Thirty-Five Years of Antiterrorist Policies in France

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Abstract

The current era is characterized by an unprecedented multiplication of legal standards. This multiplication is unanimously denounced as a source of complication in everyday life for individuals and as a cause of paralysis for administrations themselves.

Keywords: Terrorism, Counterterrorism, Legislation, Security, State of law

Treinta y cinco años de políticas antiterroristas en Francia

Resumen

La época actual se caracteriza por una multiplicación sin precedentes de normas jurídicas. Esta multiplicación es denunciada unánimemente como fuente de complicación en la vida cotidiana de los particulares y como causa de parálisis para las propias administraciones.

Palabras clave: Terrorismo, Contraterrorismo, Legislación, Seguridad, Estado de derecho

法国三十五年的反恐政策

摘要

当前时代出现了前所未有的法律标准倍增。这种倍增被一致谴责为个人日常生活复杂化的来源，也是行政当局自身出现（工作）瘫痪的原因。

关键词：恐怖主义，反恐，立法，安全，法律状态

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"The current era is characterized by an unprecedented multiplication of legal standards. This multiplication is unanimously denounced as a source of complication in everyday life for individuals and as a cause of paralysis for administrations themselves."[2]

Although Professor Chantebout's remark was intended to deal with the defense field, it is not too much to think that this application concerns other fields, particularly that of security.

After two years of state of emergency (end of 2015- end of 2017), the legislator wanted to incorporate measures into the internal security code, for application outside of exceptional situations. The October 30, 2017 anti-terrorism law is a sign of an even stronger integration of law of exception elements into ordinary law.

If the declaration of the state of emergency were intended to be temporary, the high level of the terrorist threat, but also of radicalization, called for strong means to combat these threats. For all that, it is not inappropriate to ask two questions about this law, the answers to which were provided by Professor Olivier Le Bot:

"Does the law really bring the state of emergency to an end by incorporating into ordinary legislation the provisions that resulted from it? Does it establish, on the contrary, a 'permanent state of emergency?'"

An examination of the provisions reveals that the new powers conferred on the administration are, compared with the state of emergency regime, subject to stricter conditions and surrounded by greater guarantees.[3]

This law has thus incorporated into ordinary law powers inspired by or derived from the state of emergency, with the stated aim of confining the measures to the field of anti-terrorist measures. More precisely, it takes up—admittedly with modifications—the provisions of the state of emergency, while participating in a reworking of the terms (not without borrowing the novlanguage dear to George Orwell). Thus, "protection or security zones" become "protection perimeters," "administrative searches" are called "sites," and house arrest becomes an "individual measure of administrative control and surveillance," not to mention other surveillance measures and the closure of places of worship.

In any case, the measures included in the law of October 30th, 2017, are designed "to enable public authorities to anticipate and prevent acts of terrorism sufficiently in advance. [...] The law of October 30th, 2017, is clearly in line with [an ultra-preventive logic], which was approved by the citizens (the majority of whom were in favour)."

2 B. Chantebout, "La multiplication des normes juridiques, obstacle à l'efficacité de la défense?" Droit et défense, n°97/2, 2nd quarter 1997, p. 4.

3 O. Le Bot, "Un état d'urgence permanent?" RFDA, 2017, p. 1115.

France has put in place a legal response to terrorist threats, leaving the legitimate question of anti-terrorist legislation open, both qualitatively and quantitatively. In other words, is there a piling up of anti-terrorist legislation? And if so, is this stacking effective, or does it not suffer from inconsistencies? If not, should the legislation be supplemented?

We do not pretend to provide ready-made answers. But these questions nevertheless call for us to reflect on the subject, even if it means "breaking down open doors," through the fruit of a modest legal and political science study, which must not leave room at any time for partisan opinions or axioms, apart from that of common sense, and the need to face up to a real and persistent danger, where the protagonists know perfectly well how to use the strategy of double talk, of dissimulation (or *taqiya*).

As early as in 2006, the General Secretariat of National Defence (SGDN, which became the SGDSN in 2010) warned that "to be effective, a judicial system for fighting terrorism must combine a preventive component, the purpose of which is to prevent terrorists from acting, and a repressive component, intended to punish the perpetrators of attacks, their organizers and their accomplices."[4]

Fifteen years after these words, and especially thirty-five years after the beginning of the anti-terrorist legislation, let us try to see what assessment can be made today.

Continuous legislation from 1986 to the present

> Nota Bene: The author apologizes in advance for the exhaustive list of anti-terrorist legislation, given the importance of specifying the numerous texts adopted for the subject of the study.

