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Zisis S. Kyrgos, Dimitrios G. Pantazis, Sotirios T. Kalasountas

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Internal Security vs. Democratic Freedoms: The Problematic in Dealing with the Case of Religious Terrorism in European States¹

Zisis S. Kyrgos², Dimitrios G. Pantazis³, Sotirios T. Kalasountas⁴

Abstract

Undoubtedly, the last decades have been marked by the growing effort of nations to reduce the effects of terrorism, a consequence of the rise of religious fundamentalism. To this end, it is observed that many European countries have been taking measures to ensure their national security, endangering certain democratic rights. By reviewing the policies of some European states against terrorism, the present brief attempts to determine the relation between the level of security of a state and the degree of restriction of democratic freedoms, within the political context of the state in question.

Keywords: democratic freedoms; European states; internal security policies; religious fundamentalism; terrorism.

Introduction

The 21st century is marked by an increase of security incidents within states, which are associated with asymmetric threats. The escalation of terrorist assaults is characterized as a primary concern for the international community, especially in the wake of the 9/11 attacks in New York. At the same time, over the last decade, there has been a significant rise in terrorist attacks in Europe, which usually target large cities and civilians, and, for which, religious fundamentalism has been incriminated. In an effort to curb these internal security crises, many European states have implemented drastic measures to protect society and the polity as a whole, thus having been repeatedly accused of unduly restricting the democratic rights and liberties of their citizens (Vasilopoulou-Athanasopoulou, 2017: 56).

This research, revisits both the existing literature and reports, as well as the empirical reviews on the phenomenon of restriction of democratic freedoms, for the sake of national security. Thereafter, it

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² MSc (c.) Crisis Management (focused on the Health Sector), University of Bolton. Researcher at Hellenic Institute for Strategic Studies (HELISS) and Institute for International Relations (IDIS), Panteion University of Social and Political Sciences, Athens.

³ Political Scientist (specialized in International and European Studies), BA (Dept. Political Science and Public Administration, National and Kapodistrian University of Athens). Research coordinator at Student Association for International Affairs (SAFIA), Athens

⁴ Undergraduate Student, Dept. International and European Studies, University of Piraeus.

tries to shed new light on the issues of proportionality and effectiveness of said measures. It should be noted that, due to the remarkably clear extent of the aspects of terrorism in the EU, the phenomenon of religious fundamentalism, as a substantial cause for the latter, was chosen for further analysis.

This paper is divided into three parts. In order to answer the main research questions, section 1 gives a brief overview of the terms presented, namely terrorism and religious radicalism, as well as the political and sociological interaction between those terms in Europe. The second section examines the anti-terrorism policies of some European countries (France, Germany and Belgium), in order to highlight the adopted security measures and their potential influence on the democratic freedoms of their citizens. In the third section, said measures' effectiveness is analyzed, in order to determine the relation between measures, which limit democratic liberties, and the citizens' safety level.

Terrorism and religious fundamentalism in the European security environment

In international politics, there is no clear definition for the phenomenon of terrorism. For the needs of this research, terrorism is defined as the use, or threat of use, of violence, usually against civilian targets, in order to coerce an institution or society, with the intention of achieving political, religious or ideological objectives (Kiras, 2013: 502). In the European Union, jihadism, national socialism, anarchist left movements, and far-right separatist movements are blamed for the majority of terrorist attacks (Vasilopoulou-Athanasopoulou, 2017: 42). Consequently, this text will approach the issue of jihadism in Europe.

Before delving into the nature of jihadism in Europe over the past two decades, the quality characteristics of Islamic religious fundamentalism need to be examined. The key reasons for the rise of Islamic fundamentalism are based on a variety of economic, sociological and political factors. B. O. Chang (2005: 60-2) assumes that, since Islam expresses social equality and justice, it persuades people with increased belief in inequality. In addition, Chang emphasizes that, the flourishing of extremism, is not only a consequence of the continuous defeat of the Islamic states in Middle East and Asia, during the post-colonial period, but also of the intervention of Western or other arabic, "western-friendly" countries in the affairs of those nations, as seen for example in the case of the Gulf War (1990-1). Enhancing the above position, the disconnection of the church institution from the state, in the majority of European countries, causes a gap of spiritual choices, which Islam could potentially fill.

Modern studies declare that there is additionally a connection between the concept of Islamic fundamentalism and the emergence of jihadism. The broadly accepted use of the term "jihadism" refers to the manipulation of the socially excluded members of Islamic communities, convincing them

of the right to unleash civil violence, at international, as well as intrastate level, as the sole means to construct a global society, where the core elements of political and religious justice will coexist at an excellent manner (Chaliand & Blin, 2007: 255-6).

