New laws let European police forces expand the war on ISIS

Governments are striving to eliminate safe havens, ensuring that every country has similar standards.

By Anna Momigliano | Jul. 17, 2015 | 6:18 PM

European countries have arrested more than a dozen people in the past two weeks for suspected cooperation with the Islamic State and Syrian militias, widening Europe’s war on lone wolves and volunteers returning home.

Analysts say the move was made possible in large part by new anti-terror laws around the Continent.

On Tuesday, British police arrested three men in a raid that was “part of an ongoing investigation into Islamist-related terrorism,” the police said. One suspect in his 20s and one in his 30s were arrested in Luton, while a man in his 20s was arrested in Letchworth — both towns are north of London.

Earlier this month, at least four people were arrested in Spain for suspected ties with armed groups in Syria and Iraq. On the island of Lanzarote, the authorities arrested a woman suspected of trying to recruit teenage girls to marry jihadis in Syria.

Meanwhile, a Moroccan suspected of spreading Islamic State propaganda was detained in the northeastern Spanish city of Badalona. And in Madrid two members of Spain’s communist party were arrested upon returning from Syria, accused of fighting for a Kurdish militia.

Around the same time, the members of an extended family of nine — Italian converts and Albanian Muslims — were arrested in Italy. They were believed to be planning to move to Islamic State territory, where a relative relocated months ago.

“This wave of arrests is partly a result of increased police and intelligence activity during Ramadan, especially since Islamic State spokesman Abu Muhammad al-Adnani urged the group’s followers to escalate attacks during the holy month. But the arrests were made possible by the new anti-terror laws,” says Matteo Colombo, a researcher at ISPI, a foreign policy institute in Milan.

In February, Britain introduced its Counter-Terrorism and Security Act, which permits the confiscation of passports of people suspected of planning to leave the country for “terrorism-related activities.” It also prevents British fighters from returning home for up to two years.

In March, the Spanish parliament introduced legislation targeting Spaniards who join foreign radical groups; they now face up to five years in prison. The law also targets groups considered allies of the West, such as the Kurds.
Since April, Italy considers a criminal offense the act of traveling abroad to join an insurgency, as well as the act of funding, aiding or even advocating such operations. Also, anyone “training on their own to commit terrorist acts in Italy” can face up to 10 years in jail. A similar move is under discussion in Germany.

In May, France approved an anti-terrorism law allowing the tapping of phones and the reading of emails without a judge’s permission. Similar laws have been passed in Denmark and Belgium.

Between 3,000 and 5,000 European citizens are believed to be fighting Islamic groups in Syria and Iraq — up to a quarter of the 20,000 foreign fighters in the region, according to the International Center for the Study of Radicalization and Political Violence.

A salient example of a militant returning home is Islamic State veteran Mehdi Nemmouche, the French national who killed four people at a Jewish museum in Brussels last year.

“It’s a wave of new legislation,” says Francesco Strazzari, a professor at the Norwegian Institute of International Affairs in Oslo. “The attacks in France have been a key factor in prompting governments to update their anti-terror legislation,” says Strazzari, referring to the January attacks on the magazine Charlie Hebdo and a Jewish supermarket in Paris.

Since then EU countries have increased coordination of anti-terror legislation. EU counterterrorism coordinator Gilles de Kerchove, a big factor in homogenizing European security laws, declined to comment to Haaretz, citing a busy schedule.

“The idea is to eliminate safe havens for potential attackers, ensuring that every country has similar standards,” Strazzari says. For instance, only now do a vast majority of EU countries consider membership in a foreign militia an offense.

But some of the new anti-terror measures may not prove effective and may pose ethical questions and constitutional dilemmas, analysts say. The separation of powers and fundamental rights are key issues, Strazzari says.

“European police forces are now more free to tap phones, monitor activities and arrest people based on their presumed radical sympathies,” he says.

“This is an anti-terror approach based on profiling that might even end up criminalizing ideas rather than actions. Moreover, with all the enhanced surveillance, we’re actively cultivating the dangerous illusion that more data require less interpretation.”