Already under the Third Republic, laws had been passed to fight against anarchist terrorists, including the response to the anarchist attack committed by Auguste Vaillant in the Chamber of Deputies. The latter voted on December 12, 1893, and then the Senate on December 18, the "scélérates laws" or "shameful laws." The law of December 12, 1893, tightened the law on the freedom of the press of July 29, 1881, while the law of December 18, 1893, codified the association of criminals, allowing "heavy sentences, up to the death penalty, for anyone who is convinced of making or possessing an explosive device, or any product used."[5]

Closer to home, with the explosion of several bombs in the Galeries Lafayette and Printemps stores on 7 December 1985, and a series of bloody attacks—

4 SGDSN, La France face au terrorisme. Livre blanc du Gouvernement sur la sécurité intérieure face au terrorisme, Secrétariat général de la défense nationale, La Documentation française, Paris, 2006, p. 53.

5 J. Merriman, Dynamite club. The invention of terrorism in Paris, Ed. Tallandier, Paris, 2009, p. 139.

six in September 1986 alone—France decided to react with its first anti-terrorist legislation under the Fifth Republic. The Chirac Government (including Charles Pasqua) decided to set the main guidelines in the fight against terrorism, by passing the law of 9 September 1986 on the fight against terrorism.

This law has drawn procedural consequences from these tragic events: extension of the duration of police custody to four days, postponement of the lawyer's intervention to the 72nd hour of custody, increased penalties, criminalization of apology for terrorism, compensation for victims of terrorism, authorization of house searches even without the suspects' consent, and penalties exemption for criminals who prevent an attack from being carried out.

The Act of July 22, 1992, reforming the provisions of the Penal Code relating to the punishment crimes and offenses against the nation, the State and public peace, included acts of terrorism in the new Penal Code, making them specific and more severely punished offenses.

On December 16, 1992, the law relating to the entry into force of the new criminal code and the simplification of certain provisions of criminal law and procedure maintained and specified the derogatory procedure applicable to acts of terrorism.

The year 1995 was the subject of numerous texts, starting with the government's Vigipirate plan, which defines the distribution of responsibilities and the principles of State action in the fight against terrorism.

On January 21, 1995, the law on security policy and programming (LOPS) added numerous provisions aimed at developing the use of video surveillance. Above all, this law inserted in Article 410-1 of the Criminal Code a definition of the fundamental interests of the Nation, which can now be seen in the light of national security (even if it is not yet defined).[6]

One month later, on 18 February 1995, the law on the organization of jurisdictions and civil, criminal, and administrative procedure extended the statute of limitations for terrorist crimes and offenses.

The Act of July 22, 1996, to strengthen the repression of terrorism and offense against persons holding public authority—or entrusted with a public service mission and containing provisions relating to the judicial police—introduced the offense of criminal association in relation to a terrorist undertaking.

Then, the Act of December 30, 1996, on pretrial detention and night-time searches in terrorism cases authorized night-time searches in flagrante delicto investigations, preliminary investigations or during the investigation.

A year later, the law of December 29, 1997, aimed at facilitating the trial of

6 See on this subject, A. Deprau, "De la nécessité d'une définition de la sécurité nationale," Sécurité globale, n°23, 2020/3, pp. 17-26.

acts of terrorism made it possible to relocate, if necessary, the specialized courts to places other than Paris.

The Act of 15 November 2001 on daily security strengthened the powers of judicial police officers in the area of identity checks to combat terrorism (vehicle searches in port areas and airfields), and of private security guards whom, provided they are authorized by a State representative, may carry out searches and palpations in cases of strong suspicion. The "body search" may be extended to "anatomical probes," but only in a police station or gendarmerie-type establishment. The offense of financing terrorist acts has also been created, and provision has been made for the general confiscation of all the property of persons guilty of terrorist acts.

The law of August 29, 2002, on the orientation and programming of internal security (LOPSI) devoted an article to the strengthening of the fight against the terrorist threat and organized crime, to make intelligence research and exploitation more effective by strengthening collaboration between services and intelligence training, and to develop institutional cooperation at the international level. The law also provided for the creation of a new computer database, known as the Application de rapprochement, d'identification et d'analyse pour les enquêteurs (ARIANE), which in 2008 would bring together information from two files, the système de traitement des infractions constatées (STIC) and the système judiciaire de documentation et d'exploitation (JUDEX).

