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WESTERN EUROPE: ONGOING COUNTERTERRORIST COOPERATION

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This memorandum was prepared by [redacted] Office of European Analysis, Issues and Applications Division, Regional Political Issues Branch. Questions and comments are welcome and may be addressed to John Gannon, Chief, Issues and Applications Division [redacted]

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Terrorism has been increasingly discussed since the late 1970s in the annual Economic Summit held by Canada, France, Italy, Japan, the United Kingdom, the United States, and West Germany. An experts group on terrorism, which plays a role in Summit planning, generally submits a draft declaration for the leaders to incorporate in their final Summit statement. Past Summits issued such agreements as the 1978 Bonn Declaration on aircraft hijacking, the 1980 Venice Declaration on the protection of diplomats, and last year's Tokyo statement on terrorism. [REDACTED]

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Recurrent terrorist acts, the desire to convince their publics of their determination to take effective action, and highly publicized trials of Middle Eastern terrorists in several European capitals have impelled West European governments to a more resolute posture against terrorism over the past year. The European Community, for example, imposed limited sanctions against Libya and Syria, agreed to share more information among themselves, and examined ways to coordinate more uniform extradition policies and border controls. Meanwhile, the Council of Europe has provided a means of involving non-EC members in the battle against terrorism. The Summit Seven intend to expand the Bonn Declaration on hijacking at the Venice Economic Summit this June to cover all forms of terrorism against civil aviation and may broaden the declaration to include general cooperative principles against terrorism. [REDACTED]

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Despite these encouraging shows of determination in combating terrorism, West Europeans remain divided among themselves about the wisdom of moving too aggressively and following the US lead too closely. Many politicians argue that to do so is to expose their countries to terrorist retaliation, to endanger their political and economic interests in the Third World, and to appear to be fronting for Washington. Disclosures of deliveries of US arms to Iran have strengthened the voices of those who argue for caution. Moreover, recent major counterterrorist successes against indigenous terrorist groups--in Spain and France, for example--coupled with a general decrease in terrorist activity in Europe also has removed some of the urgency that enabled governments to expand their powers to combat terrorism. [REDACTED]

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While West European governments are generally supportive of a more sustained policy of cooperation against terrorism and are cognizant of the public benefits of a high

counterterrorist profile, further progress is likely to be uneven. European leaders will press ahead with regional and bilateral cooperation but will move cautiously in enacting further antiterrorist legislation that might cause judicial and political controversy and complicate policy coordination in multilateral forums. [redacted]

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Vehicles for European Counterterrorist Cooperation

The European Community. Cooperation among the members of the EC has been managed primarily by the Trevi Group of interior and justice ministers and a European Political Cooperation working group on terrorism established by the EC foreign ministers last year. The Trevi group, currently chaired by Belgium, is continuing a number of initiatives begun during the British presidency. A new working group on immigration is exploring methods of curtailing the flow of asylum seekers and abuse of the right of asylum by terrorists. [redacted]

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A noteworthy development last year was the willingness of EC members occasionally to forgo consensus. The Foreign Ministers condemned Syria last November and the Trevi group agreed on a terrorist threat assessment for Western Europe in December even though Greece refused to sign the formal documents in either case. Greece, citing its aversion to "naming names" on terrorism, probably will continue to set itself apart on this issue. [redacted]

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The EC Judicial Cooperation Working Group has made some progress in its efforts to simplify extradition proceedings. The new procedure will involve a simple telefax request sent by one Ministry of Justice to another. Since the proposal is being submitted to each country's judicial specialists to consider questions of sovereignty, however, agreement has been delayed for several months. [redacted]

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While the United States has no formal relationship with EC groups, it does receive briefings on proceedings. Attorney General Meese, for example, met with the Trevi troika--the past, current, and next chairman--in Brussels in April 1987. The thoroughness of briefings has varied according to the disposition of the presidency country. The Danes, who chair the group next, may not be as forthcoming as the Belgians have been. The EPC working group also has a formal mechanism for EC third country contacts, but consultations require prior approval by the political committee. Working-level exchanges with countries such as the United States are frowned upon by some members--particularly the French--who view cooperation with the

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US as less important than intra-European cooperation. The United States is often able to obtain informal readouts of meetings, but more extensive official contacts are unlikely. [redacted]

