

## **Poursuites et rapatriement des CTEs et financement du terrorisme**

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Madam Chair, Honorable Parliamentarians, ladies and gentlemen,

All the topics which should be discussed in the session are critical for the future of our region. Actually, since the military defeat of Daesch on the ground, we should pay attention not to be too confident in its disappearance. Yes, Daesch is less powerful, has no territory anymore but it has moved into a very known type of terrorist organization, actually the most classical one, the underground type of terrorist organization. That is what we have to concentrate our efforts now, taking into account the “de facto” abolition of the Caliphate which implies to know how to face several types of issues among which two seem to be the most pressing:

Where and how Daesch members have or will migrate and what kind of terrorist attacks they would try to perpetrate?

How they would continue to finance their activities?

And as a consequence of those threats, what kind of actions could be taken by PAM at the international or national levels.

Madam Chair, Honorable parliamentarians, ladies and gentlemen,

it is clear that a part of the foreign terrorist fighters which were located in Syria and Irak have decided “to migrate”, towards Philippines, Indonesia, other countries of the South-East and South Asia or even Central Asia and Afghanistan in which they could establish or consolidate links with several extremist political movements and terrorist organizations or even enroll people who had no terrorist activities before such as the perpetrators of the deadly attack in Sri Lanka. We should also recall that attacks also took place in in Philippines<sup>2</sup> in May 2017 as well another one recently in Jolo Cathedral on 27 January 2019 in which 20 people were killed and 102 injured. It is quite significant that Daesch claimed the responsibility of that attack. Similar attacks should be expected in our regions after the Daesch’s announcement of the campaign called “*Vengeance for Sham*”. For example, we have seen recently (between 8 and 10 April only!) 14 Daesch’s statements claiming terrorism attacks in Western Africa, in Sinäi, in Somalia, in (Afghanistan), and Lybia<sup>3</sup>. From those examples, you can see how much Daesch is active nowadays and we shall not think that terrorist organization is totally defeated.

The second point on which I wish to concentrate my intervention today is in connection with all those people, FTFs and their families who remain in areas located in Syria and which are not de facto under the authority of the Syrian government. There are, here, several elements of discussion on that situation. Furthermore, many countries and, indeed parliaments, of our region are certainly concerned by that problem. Nowadays, more than 70 000 people are in several camps, among which more than 14 000

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<sup>2</sup> See the article of the Independent : <https://www.independent.co.uk/news/world/asia/it> is equally important that the one-isis-gunmen-soldiers-army-marawi-city-street-battle-terrorist-jihadi-a7751406.html

<sup>3</sup> <https://thedefensepost.com/2019/04/14/isis-vengeance-for-sham/>

members of Daesch FTF family members including around 10 000 children!<sup>4</sup> Actually, there are two main problems to be solved in such a situation: the first one is the humanitarian crisis for which Parliamentary Diplomacy should intervene and this morning the presentations of our colleagues from the HCR and Humanitarian Affairs were, unfortunately, very clear.

The political role of Parliamentary diplomacy to alert about those cases and of PAM as an international organization in that field are key, as already mentioned by the president of the Great Assembly of Turkey, the Turkish Minister of Foreign Affairs as well as by the UN colleagues.

The second one is a serious legal issue: we are, actually, facing a vacuum in terms of legal jurisdiction. There is not a single legal treaty between the regional and autonomous powers under the jurisdiction of which those people are now in Syria and States of the region. So, how to identify people, families and eventually separate them from foreign terrorist fighters. How even to clearly know the identity and the citizenship of young children and babies? There is, in my view, a solution that the international community as a whole should bring to the attention of the UN Security Council or to the General Assembly. Actually, that UN appropriate body should establish a Special Triage's Commission in order to sort out who is who, parents, and children of whom, who among them should be prosecuted, judged or not etc. That Commission should also clearly establish the citizenship of each of the people being there and eventually refer to the relevant authorities of the United Nations Member States which have responsibility vis à vis their citizens. That Commission should be composed of lawyers, humanitarian specialists, Interpol officers. The Commission should, eventually, have the power to decide on jurisdiction for nationals with double citizenship, according to their previous residence or the one of their families or even whenever necessary from other criteria, well defined in advance. As a consequence of that situation, the establishment of the Commission is a matter of emergency, perhaps even with a small Court component whenever there is a negative conflict of jurisdiction, not a single country willing to take charge of some people with a criminal background or a positive conflict of jurisdiction when several Member States have manifested a strong will to trial certain individuals.

To see Member States struggling to avoid jurisdiction would not be a good signal for Daesch and it looks like PAM has a special role here as an efficient regional parliamentary organization to alert governments about that issues and possible solutions and to avoid discordance of positions among States for the unique benefit of terrorist organizations. It seems that the PAM's CT special Committee could be the right place to elaborate strategies about it, of course with your help Madame President as well as with the support of the pass president in charge of international cooperation and the strong support of the Secretary General and all of us in the Secretariat.