In Europe, the nature of terrorist attacks has changed in recent years, in terms of the nature and methods of execution. Given that fact, M. Humenberger (2018: 6-8) claims that, independent actors, whom he discerns into homegrown terrorists, self-radicalised persons or lone wolves, have gradually taken the place of collectively organized attacks; hence, transnational terrorist organizations exploit these acts. S. M. Mushred and S. Pavan (2009: 4-5) argue that various influences, such as identity differences, historical prejudices, social inequalities towards Muslims, the foreign policies of European states towards Islamic countries, and the negative exploitation of Islam by political groups, have contributed significantly to the radicalisation of individuals in the European area. Moreover, according to some theoretical approaches, it is believed among policymakers, that there is a possibility of interface between terrorism and immigration, attributing to the latter, a destabilizing security factor, which should not be overlooked (Doty, 1998). On the contrary, through the quantification of a variety of factors and effects in a statistical model, V. Bove and T. Böhmelt (2016) concluded that a linkage, between immigration and terrorist attacks, is not habitually the rule.

Counter-terrorism policies review

This section includes a summarized review of the measures taken by three major European countries, which have experienced a significant number of terrorist attacks in the past years.

France

France is perhaps the country most targeted by jihadist terrorism in comparison to other European states. According to S. D'Amato (2019: 340-2), French policymakers understand the importance of religion and, consequently, religious radicalism, as a factor that can lead to the organization and execution of a terrorist attack. On that basis, "it appears that religion for French policy-makers constitutes a facilitator for criminals to turn into terrorists" (D' Amato, 2019: 341).

The French legal system assumes that the intention to commit a crime is equivalent to the commission itself and therefore it allows preventive investigations and inquiries (Rault, 2010: 24-25). After examining a series of legislative acts, V. Bartolucci (2017: 443-5) states that, from 2001 to 2015, France has adopted a series of provisions that, indicatively, allow research by private security officers, the creation of a genetic material database, the increase of border control (photography and electronic monitoring), the increase of the pre-trial detention of suspects, the collection of personal data from

electronic devices without prior court approval, travel ban and website blocking; at the same time it introduced measures to prevent radicalism and to promote secular rule of law.

After the multiple terrorist attacks of November 14, 2015 in Paris, the French government implemented a series of measures in order to address the terrorist threat. These measures established a new policing system, by providing special freedoms to the french security forces and also including the involvement of military forces in the battle against terrorism (French Ministry of European and International Affairs, 2015). Nevertheless, according to the Amnesty International (2018: 29):

“The state of emergency might be over, but for the people Amnesty International interviewed, the negative impacts of the measures remain. Measures imposed during the state of emergency have had long-term consequences for the targeted individuals and their family members. People have reported fear, stress and other health-related issues that have continued far beyond the period of 2015-2017.”

Germany

Germany's current security policy understands the importance of extremism in the country, especially this stemming from religious, ideological and political criteria. The “Federal Strategy for the Prevention of Extremism and the Promotion of Democracy” highlights the significance of multilevel cooperation (between the central government and the German Lander, as well as other actors in the political system) and the need to promote a democratic framework, in places where an emergence of radical phenomena is observed; the feedback of this whole process, is eventually subjected to further evaluation by the policymakers (German Federal Ministry for Families, Seniors, Women and Youth 2016: 9-11).

According to the report of the Committee of Experts of the Council of Europe against Terrorism (2016b: 4-5), the German Penal Code already contains provisions for the prevention of criminal acts, such as remand detention, planned and undercover surveillance and investigation, and DNA-based analysis. The Committee (2016b: 6-7) also mentions, that Germany adopted further preventive legislation in 2001/2 (Packages I and II), with no major changes having been presented since then, and which intend to “improve measures to secure identities during visa procedures; identify extremists who have already entered the country”, or even to “create the legal basis for incorporating biometric features in passports and identity cards; reserve the right to use weapons in civil aircraft to police officers”.

In her essay about the impact of the German legislation upon human rights, V. Zöller (2014: 493-4) concludes that, although there is a vast number of regulatory provisions regarding the treatment of

terrorism issues, a clear restriction of the right to privacy and a significant targeting of people entering the country, no other degree of restriction of freedoms and rights is observed in German law.

Belgium

Belgium was affected significantly by the phenomenon of religious terrorism, as seen in Brussels attacks, on March 22, 2016. The current Belgian security plan places radicalization, violent extremism and terrorism, among the top ten internal security issues for the country, which may endanger the citizens, the economic system and the social cohesion of the state (Belgian Federal Framework Memorandum on Integral Security, 2016: 43).

The Belgian security policy emphasizes the prevention of these types of violence, in order to reduce their impact. Therefore, it is based, amongst others, on the following axes (Belgian Federal Framework Memorandum on Integral Security, 2016: 44-50):

The repression, through a single action plan against radicalization "Plan R". This plan further defines the operational functions of Belgian security policy. Specifically, it aims to depict such threats and take balanced measures, in terms of prevention, repression and mitigation (Action Plan against Radicalism "Plan R", 2019: 7,10).