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The 21-member Council of Europe* also stepped up its counterterrorist activities. The COE's resolutions are non-binding, but they have served to exert pressure on European capitals to coordinate their actions against terrorism. A COE ministerial conference on terrorism last November coincided with EC debates on Syrian involvement in terrorism and produced a declaration condemning terrorism and a resolution on abuse of diplomatic privileges. Participants agreed to tighten the implementation of the Vienna Conventions on Diplomatic and Consular Relations, which limit the size of diplomatic missions and stress that the premises of a mission not be used in a manner incompatible with its functions. Although no countries were cited specifically, members agreed they would endeavor to adopt a joint position with regard to states that encourage acts of terrorism. [redacted]

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Progress was also achieved in bringing all COE members under the 1977 European Convention on the Suppression of Terrorism, also known as the Strasbourg Convention. This convention states that specific violent crimes such as hijacking, hostage taking, and attacks on internationally protected persons are to be considered extraditable crimes rather than political offenses. The last holdouts--Malta, France, Greece, and Ireland--have now signed the convention and indicated their intention to ratify it. The Irish Dail provided the authority for the government to ratify last December, but ratification may be delayed pending discussion with the British on the controversial no-jury tribunals in Northern Ireland. France has said it will ratify with reservations--as have about half the signatories--thus limiting the positive effects of their adherence. [redacted]

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Justice ministry officials who formed a new COE committee on terrorism met for the first time in January--and again in March--but made little headway. The committee is charged with developing proposals for closer counterterrorist cooperation among member states, devising ways to impede the movement of terrorists, cooperating with the EC, and informing non-members about ongoing efforts. At the March

*In addition to the twelve EC members--Belgium, Denmark, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, the United Kingdom, and West Germany--the Council of Europe includes Austria, Cyprus, Iceland, Liechtenstein, Malta, Norway, Sweden, Switzerland, and Turkey. [redacted]

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[redacted]

meeting the group concentrated on using existing committees to further its work--a public international law committee and one on the movement of persons, for example. Full reports are expected at a June committee meeting that will review national legislation on terrorism. In the interim, the Council of Ministers is scheduled to address the question of cooperation with non-Council countries. [redacted]

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Non-EC members clearly seek an increased role for the Council, but most EC states are reluctant to expand the COE's antiterrorism role and prefer the Trevi group as the primary vehicle for counterterrorist cooperation. EC members consider the COE too large and unwieldy a forum for effective cooperation. They are particularly hesitant to include in their deliberations countries such as Malta and Cyprus, which have close ties to some radical Arab states. [redacted]

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One previously neglected area in which the Council may have some impact is media coverage of terrorism. After a contentious debate at its January session, the COE's Council of Ministers agreed that the Secretary General should contact European media organizations with an eye toward agreement on guidelines for journalists covering terrorist events. [redacted]

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Summit Seven Experts' Group. Agreement by the experts' group to expand the Bonn Declaration was finally reached in March after the French reversed a prior decision not to participate. Stiffening the Bonn Declaration, which commits the Seven to suspend air traffic with any country that fails to extradite or prosecute suspected hijackers, will fulfill a commitment made at last year's Tokyo Summit. The expanded declaration will now cover not just hijacking but all forms of terrorism against civil aviation. It will also be extended to include future aviation conventions. [redacted]

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Italy and the United States are promoting an even broader declaration at the Summit that would commit the Seven to general cooperative principles such as no concessions to terrorists, a crackdown on abuses of diplomatic privileges and immunities, and renewal of the commitment to extradite or prosecute terrorists. Prospects for agreement will be limited by concern for the safety of West European hostages in Lebanon, the current Italian government crisis, and the fact that Summit members traditionally have been unwilling to limit their freedom of action. [redacted]

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Bilateral Efforts. One of the more notable instances of improved bilateral cooperation in Western Europe has been French expulsion of Spanish militants belonging to ETA, the Basque terrorist group. Although France had previously extradited three Basques to Spain in 1984 as a gesture of support for Spanish democracy, the new Chirac government has used an administrative procedure to return over 50

Basques to Spain over the past year. The French also expelled ETA members to countries other than Spain, including the first person with political refugee status ever expelled from France. [redacted]

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In an attempt to dispel its reputation for "softness" toward terrorists, Italy has actively pursued accords with the US, France, Austria, Greece, Turkey, Egypt, and Morocco that cover international terrorism, organized crime, and drug trafficking. Rome also signed a new extradition treaty with the British in March 1986 that replaced one dating from 1873. In addition, France and West Germany concluded an antiterrorist agreement in April 1987 that provides for the exchange of liaison officers and the expansion of the use of wanted lists. [redacted]