I would like to recall here that all the UN Members States were united to counter the FTF' phenomenon and Daesch when the UN Security Council unanimously adopted Res 2178 (2014) as well as a series of following resolutions on that topic . We should try to do the same nowadays about the relocation and return of FTF and their families.

Madame la présidente, mesdames messieurs les parlementaires, mesdames, messieurs,

Concernant le second sujet qu'il m'est échu de traiter, à savoir le financement du terrorisme et comment lutter contre lui, je voudrais seulement me concentrer sur deux points, en premier lieu, la distinction entre financement des actes terroristes et le financement des organisations terroristes, en deuxième lieu, les imbrications entre les organisations terroristes et les groupes criminels organisés.

Pour ce qui est du premier point, à savoir la distinction entre financement des actes terroristes et des organisations terroristes est essentielle. De nombreuses voix s'élèvent pour dire que la commission des actes terroristes ne coûtent pas cher. C'est juste mais il ne faut jamais oublier que derrière les actes terroristes, il y a souvent, pas toujours, je vous le concède, le maintien des troupes et des réseaux. Et c'est ce qui coûte cher. C'est pourquoi les organisations terroristes ont besoin de financements pour

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<sup>4</sup> <https://aawsat.com/english/home/article/1672906/children-death-toll-syrias-al-hol-camp-rises-235>

soutenir leurs structures. Vous savez tout cela bien entendu et je suis certain que, vous mesdames et messieurs les parlementaires vous en tenez évidemment compte dans l'exercice de vos fonctions. Ceci étant, la liste des organisations terroristes, au niveau international est limitée à celles incluses dans les résolutions 1267 et suivantes du Conseil de sécurité de l'ONU et la coopération internationale est donc souvent limitée à ces organisations. Toutefois, à la suite d'actes terroristes, il ne faut jamais oublier d'utiliser la Convention des Nations Unies contre le financement du terrorisme qui, si elle est ratifiée par vos parlements et les définitions qu'elle contient bien intégrées dans les législations nationales, est une base très solide de la coopération internationale d'autant qu'elle contient certes pour les seuls effets de cette Convention mais tout de même, une définition générale du terrorisme. Dois-je rappeler à ce sujet nos précédents débats au sein de la PAM au cours desquels nous nous étions aperçus que nos législations nationales sur le financement du terrorisme différaient grandement d'un pays à l'autre alors que nos parlements ont, dans leur grande majorité, ratifié cette convention ? Peut-être que notre groupe de travail sur le terrorisme pourrait se pencher également sur ce sujet, la PAM devenant ainsi un exemple pour les autres régions du monde.

Concernant le second point, à savoir les imbrications entre groupes criminels organisés et organisations terroristes, les avis divergent sur le phénomène de l'hybridation, en l'occurrence le mélange des activités relevant du terrorisme et celles relevant de la criminalité transnationale organisée. Ces divergences existent d'ailleurs un peu partout, même dans un pays donné, entre différentes autorités. Pour moi, peu importe. Ce qui est clair, c'est en tout cas qu'il eut y avoir d'une part des liens objectifs pour une action précise entre groupes criminels organisés et organisations terroristes ; par exemple lorsque les organisations terroristes veulent acquérir des armes, elles peuvent effectivement se tourner vers le crime organisé. Les liens entre le trafic de drogue et le financement des organisations terroristes est aussi évident dans certains pays.

Sur ces questions, il faut faire preuve de clairvoyance sur les actions à mener au niveau international. Rien n'empêche l'utilisation de la convention de Palerme contre la criminalité organisée lorsque les organisations terroristes utilisent les méthodes du crime organisé..peu d'autorités le font hélas. Il est certain que lorsque les organisations terroristes se conduisent comme des groupes criminels organisés ou ont des liens avec les groupes criminels organisés, il faut les traiter comme tels.

I know very well that, as parliamentarians you have started to work on those two topics but I, personally, believe that, together, we should make an extra effort. We have already started to go into that direction since we were in charge of presenting that topic during the St Petersburg's Parliamentarians' Conference on Countering international Terrorism 18 April of this year co organized by several international parliamentarian organizations among which IPU, CIS and OSCE Parliamentarians bodies and, indeed our organization. Let's continue with our committee against terrorism and under the leadership of the Honorable Migliore!

Finally, I would like to thank the Turkish Great Assembly of People and especially its president for having hosted that conference and for their so gracious hospitality .

Je ne peux que répéter ici ce que j'ai déjà dit ce que disait Comme l'a dit Kofi Annan, ancien Secrétaire général de l'ONU<sup>5</sup>, du temps où je commençais à travailler sur le terrorisme à l'ONU, la victoire contre le terrorisme ne sera possible que si la communauté internationale trouve la volonté de s'unir dans une large coalition.

Thank you for your kind attention

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<sup>5</sup> Communiqué de presse SG/SM/7977 du 1 octobre 2001