The restructuring of the criminal, procedural and penitentiary system of the country, with the aim of the judicial expansion of the concepts and the punishments. According to the Committee of Experts of the Council of Europe against Terrorism (2016a), Belgium has already tightened the preventive measures ("special survey methods") against terrorist crimes since 2003. The Committee lists among these measures, the following:

"telephone tapping, proactive investigations, seepage, observations made using technical means in order to have a view in the dwelling, hearings under cover of complete anonymity, discrete visual checks and the granting by the Witness Protection Commission of special protection measures to a threatened witness".

On the report upon Belgium's counter-terrorism policy, the United Nations Committee for Human Rights (2018), expresses, however, its concerns on the proportionality of the measures taken relating to the fundamental right to privacy; therefore, it calls on Belgium to comply with the necessary legal framework.

Comparative analysis of the effectiveness: proportionality vs. safety level

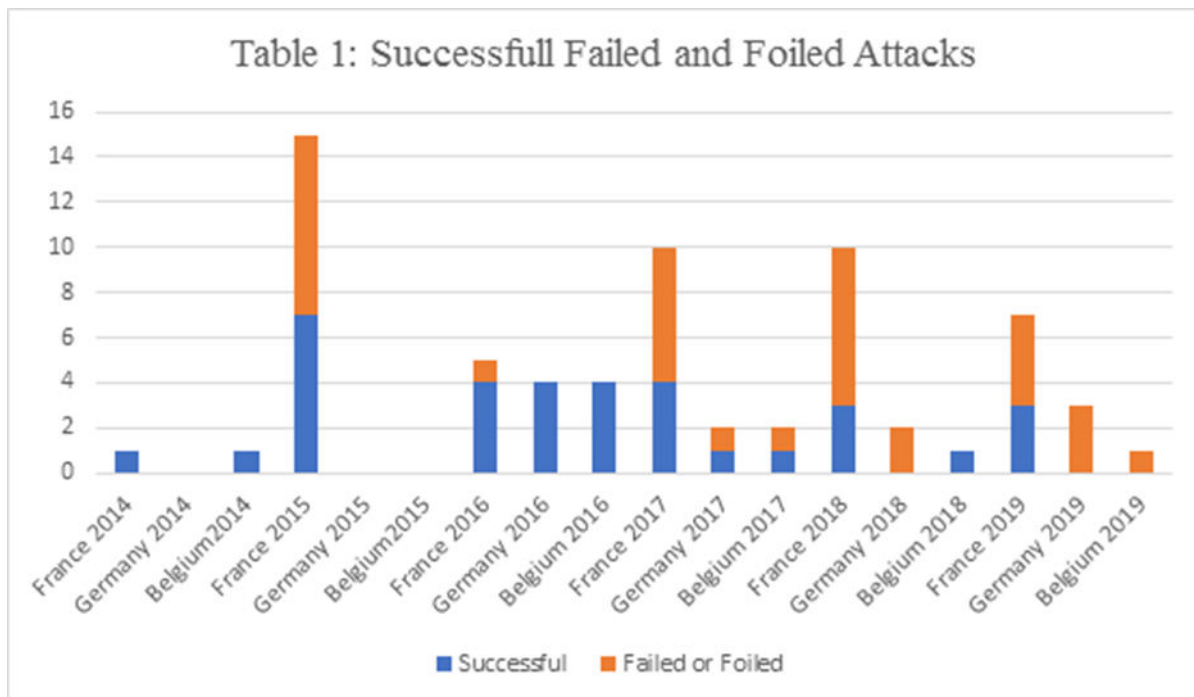
Detecting the factors

In order to examine the relation between the measures taken against terrorism and the public safety of each country, and the proportionality in terms of restricting democratic freedoms, it is necessary to define the factors of the comparison presented. There are three main factors contributing to this:

- The level of public safety; regarding the low number of successful terrorist attacks.
- The security policy; regarding the measures implemented, that restrict some form of democratic freedom.
- The threat level; regarding both the understanding of the religious fundamentalism as a security threat and the ability of jihadist terrorists to organize and conduct attacks.