The following year, the law of March 18, 2003, for internal security aimed to facilitate investigations by making certain rules of police procedure more effective. For example, it allowed police officers and gendarmes to visit vehicle safes in certain circumstances and under the supervision of the judicial authority, gave judicial police officers jurisdiction at least in the departments, and made criminal investigation files more useful, in particular the National Geographic Fingerprint File (FNAEG).

The Act of March 9, 2004, adapting the justice system to changes in crime (known as the Perben II Act) created new investigative possibilities applicable to terrorism and organized crime: special inter-regional courts, extension of the status of repentant or "guilty plea," telephone tapping during the investigation. The "Perben II" law also aimed to categorize the different types of offenses: offenses committed in an organized gang, offenses committed in aggravating circumstances, and serious and complex offenses where terrorism is included.

With the law of January 23, 2006, on the fight against terrorism and various provisions relating to security and border controls, a six-day period of police custody was authorized in the event of a risk of attack. In addition, the law requires television operators, Internet Service Providers (ISPs) and any public establishment providing access to the Internet, such as Internet cafés, to keep connection

data for one year. Access to these logs by police authorities is no longer subject to the authorization of a magistrate, but simply to a senior police officer appointed by the National Commission for the Control of Security Interceptions (CNCIS, now CNCTR). This law is important in that it established a legal framework for the coordination of intelligence services and judicial police services such as the Unité de coordination de la lutte antiterroriste (UCLAT), or for the Gendarmerie with the Bureau de la lutte antiterroriste (BLAT).[7]

The Act of December 1, 2008, extended the application of Articles 3, 6, and 9 of the Act of January 23, 2006 until December 31, 2012 (instead of December 31, 2008). These provisions concern identity checks on board cross-border trains, the administrative requisitioning data relating to electronic communications and access by counter-terrorism services to certain administrative files.

In 2011, this was followed by the laws of March 14, 2011, on the orientation and programming of internal security (LOPPSI), which allows for the capture of computer data, as well as the law of April 14, 2011, on police custody, which reinforces the presence of the lawyer in police custody, including for terrorism-related police custody. This type of custody is specific in that access to a lawyer may be postponed either for compelling reasons related to the circumstances of the investigation, or to allow the collection or preservation of evidence, or to prevent a personal attack, for a maximum period of 72 hours. In addition, the maximum duration of police custody (48 hours under ordinary law) may be extended by a magistrate (liberty and custody judge or investigating judge, depending on the procedure), or even extended to 96 hours (4 days), including for minors aged 16 and over who are involved "as perpetrators or accomplices in the commission of the offense." Exceptionally, it may be extended to 144 hours (6 days) if there is a serious risk of imminent terrorist action in France or abroad, or if the requirements of international cooperation make it imperative.

The Act of December 21, 2012 on security and the fight against terrorism extended until December 31, 2015, the surveillance, for preventive purposes, of connection data (internet, geolocation, detailed telephone bills), which expired on December 31, 2012. It also made it possible to prosecute French nationals abroad who have committed terrorist acts, but also French fighters present in terrorist training camps abroad.

The law of November 13, 2014 reinforcing the provisions relating to the fight against terrorism provided for the banning from the territory of suspects who are candidates for jihad and created an offense of individual terrorist enterprise.

This text has changed the legislation on current responses to terrorism by developing new administrative measures: restriction of freedom of movement,

7 Order of 31 March 2006 taken for the application of Article 33 of Law n°2006-64 of 23 January 2006 relating to the fight against terrorism and bearing various provisions relating to security and border controls, JORF, n°86, 11 April 2006, p. 5 418, text n°2.

strengthening of repressive provisions such as the apology of acts of terrorism, or holding on to automated data processing.

Following the attacks of November 13, 2015, the decree of November 14, 2015, was adopted to declare a State of Emergency. With a duration of 12 days, its extension required a law, but several laws were passed for a two-year application:

- The first extension came with the Act of November 20, 2015, which extended it for three months from November 26, 2015.
- A second extension was voted by Parliament with the law of February 19, 2016, for a period of three months from February 26, 2016.
- A third extension was passed with the Act of May 20, 2016, for a period of two months.
- Following the attack in Nice on July 14, 2016, a further extension of the State of Emergency was granted on July 21, 2016, this time for six months. In addition to extending the State of Emergency, the text toughened the penalties for the criminal offense of criminal conspiracy in relation to a terrorist undertaking and excluded those convicted of terrorism-related offenses from the sentence reduction credit scheme. It made it possible to close places of worship where statements constituting incitement to hatred or violence are made.
- The State of Emergency was further extended on December 19, 2016, for an effective period until July 15, 2017.
- Finally, the last law extending the State of Emergency was passed on July 11, 2017, to apply until November 1st, 2017, as the State of Emergency was then enshrined in ordinary law, with the law of 30 October 2017 strengthening internal security and the fight against terrorism.

