindset and claim Muslims are oppressed by the West. It has been suggested that the establishment of the caliphate in June 2014 in Syria and Iraq may well have represented a motivational factor for a number of individuals to travel to the Middle-East.

Even more worrying is the number of FTFs who have returned from conflict areas. The EU agency officials stated that between 1,500 and 1,800 jihadists have returned from conflict areas in Syria and Iraq to Europe.<sup>7</sup> Overall the volume of returnees is increasing in some EU member states, such as Germany, the Netherlands, the UK and Sweden. This concern is based on the training and combat experience gained by returning FTFs. This means that they have raised their capability to carry out attacks, either under direction or independently. Furthermore, some individuals undergo psychological conditioning during their stay in conflict areas, by so strengthening their motivation to carry out terrorist actions. According to Europol, most of the perpetrators of the 2015 attacks in France were returnees from conflict zones.

During 2015, some EU member states warned against the flow of irregular migrants, which would facilitate the entry of radical extremist individuals, influence newly-arrived immigrants with jihadist terrorist propaganda, and move weapons and

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<sup>7</sup> Ansa, 'Isis: Europol, centinaia potenziali terroristi in Ue' (26 July 2016) available [http://www.ansa.it/sito/notizie/cronaca/2016/07/26/isis-europol-centinaia-potenziali-terroristi-in-ue\\_09661355-40a3-4da8-94b8-46f56aa04d05.html](http://www.ansa.it/sito/notizie/cronaca/2016/07/26/isis-europol-centinaia-potenziali-terroristi-in-ue_09661355-40a3-4da8-94b8-46f56aa04d05.html) accessed 26 July 2016

explosives into Europe through the Balkan route. Despite some of the perpetrators of the November Paris attacks being recorded entering Greece alongside asylum seekers, to date there is no evidence that terrorist travellers systematically use the flow of refugees to enter Europe unnoticed.<sup>8</sup> However, Europol has expressed its concern for elements of the Syrian refugee diaspora to become vulnerable to radicalisation once in Europe, and to be specifically targeted by Islamist extremist recruiters.

### **3. Terrorist attacks, arrests and court proceedings in EU**

Compared to 2014, the number of attacks slightly increased in 2015. In particular, 151 people died and over 360 were injured as a result of terrorist attacks in the EU. The UK reported the highest rate of attacks (103), followed by France (72) and Spain (25). As to France, the number has increased for the first time in 2015, after a continuing decrease in the preceding four years. The attacks specifically classified as “separatist terrorism” accounted for the largest proportion, followed by jihadist attacks. The latter increased sharply from one in 2014 to seventeen in 2015. Attacks classified as jihadist terrorism caused 150 fatalities, of which 148 were in Paris in January and November, and injured over 250 persons.

The highest rate of arrests in the EU was linked to jihadist terrorism (687), as it was in the two preceding years (2014: 395 and 2013: 216). This illustrates the efforts undertaken across Europe to fight this kind of terrorism. Compared to previous years there was a notable increase in arrests of individuals aged under 25, from 87 (in 2013), to 178 (in 2014) and 268 (in 2015), corresponding to the increase in the numbers of arrests for terrorism-related offences. The overall number of arrested women nearly doubled from 96 in 2014 to 171 in 2015. Nearly two-thirds of the arrestees (63%) were EU citizens. The majority were born in the EU (58%). An even sharper increase was noted in the number of females arrested for offences related to jihadist terrorism: from 6 (in 2013) to 52 (in 2014) and 128 (in 2015).

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<sup>8</sup> Ibid.

