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May the (well-balanced) force be with us! The launch of the European Counter Terrorism Centre (ECTC)

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ABSTRACT

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Following a series of terrorist attacks throughout Europe in 2015, the European Union has established its own European Counter Terrorism Centre (ECTC) in January 2016. This article highlights in how far Europol's robust data protection regime contributes to striking the right balance in the fight against terrorism by duly observing fundamental rights including the right for protection of personal data.

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1. Introduction

2015 saw the launch of the seventh Star Wars movie breaking records left, right and centre with its modern fairy tale about the eternal fight of good against evil.¹ Reality, however, was less entertaining with the terrorism threat materialising in the heart of Europe in an unprecedented manner.²

Many fear this development will wipe away our civil liberties in an overreaction by governments taking away exactly

those freedoms which we should in fact be defending, not only against terrorists but also against the State.³

So, will 'Terrorism kill the Privacy Star' just like 'Video Killed the Radio Star'?⁴

While the famous song released in 1979 by British pop band 'The Buggles' remained a one hit wonder, terrorist were able to commit a whole series of attacks in 2015 in the EU, or affecting EU citizens and/or interests outside of the EU.

On 7 January two gunmen launched an attack on the editorial staff of the French satirical magazine "Charlie Hebdo"

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¹ <http://time.com/4171394/star-wars-force-awakens-records>, accessed on 08/01/16.

² See Europol (ed.), European Union Terrorism Situation and Trend Report 2015, Den Haag 2015.

³ See, for instance, Bigo et al., The EU Counter-Terrorism Policy Responses to the Attacks in Paris, p. 1 ff.; Richard Matthew/George Shambaugh, The Pendulum Effect: Explaining Shifts in the Democratic Response to Terrorism, in: *Analyses of Social Issues and Public Policy*, Volume 5, Issue 1, pages 223 ff., December 2005, Hoboken (2005); Michael Levi and David S. Wall, "Technology, Security, and Privacy in the Post-9/11 European Information Society", *Journal of Law and Society*, Volume 31, Issue 2, June 2004, pp. 196–205; Walter Peissl, "Surveillance and Security: A Dodgy Relationship", *JCCM*, Volume 11, Issue 1, March 2003.

⁴ https://en.wikipedia.org/wiki/Video_Killed_the_Radio_Star, accessed on 08/01/16.

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in their office in Paris, killing twelve and wounding eight. Just one day later a young unarmed police woman was shot from the back and killed as she attended a routine traffic incident in Montrouge, Paris.⁵ The following day the same shooter killed four people at the outset of an hours-long siege of a kosher supermarket in Porte de Vincennes, Paris.⁶

On 16 January two suspected jihadists were killed in an anti-terror operation in Verviers, Belgium, close to the Dutch and German borders. A third person was arrested. The suspects were believed to have been about to launch an attack within hours of the police operation.⁷

Three soldiers have been wounded in a knife attack in Nice on 3 February. The soldiers were conducting an anti-terror patrol outside a Jewish community centre when they were attacked by a man with a knife. One soldier was injured in the cheek, another in the chin and a third in the leg.⁸

On 14 February a gunman attacked people present at a free-speech debate hosted by Swedish cartoonist Lars Vilks in Copenhagen. One of the people attending – film director Finn Norgaard, 55 – was killed and three police officers were wounded. Hours later, the same man opened fire outside a synagogue in Krystalgade Street, about 5 km from the scene of the first attack, killing a Jewish man and wounding two police officers.⁹

On 17 March 21 people, including 17 foreign tourists, were killed by gunmen in the Bardo museum in Tunis, Tunisia. The foreigners included citizens from France (2), Italy (4), Poland (1), Spain (2), Japan (5), Colombia (2) and Australia (1). At least 44 people were wounded, including 13 Italians, 7 French, 4 Japanese, 2 South Africans, 1 Pole, 1 Russian and 6 Tunisians.¹⁰

On Friday 26 June a man attacked the Air Products chemical factory in Saint-Quentin-Fallavier, France. The perpetrator reportedly entered the factory premises in a car and set off several small explosive devices. A decapitated man was later found in the vicinity of the factory. His head was found pinned on the fence of the company enclosure. Banners with Arabic writing were found near the head.¹¹

IS claimed responsibility for the attack on guests of the Rui Imperial Marhaba hotel in Sousse, Tunisia, on Friday 26 June that killed at least 39 people and wounded at least 36 others. Thirty were British nationals, the other victims included one Belgian, one German and three Irish citizens.¹²