It should be noted that it was during the State of Emergency that the law of June 3rd, 2016, reinforcing the fight against organized crime, terrorism, and their financing, and improving the effectiveness and guarantees of criminal procedure was also promulgated. This law was intended to strengthen the effectiveness of the fight against organized crime and terrorism by giving judges and prosecutors new means of investigation: possible night-time searches of homes in matters of terrorism and in cases of risk to life, use of proximity technical devices to directly capture the connection data necessary to identify terminal equipment or the subscription number of its user (IMSI catcher). The text provides for the reinforcement of access controls to places hosting major events (Euro 2016, etc.). It also aims to improve the protection of threatened witnesses and tightens the conditions for acquiring and holding weapons. It also created a specific in crimination for the trafficking of cultural goods coming from terrorist groups' theaters of operation.

Still under the state of emergency, there was the law of February 28, 2017 on public security, aimed at reinforcing the legal security of interventions by the forces of order. It provides a modernized and unified framework for the use of weapons by police, gendarmes, customs officers and soldiers, reinforced protection of the identity of security forces, and the strengthening of sanctions for acts of rebellion, threats, or refusal to obey.

The law of October 30, 2017, strengthening internal security and the fight against terrorism marked the end of the State of Emergency, while bringing the application of several measures of the state of emergency into common law. This text also provides for a new criminal offense, measures to combat radicalization and to promote the policy of repentance. It perpetuates the system for consulting data from the Passenger Name Record (PNR) and extends the possibilities for checks in border areas.

The law of August 20, 2020 introduced security measures against perpetrators of terrorist offenses after their sentence. The text, which was a parliamentary initiative, if security measures could be ordered against persons convicted of terrorist offenses on their release from prison. However, this security regime was censured by the Constitutional Council (see below).

Finally, the law of December 24, 2020, on the extension of Chapters VI to X of Title II of Book II and Article L. 851-3 of the Internal Security Code aimed to extend various counter-terrorism measures (contained in the law of 30 October 2017) which Parliament had authorized to be implemented until 31 December 2020 (administrative closure of places of worship, surveillance measures, the so-called "algorithm" intelligence technique).

In addition to the anti-terrorism legislation, the legislator has also provided measures to respond to the terrorist response, with the laws related to intelligence, such as the law of July 10, 1991, and especially the intelligence law of July 24, 2015, which will be apprehended next.

Late and half-hearted reactions

Certainly, because "the terrorist phenomenon [...] is by nature protean, shifting, evolving, and difficult to grasp,"[8] anti-terrorist legislation may be a step behind. But this element cannot be the only justification for late reactions.

In previous developments, we have said concerning the application of terrorist measures that "far from speeches and the fear of words, the response must be to take what can be done to avoid the tragic. Let us remember that tragedy is always too late."[9]

8 P. Chaudon in "Terrorism and Freedom," Constitutions, 2012, p. 403.

9 A. Deprau, "La restriction de la marge de manœuvre des radicalisés et terroristes en France," Sécurité globale, n°23, 2020/3, p. 15.

This maxim can unfortunately be applied to anti-terrorism legislation. The 1986 law was enacted following a wave of attacks in 1985 and 1986; the 1995 measures were enacted after the 1994 Air France flight hostage-taking by the GIA, and after the 1995 series of attacks; as have laws since 2012, including most notably the July 21, 2016, law that followed the July 2016 Nice attack.

So this could be seen as a belated piling on of anti-terrorist legislation, because it is the object of a reaction, of emotion. Let us be clear. These laws could have been passed earlier. Politicians have long been aware of a groundswell of terrorism on French soil. For example, the Renseignements généraux (now the SCRT) have been monitoring the suburbs since the mid-1970s, originally with the aim of assessing the threat of radical groups within the new immigrant population that has settled there. Thus, "as early as 1975, a lot of information came back from social workers, showing that over the years, the risks have increased. Typical of the specific way in which the RG work, these data are not evaluated to their true extent."

Of course, some will argue that there is a political "game" that comes into play, and that the executive and/or the parliamentary majority (if there is a cohabitation) decides at the time on the follow-up to be given in the legislative work. But what is damaging is the failure to consider the feedback from agents in the field, which is otherwise made official in parliamentary reports or in the annual report of the Parliamentary Delegation on Intelligence.