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Domestic Legislation. Upsurges in violence impelled governments in West Germany and France to enact tougher legislation last year. West Germany decided to increase the use of undercover agents and add special counterterrorist units. In December the Bundestag approved legal measures which classified sabotage on railway lines and plants and firms in the energy supply sector as punishable terrorist offenses. The legislation also gave federal and state police authorities direct access to the central traffic information system to speed up the search for escape vehicles and expanded the competencies of the federal prosecutor to make him responsible for terrorist associations operating from abroad. Although a controversial provision that would have provided immunity for suspected terrorists whose testimony assists in the conviction of other terrorists was dropped, a state's witness provision remains a serious consideration. Total amnesty would not be granted for murder, however. [redacted]

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France has experienced violence from both internal groups and foreign extremists operating on French soil. A national security council to deal with terrorism composed of concerned ministers--Foreign Affairs, Justice, Interior, Public Security, and Defense--was set up in April 1986 and met frequently during the wave of bombings in September. It is unlikely, however, that a permanent organization will be created. Paris' response to the bombings included the requirement that foreigners--except for EC nationals and the Swiss--have visas, random identity and security checks in public places, and deployment of troops along French borders to combat illegal immigration. According to the Public Security minister, after procedures for expelling illegal foreign residents were simplified, more than 1700 foreigners were thrown out of France in a six-week period during September and October 1986. [redacted]

New laws passed in September extended the period of preventive detention from two to four days and gave the French government the right to dissolve foreign associations "gravely disturbing the peace."

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The government will also be able to reduce prison sentences of convicted terrorists willing to inform on their accomplices, while cash rewards have been offered to those who inform police about suspicious persons. To avoid the thorny problem of giving a legal definition to "terrorism," the law states that certain offenses will be prosecuted as terrorism when they are "linked with an individual or collective enterprise for the purpose of undermining public order through intimidation or terror". Those accused of such offenses are referred to a court made up of seven professional magistrates, until now used only for espionage cases. This type of court recently tried LARF leader Georges Abdallah and unexpectedly sentenced him to life imprisonment. [redacted]

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In contrast to the toughening of legislation in France and West Germany, Italy and Spain--where the terrorist threat appeared to be ebbing--are moderating some of their strong antiterrorist laws. Madrid intends to lower the number of days a suspect can be kept in preventive detention, and Rome just approved a new law aimed at reducing the sentences of repentant terrorists who have renounced their former ideology. [redacted]

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Outlook. Terrorist acts such as the assassination of General Giorgieri in Italy, the trials of terrorists involved in the Rome and Vienna airport attacks, as well as the hostage situation in Lebanon, will continue to focus attention on terrorism in Western Europe this year and are likely to force West European governments to press ahead in their counterterrorist efforts. [redacted]

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Thus, practical cooperation in such areas as the theft and forgery of passports, more effective arrangements for extradition, and a more unified approach to the problems of illegal immigration and abuse of the right of asylum can be expected to continue. The EC, for example, plans to to simplify frontier procedures within the Community but will attempt to strengthen controls at external frontiers. Many EC countries are already enforcing stricter travel controls, but are unlikely to go along with France's requirement for entry visas for citizens of non-EC nations. [redacted]

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Governments probably will move slowly in introducing further antiterrorist legislation for fear of negative political consequences. Civil libertarians are voicing concern that, in combating terrorists, governments are shifting too much power to the state and the police. Even though West Germany became the first European country to introduce an identity card that can be read by computers and is said to be forgery-proof, its introduction was delayed for four years because of strong opposition by civil liberties groups. The French have expressed similar reservations about a planned computerized identity card and the new non-jury courts. [redacted]

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Although police forces [redacted] have shown more willingness to share information, long-standing problems of competition, rivalry, overlapping responsibilities, and confusion remain. For example, France and Italy still lack a central counterterrorist coordinator with authority over the various services and components that deal with terrorism. Many states also lack the financial and personnel resources to implement far-reaching counterterrorist policies. [redacted]

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While there are some prospects for constructive activity at a bilateral and regional level, cooperation in multilateral organizations probably will continue to be limited. Strong collective action has proved elusive for Summit Seven members in the past. For example, the only action ever taken under the Bonn Declaration--against Ariana Afghan airlines--has had little appreciable impact. Any terrorism declaration issued at this year's summit almost certainly will have a high level of generality. [redacted]

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Bonn Economic Summit Declaration (July 1978)

The heads of state and government, concerned about terrorism and the taking of hostages, declare that their governments will intensify their joint efforts to combat international terrorism.