On 21 August a Moroccan national, already known for years to Spanish, French and Belgium intelligence services for his radical Islamist sympathies but not considered a threat, unsuccessfully tried to attack passengers of a Thalys train travelling from Amsterdam to Paris. The man, identified as 26-year old Ayoub el Kahzzani, was overpowered between the northern French cities of Lille and Arras, before he was able to fully carry out his attack.¹³

On 31 October the Airbus A321 operated by the Russian carrier 'Metrojet' crashed 23 minutes after taking off from the Sharm-al-Sheikh tourist resort, killing all 224 passengers and crew.¹⁴ The crash was caused by a bomb. The attack was later claimed by Islamic State.¹⁵ This bomb attack of an airliner is the first successfully completed terrorist bomb attack on an aircraft since 2004 when two domestic Russian passenger aircraft flying from Moscow were blown up by Chechen suicide bombers. It is also the terrorist attack with the highest number of casualties since 9/11.

On 13 November 2015 a series of complex and well-coordinated attacks, perpetrated by three teams, took place on carefully chosen targets in Paris, France, that included a soccer stadium, a theatre, cafes and restaurants. The attacks were deliberately meant to kill and injure as many civilians as possible. One hundred thirty individuals died, including 89 at the Bataclan theatre, and 368 people wounded, of whom 80 to 99 seriously so.¹⁶ IS claimed responsibility for the attacks, saying that they were committed in retaliation for the French airstrikes on IS targets in Syria and Iraq.¹⁷

A week after those atrocities, the Belgian capital Brussels faced a complete lockdown for four days leading to massive police activity and military presence.¹⁸ Belgian officials declared they were looking for at least two individuals, including one man suspected of having a role in the previous week's Paris attacks.¹⁹ Perceived threats, furthermore, caused a last-minute cancellation of a Germany–The Netherlands friendly football match in Hanover on 17 November.²⁰

⁵ <http://www.bbc.com/news/world-europe-30710883>, accessed on 21/01/2016.

⁶ <http://www.bbc.com/news/world-europe-30759008>, accessed on 21/01/2016.

⁷ <http://www.bbc.com/news/world-europe-30853214>, accessed on 21/01/2016.

⁸ <http://www.theguardian.com/world/2015/feb/03/soldiers-attacked-nice-france>, accessed on 21/01/2016.

⁹ <http://www.theguardian.com/world/2015/feb/14/copenhagen-blasphemy-lars-vilks-prophet-muhammad-krudttonden-cafe>, accessed on 21/01/2016.

¹⁰ <http://www.reuters.com/article/us-tunisia-security-idUSKBNOME18E20150318>, accessed on 21/01/2016.

¹¹ <http://www.bbc.com/news/world-europe-33284937>, accessed on 21/01/2015.

¹² <http://www.nytimes.com/2015/06/27/world/africa/gunmen-attack-hotel-in-sousse-tunisia.html?hp&action=click&pgtype=Homepage&module=a-lede-package-region®ion=top-news&WT.nav=top-news>, accessed on 21/01/2015.

¹³ <http://www.theguardian.com/world/2015/aug/21/amsterdam-paris-train-gunman-france>, accessed on 21/01/2016.

¹⁴ <http://www.aljazeera.com/news/2015/10/russian-passenger-plane-crashes-egypt-sinai-151031072348207.html>, accessed on 21/01/2016.

¹⁵ <http://edition.cnn.com/2015/11/04/africa/russian-plane-crash-egypt-sinai/>, accessed on 21/01/2016.

¹⁶ <http://www.bbc.com/news/world-europe-34818994>, accessed on 21/01/2016.

¹⁷ http://www.nytimes.com/2015/11/15/world/europe/isis-claims-responsibility-for-paris-attacks-calling-them-miracles.html?_r=0, accessed on 21/01/2016.

¹⁸ <http://www.theatlantic.com/international/archive/2015/11/brussels-terror-alert-paris-attacks/417195/>, accessed on 21/01/2016.

¹⁹ <http://www.theguardian.com/world/2015/nov/22/brussels-faces-week-on-lockdown-as-hunt-for-terror-cell-intensifies>, accessed on 08/01/16.

²⁰ <http://www.theguardian.com/world/2015/nov/22/terrorists-planned-three-bombs-german-stadium-hanover>, accessed on 08/01/16.

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