In 2015, 12 EU member states reported to have concluded a total of 217 court proceedings in relation to terrorism. They concerned 513 individuals, 85 of which were female. It is noteworthy that in Austria, Belgium, Cyprus, Denmark and Sweden all verdicts concerned jihadist terrorism. The majority of the verdicts for jihadist terrorism concerned offences related to the conflict in Syria and Iraq. Moreover, in the same year, there has been an increase in prosecutions and convictions of foreign terrorist fighters, concerning individual travellers, as well as recruitment and facilitation activities and networks. In some cases, individuals were arrested prior to departure, while other cases involved returnees. All reported terrorism-related prosecutions in Cyprus, Denmark, France, Germany, Lithuania and Sweden resulted in convictions. Prosecutions for jihadist terrorist offences had the most successful rate, with 94% guilty verdicts pronounced. In terms of penalties, domestic courts ordered various criminal sanctions for those found guilty of terrorist offences. They included imprisonment, monetary penalties, treatment in mental health care facilities, and community orders. On some occasions, restrictions on civil rights, bans on entering the national territory upon completion of the prison term, or revocation of the citizenship have been imposed.

#### **4. The role of Europol in combating terrorism**

The struggle against terrorism is at the core of the European Union's activities in the area of justice, freedom and security. Recently, it has been one of the fastest developing sectors of the European Union integration project. The EU member states have created a security network by a continuous harmonised approach in the area of intelligence and law enforcement cooperation. Europol is an integral part of this network, established with the purpose to ensure protection to EU citizens against international threats. As Ratzel pointed out, Europol aims to

*'facilitate a smooth and secure information exchange between member states and accredited third partners, by monitoring of terrorism related information, by providing operational support, ensuring analysis of criminal intelligence*

*provided by member states and other sources and by conducting threat and risk assessment*.<sup>9</sup>

The massive rate of casualties caused by Islamist terrorist attacks and the growing number of foreign terrorist fighters pose new challenges to the European Union and its member states. In this context, effective responses are required at all level across the EU. By way of example, some of the anti-terrorist measures taken by Europol are listed below.

On 20 November 2015, the European Counter Terrorism Centre (ECTC) has been established by the Europol. The ECTC is designed to strengthen trust and raise awareness among national counterterrorism authorities about existing cooperation instruments at EU level in the area of counter terrorism. Its main task is to provide operational support upon member states' request for on-going investigations. It is worth noting that even before the ECTC was launched, Europol was already connecting its information exchange and analysis capabilities to support investigations into the November 2015 Paris attacks.

Given that information exchange represents the main focus of Europol's activities, worth of being mentioned is the Europol Information System (EIS), that is Europol's core databases. Through this system, member states directly share and retrieve information on suspects, convicted persons, events and devices connected with serious and organised crime and terrorism. Furthermore, in order to facilitate this exchange, the Secure Information Exchange Network Application (SIENA) has been established. Until very recently, countries could only use SIENA for sending information on terrorism to Europol. Now, counter-terrorism authorities from different countries may also directly exchange information amongst themselves, the involvement of Europol being optional.

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<sup>9</sup> M Ratzel, 'Europol in the combat of international terrorism' in H Durmaz, *Understanding And Responding To Terrorism* (IOS Press 2007)

As highlighted above, the use of the Internet and social media by terrorists has significantly increased over the course of recent years. Jihadist groups, in particular, have demonstrated a sophisticated understanding of how social networks operate and have launched campaigns to recruit followers and to promote acts of terrorism and violent extremism. Since this issue is common to all member states, the adoption of a response at European level was necessary. Hence, the establishment of an Internet Referral Unit (IRU) at the ECTC.

## **5. Conclusion**

Currently, terrorism, radicalisation, recruitment and terrorist financing are among the main threats to the internal security of the EU. It has become clear that Europe faces an increasing range of threats emanating from jihadist groups and individuals. The Islamic State has demonstrated its ability to strike at will, at multiple times and at a diverse range of targets. Moreover, the new phenomenon of lone actors has been considered particularly hard to cope with. As Europol pointed out, security services and law enforcement authorities are not able to prevent every planned terrorist attack by keeping track of the ever increasing numbers of people suspected of being, in one way or another, sympathetic to IS ideology, and to indefinitely focus their attention on those who might be willing and able to perform violent acts. This is to say that there is still a way to go to overcome the operational difficulties in detecting and disrupting these attacks. As a consequence, this situation of insecurity, mainly caused by jihadist terrorism, has led to a significant increase in nationalist (xenophobic), racist and anti-Semitic sentiments across the EU, often resulting in acts of right-wing extremism.