

‘Gijs de Vries: “The fight against terrorism must be conducted in accordance with the rule of law” from Le Monde (17 February 2007)

Caption: In an interview published in the French newspaper Le Monde on 17 February 2007, Gijs de Vries, before leaving his post as Counter-Terrorism Coordinator in the General Secretariat of the Council of the European Union, emphasises the importance of adhering to the law in the fight against terrorism and the need to review the decision-making machinery in the Council in order to improve its efficiency.

Source: Le Monde. 17.02.2007. Paris. "Gijs de Vries: "La lutte antiterroriste doit être menée dans le respect des lois"", auteur:Stroobants, Jean-Pierre , p. 5.

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Gijs de Vries: ‘The fight against terrorism must be conducted in accordance with the rule of law’

Signing off at the end of a three-year term of office, the EU’s ‘Mr Counter-Terrorism’ calls for the countries of the West to ‘practise what they preach’.

**Brussels
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Appointed in 2004, at the time of the Madrid bombings perpetrated by Islamic terrorists, Gijs de Vries has always appeared to choose his words extremely carefully. On Friday 16 February, Mr de Vries, a Dutchman and the European Union’s Counter-Terrorism Coordinator, who will be stepping down shortly for personal reasons, pursued a more aggressive approach in his message firstly to the United States and then to the leaders of Europe.

Mr de Vries, who will be joining Clingendael, the Netherlands Institute of International Relations in The Hague, called on the countries of the West to ‘practise what they preach’ by respecting human rights, ‘which form the very core of our identity’, in the fight against terrorism. As far as this diplomat is concerned, ‘Washington and Brussels must step up their dialogue’. The USA absolutely had to get back to the ‘mainstream view’ of those rights; that was vital for the United States’ credibility, for the effectiveness of the fight against terrorism and for Europe’s security. It was also necessary ‘to build on the new political reality emerging in the United States’ as witnessed by the recent changes in Congress.

‘Democratic states must avoid doing the very thing that terrorists expect of them, which is to overreact. They must conduct their fight in accordance with the rule of law’, Mr de Vries explained. And, for that matter, it was high time for torture to be declared illegal the world over, especially in ‘third countries’ where it had been used to extract confessions from suspected terrorists.

The Counter-Terrorism Coordinator did not go so far as to point the finger at Washington for resorting to barbaric practices — ‘Do **you** have any proof?’ he asked — but said that Guantánamo was, in his view, an aberration and that ‘what has happened at Guantánamo, the events at Abu Ghraib and the secret CIA flights have undermined the credibility of the United States and their partners’.

Eager to set the record straight following his questioning in Strasbourg by the European Parliament, which considered the answers that he gave regarding secret CIA flights to be unsatisfactory, Mr de Vries firmly maintained that ‘the abductions and flights in question are immoral, illegal and counter-productive’, and he said that the Foreign Affairs Council had unreservedly condemned the use of such practices back in December 2006. He conceded, ‘I would have preferred it to have done so earlier, but the then-British Presidency did not back me up.’

Exercising his rediscovered freedom of speech, Mr de Vries hit back at his critics: ‘Scrutiny and oversight of national intelligence agencies are categorically excluded from the European Union’s competences, and so neither I nor Mr Solana [High Representative for foreign policy in the Union of Twenty-Seven] could carry out such exercises. If the European Parliament wanted to change those practices, it should have called for an amendment of the Treaties, but

it did not do so', he said.

Reeling off his achievements and the key features of what he was calling his 'fight strategy' (for instance, improved security at airports and ports, more exchanges of information, the introduction of biometric passports and the storing of telephone data), Mr de Vries thought that the most important question was not about the identity of his successor but about whether his successor would enjoy a broader remit: 'Europe has to give more thought to its decision-making mechanisms. In counter-terrorism matters, the Council has been effective in all areas where it could come to a decision by a simple majority, but it was held back when unanimity was required.'

As matters stand, the Council does not actually know whether or not the Member States will decide to replace Mr de Vries, but the Dutchman would not be drawn on that point and returned to the issue in hand: 'Europe's defences have been strengthened since 2001, but the threat of terrorist attacks has not diminished. It has just become more complex and decentralised and is now linked to the development of home-grown terrorism.' He claimed that the risk of conventional terrorist attacks remained, but the risk of attacks with 'dirty' weapons was growing.

And, he warned, it would not be down to the police alone to sort out these problems. 'I am worried by the rise of radicalism in a number of regions of Europe. This development must be blocked by Muslims and non-Muslims acting together. We need cooperation that cuts across borders and religions alike. Respect for human rights must be the shared value of that united front.'

Jean-Pierre Stroobants