To this end, in cases where a country refuses extradition or prosecution of those who have hijacked an aircraft and/or do not return such aircraft, the heads of state and government are jointly resolved that their governments should take immediate action to cease all flights to that country.

At the same time, their governments will initiate action to halt all incoming flights from that country or from any country by the airlines of the country concerned. The heads of state and government urge other governments to join them in this commitment.

The proposed extension of the Bonn Declaration to be issued at the Venice Summit will alter the 1978 declaration to read as follows:

They recall that in their Tokyo statement of International Terrorism they agreed to make the 1978 Bonn Declaration more effective in dealing with all forms of terrorism affecting civil aviation. To this end, in cases where a country refuses extradition or prosecution of those who have committed offenses described in the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation* and/or does not return the aircraft involved, the heads of state and government are jointly resolved that their governments shall take immediate action to cease all flights to that country.

At the same time, their governments will initiate action to halt all incoming flights from that country or from any country by the airlines of the country concerned.

The heads of state and government intend also to extend the Bonn Declaration in due time to cover any future relevant amendment to the above convention or any other aviation conventions relating to the extradition or prosecution of the offenders.

*The Montreal Convention covers any act of unlawful interference likely to endanger the safety of the aircraft in flight. Article 1 enumerates such offenses:

1. Any person commits an offence if he unlawfully and intentionally:
 - a. performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or
 - b. destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or
 - c. places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or
 - d. destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or
 - e. communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.

Summit Statement**on Terrorism,
May 5, 1986²**

1. We, the Heads of State or Government of seven major democracies and the representatives of the European Community, assembled here in Tokyo, strongly reaffirm our condemnation of international terrorism in all its forms, of its accomplices and of those, including governments, who sponsor or support it. We abhor the increase in the level of such terrorism since our last meeting, and in particular its blatant and cynical use as an instrument of government policy. Terrorism has no justification. It spreads only by the use of contemptible means, ignoring the values of human life, freedom and dignity. It must be fought relentlessly and without compromise.

2. Recognizing that the continuing fight against terrorism is a task which the international community as a whole has to undertake, we pledge ourselves to make maximum efforts to fight against that scourge. Terrorism must be fought effectively through determined, tenacious, discreet and patient action combining national measures with international cooperation. Therefore, we urge all like-minded nations to collaborate with us, particularly in such international fora as the United Nations, the International Civil Aviation Organization and the International Maritime Organization, drawing on their expertise

to improve and extend countermeasures against terrorism and those who sponsor or support it.

3. We, the Heads of State or Government, agree to intensify the exchange of information in relevant fora on threats and potential threats emanating from terrorist activities and those who sponsor or support them, and on ways to prevent them.

4. We specify the following as measures open to any government concerned to deny to international terrorists the opportunity and the means to carry out their aims, and to identify and deter those who perpetrate such terrorism. We have decided to apply these measures within the framework of international law and in our own jurisdictions in respect of any state which is clearly involved in sponsoring or supporting international terrorism, and in particular of Libya, until such time as the state concerned abandons its complicity in, or support for, such terrorism. These measures are:

- Refusal to export arms to states which sponsor or support terrorism;
- Strict limits on the size of the diplomatic and consular missions and other official bodies abroad of states which engage in such activities, control of travel of members of such missions and bodies, and, where appropriate, radical reductions in, or even the closure of, such missions and bodies;
- Denial of entry to all persons, including diplomatic personnel, who have been expelled or excluded from one of our states on suspicion of involvement in international terrorism or who have been convicted of such a terrorist offence;
- Improved extradition procedures within due process of domestic law for bringing to trial those who have perpetrated such acts of terrorism;
- Stricter immigration and visa requirements and procedures in respect of nationals of states which sponsor or support terrorism;
- The closest possible bilateral and multilateral cooperation between police and security organizations and other relevant authorities in the fight against terrorism.

Each of us is committed to work in the appropriate international bodies to which we belong to ensure that similar measures are accepted and acted upon by as many other governments as possible.

5. We will maintain close cooperation in furthering the objectives of this statement and in considering further measures. We agree to make the 1978 Bonn Declaration more effective in dealing with all forms of terrorism affecting civil aviation. We are ready to promote bilaterally and multilaterally further actions to be taken in international organizations or fora competent to fight against international terrorism in any of its forms.

SUBJECT: WESTERN EUROPE: ONGOING COUNTERTERRORIST COOPERATION

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