Moreover, the political discussion leads to a new drafting of the text of the law, even if it means removing important provisions (if they are not subsequently censured by the constitutional judge).

In a recent example, the bill against separatism was renamed the bill to strengthen respect for the principles of the Republic, since the term separatism was removed from the text. Similarly, not included in the original text, an amendment was reintroduced on the prohibition of the wearing of the veil by young girls.

Far from partisan discussions and procrastination, anti-terrorist legislation must not be a communication effect, nor a political weapon for electoral purposes, but a relevant tool in the face of a real, cold, and hard-hitting threat, with an intelligent and patient enemy to achieve its ends: attacks, but also a strategy of concealment to apply the Sharia, and eventually the world caliphate. In this respect, this cunning enemy understands the rule of law is a double-edged instrument that does not serve him well.

Anti-terrorism legislation potentially curbed

French anti-terrorist legislation is effective, but it is held back (in particular) by constitutional jurisprudence, whose decisions may legitimately be subject to misunderstanding given the threat. The Constitutional Council will argue that it must

reconcile the contested measures with the fundamental rights and freedoms guaranteed by the rule of law.

Thus, in the law designed to strengthen the repression of terrorism and offenses against persons holding public authority, an offense of association of criminals in relation to a terrorist undertaking was introduced. The legislator had wished to include in the list of terrorist acts the offense of aiding the illegal entry or residence of foreigners. However, in Decision No. 96-377 DC of July 16, 1996, the Constitutional Council censured this provision, considering that the legislator had "vitiated its assessment with a manifest disproportion."

Closer to home, the Constitutional Council was seized by the Council of State of a priority question of constitutionality concerning the offense of habitual consultation of terrorist internet sites. In its decision n°2017-682 QPC of December 15, 2017, it declared the provisions of Article 421-2-5-2 of the Criminal Code unconstitutional, as they infringed on the exercise of freedom of communication in a way that was not necessary, appropriate, and proportionate.

On March 29, 2018, the Constitutional Judge was seized for four priority questions of constitutionality (QPC), supported in particular by the League for Human Rights (LDH). In these cases, the Constitutional Council made some reservations on the interpretation of[10] administrative measures to combat terrorism. Thus, in response to the fear of the petitioners of seeing the generalization of controls based on race in the protection perimeters (created on the model of the protection or security zones of the state of emergency), it insisted on recalling that the checks should exclude "any discrimination." Regarding individual control and surveillance measures (former house arrest), the Constitutional Council required that the right to lead a normal family life be respected and that the ban not exceed a cumulative duration of twelve months.

Lastly, in Decision No. 2020-805 DC of August 7, 2020, on the law introducing security measures for the perpetrators of terrorist offenses on completion of their sentence, the Constitutional Council was asked to review the security measures that could be ordered against persons convicted of terrorist offenses on their release from prison. This system was censured by the Constitutional Court. In the opinion of the latter, it did not ensure a balance between, on the one hand, the prevention of breaches of public order and, on the other, the exercise of constitutionally guaranteed rights and freedoms (freedom of movement, the right to privacy and the right to lead a normal family life).

Of course, rule of law is essential to the proper functioning of our nation's political system, to avoid arbitrariness, to ensure respect for equality before the law and to ensure the separation of powers. However, was it not the European Court

10 The technique of reservations of interpretation allows the Constitutional Council to declare a provision in conformity with the Constitution, provided that it is interpreted or applied in the manner it indicates.

of Human Rights which itself admitted that the margin available to the respondent State to choose the means of safeguarding national security is very wide, and that it is therefore up to the State to judge the reality of the "imperative social need" implied by the concept of necessity.[11]

Should anti-terrorist legislation therefore be supplemented?

This question had already been asked in 2015 during a debate, where David Bénichou, then vice-president in charge of the investigation at the anti-terrorist unit of the Paris TGI, had provided some elements of an answer.

For him, the anti-terrorist legislation did not need to be supplemented, "because it was already in 2012 that we could identify the beginnings of the tragedies of 2015."[12] For him, the points that deserved to be updated were related to the absence of a legal regime for the seizure of electronic correspondence already sent or received, outside the classic framework of the search, but also the refusal by the government to relax the administrative authorization regime for the conditions of implementation of the judicial technique known as computer data capture.