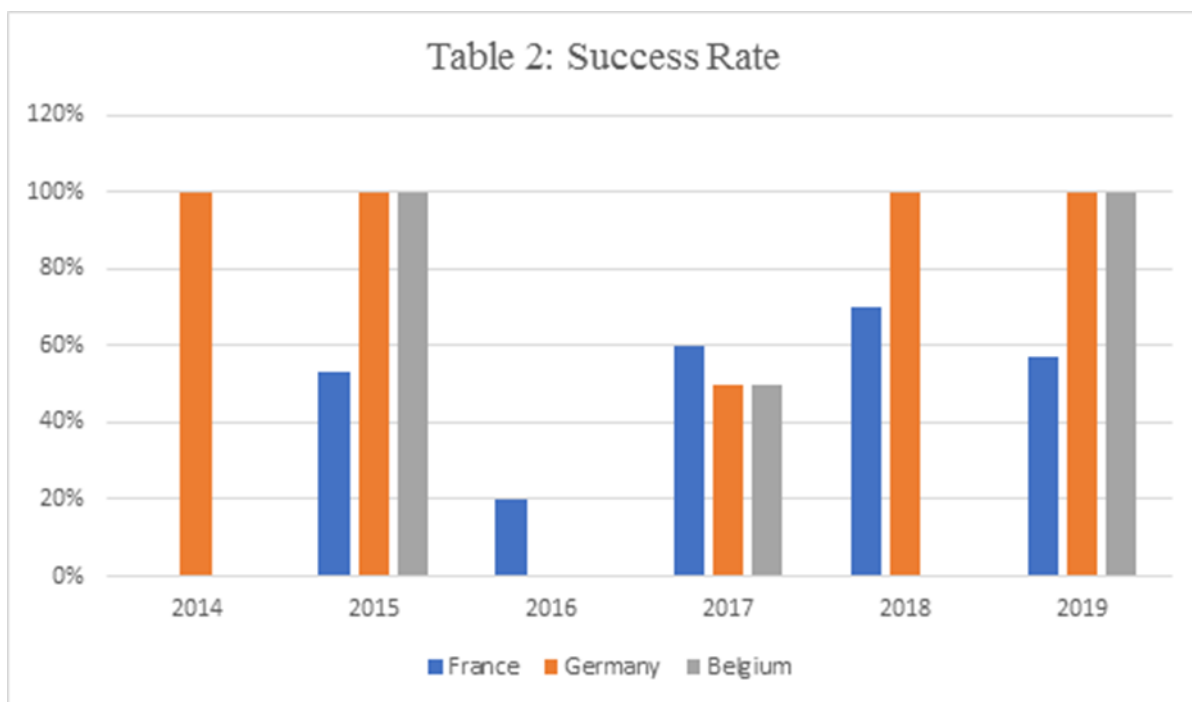
From the aforementioned factors, the threat level and the security policy could be considered relatively equal for the three states under examination, since all three countries understand the issue of religious radicalism and extremism as a distabilizing aspect for their internal security. Therefore, they will be taken into consideration, as constant values, when comparing the effectiveness of each country's measures.

The first factor (level of public safety) could be determined by the total amount of successful, failed and foiled attacks made by jihadist radicals. The above information can be seen in the following chart:



Source: EU terrorism situation and trend report (TE-SAT)

From the data above, it is possible to calculate the success rate of the taken measures for each country, by dividing the number of failed and foiled to the number of total attacks. By calculating the success rate, the following chart occurs:



Source: EU terrorism situation and trend report (TE-SAT)

Evaluation

From the above charts, it is safe to conclude that there are insufficient data regarding Belgium and Germany, since the number of jihadist fundamentalist attacks is relatively low. It is however possible to conclude that, in the cases of Germany and Belgium the success rate is high and relatively stable, as a result of a consistent policy. Both Belgium and Germany follow a relatively stable security policy since the beginning of the century, thus having a clear preventive strategy as explained in the previous section.

In the case of France, the frequent introduction of new and stricter measures seems not to provide a higher level of citizen security, as shown on the above charts; the success rate remains low. Specifically, the measures introduced after the Paris attack in 2015 remained in effect and have been integrated in the french security system, while new measures were introduced additionally in the following years.

Overall, these results indicate that the adoption of new and stricter measures does not necessarily imply a higher level of public safety. Therefore, adopting measures that limit democratic rights does not necessarily guarantee a higher level of public safety. It is also made clear that whenever a change

is introduced in terms of policy, the system requires some time adjusting to the new functions. That being the case, following a relatively stable security policy could potentially increase public safety level, rather than constantly introducing new and stricter measures.

Conclusions

The analysis leads to the following conclusions:

Religious fundamentalism is a major destabilizing factor for the internal security environment of European countries, as evidenced by the numbers of terrorist attacks linked to Islamist extremism.

The countries selected, as case studies, for the purpose of drawing conclusions, have instituted the necessary precautionary measures, which may in some cases restrict, or oppose, basic human rights and democratic freedoms, in order to ensure their internal security.

The statistical analysis of the degree of success in preventing terrorist attacks, related to Islamist radicalism, seems to confirm that taking such measures does not necessarily imply the effectiveness of the measures.

Future research should further develop and confirm these initial findings, by analyzing the cases of other European countries for the entirety of terrorist threats posed to them, including anarchist, right-winged and nationalist-separatist terrorism.

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