Moreover, he proposed two solutions. First, rethink the intelligence/judiciary relationship: "Break down the barriers between counter-terrorist intelligence and pool its technical and human resources with the judiciary. Intelligence has significant resources and few powers. The judiciary can do a lot but does not have the means."[13]

Secondly, "rethink the methods of neutralizing terrorists: on the judicial mode, the scale of sentences (only long sentences allow for social protection and a re-involvement of individuals), post-sentence monitoring (surveillance measures and control); on the administrative mode (the issue of disqualifying French binational jihadists from nationality, preventing them from returning rather than fixing them on our territory); finally on the military level by reflecting on a link between justice and armed forces (neutralization by force of individuals acting beyond the reach of judicial authority)."[14]

This was done regarding intelligence gathering techniques with the Intelligence Act of July 24, 2015, which provided the specialized services with a legal framework concerning the tools necessary for operational intelligence (according to a procedure defined by the law) with the aim of protecting national security.[15] On this basis, it has been possible to prosecute cases of terrorism with clear and precise information on the motivations of terrorists or the evidence of their

11 ECHR, 26 March 1987, *Leander v. Sweden*, application no. 9248/91.

12 D. Bénichou in "La lutte contre le terrorisme," Constitutions, 2015, p. 21.

13 Ibid.

14 Ibid.

15 A. Deprau, Renseignement public et sécurité nationale, thesis defended on 29 November 2017 at the University of Paris II Panthéon-Assas.

involvement. As for the military response to terrorism, France today effectively responds thanks to our armed forces, as well as to the special forces, sometimes by means of extrajudicial executions on well-defined targets, the "High Value Targets" (HVT).

It is no longer a question of providing additional legislation, but of participating in the strengthening of police and intelligence resources (human, technical, and financial).

In this regard, it should be recalled that surveillance and prevention of terrorism has necessarily increased, even though the 2008 reform (substituting the Central Directorate of Domestic Intelligence for the Directorate of Territorial Surveillance, and the Central Service of Territorial Intelligence for the General Intelligence) was detrimental to intelligence. Since most of the personnel were assigned to domestic intelligence, territorial intelligence lost all the agents who dealt with informers. This reform was a dry loss of several years for the recruitment of new informants and knowledge of networks, which was the matrix of the intelligence operated by this service.

To return to the subject, there is no longer any need to supplement anti-terrorist legislation. What is needed today is not more laws, but additional human resources, whether to carry out effective surveillance, to process the data collected, to participate in cryptography or data decryption, but also for the offensive side (in addition to the preventive side) of the knowledge and anticipation function, i.e., the intervention function.

To this end, in addition to increasing the strength of the National Police, the Gendarmerie nationale and the intelligence services, an increase in the number of special forces personnel would be welcome, both for the human military intelligence of the 13th Parachute Dragon Regiment (13th RDP) and for the action intelligence provided by the Action Service of the General Directorate of External Security, or for the 1 Marine Infantry Regiment (1 RPIMa), the commandos and the police, and for the action intelligence provided by the Action Service of the Directorate General of External Security, or for the 1st Régiment parachutiste d'infanterie de marine (1st RPIMa), the commandos of the French Navy and the commandos of the Air Force.[16]

In our view, anti-terrorist legislation does not need to be supplemented. It is political choices that must be made, to allow for anticipation and a coherent response, the purpose of which is to protect the members of the French population. Let us remember that choices must be guided by common sense and not by ideology. For example, the Valls government refused the list of names of terrorists because it was given by the President of the Syrian regime, or the closure of embassies by political choice, whereas these embassies are necessary relays for foreign

16 And for the other special units that were not mentioned by the author.

intelligence. Thus, as early as February 2012, three months before the departure of Nicolas Sarkozy from the Elysée Palace, France closed its embassy in Damascus, to the great displeasure of the operational staff: "We had to unravel everything in the emergency room, move the archives, and cut off all contacts according to the procedure in force. The French agents kept in touch for a few months with their Syrian counterparts before being asked to work at a distance, far from the war zone, from Jordan, Lebanon, and Turkey in particular."[17]

If terrorism is based on ideology, the anti-terrorist response cannot be the fruit of any ideology, nor of overkill, of "securitization" (a term dear to the Anglo-Saxons) leading to a security drift. On the contrary, it must correspond to a necessary and coherent response, full of common sense, considering the feedback (and even the alerts) from the police and intelligence services, while not forgetting to reinforce their resources.

17 DUBOIS (C.) and PELLETIER (E.), Où sont passés nos espions? Albin Michel, Paris, 2017, p. 69.