

FROM CRIMINALS TO TERRORISTS AND BACK

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INTRODUCTION

In 2015, a total of 51 individuals were arrested in Spain for involvement in jihadist activities, 42 of whom had been convicted at the time of writing. Although these figures make Spain one of the European countries with the highest number of terrorist- or jihadist-related arrests in 2015 (our reference year), it also has the lowest number of jihadists with a criminal background among the countries analysed in the *From criminals to terrorists, and back?* project coordinated by GLOBSEC.¹ Does this mean jihadist terrorism and crime are two separate phenomena in Spain? Can we conclude that the crime-terror nexus is significantly weaker in Spain than in the rest of Western Europe? Answering these questions or empirically measuring the crime-terror nexus raises fundamental conceptual and methodological issues.

In this short report, we reflect on how to analyse the crime-terror nexus based on a study of Spanish data for 2015. Regarding the conceptual problems, we consider both the nature of the convergence of the two phenomena (confluence, cooperation, hybridisation²) and the different ways it has been manifested at both the individual and organisational levels. In terms of the methodological issues, in addition to the traditional difficulties with accessing information in this area, there is also a need to adopt different approaches to the phenomenon to obtain a clearer and fuller picture of the various possible dimensions of the relationship.

CONCEPTUAL PROBLEMS RELATED TO THE CRIME-TERROR NEXUS

In conceptual terms, it is essential to define the perimeter of the reality we are seeking to measure. Although when we refer to the crime-terror nexus we are talking about the interaction of the two phenomena, we often seek to estimate the level of convergence solely in terms of the individual behaviour of those engaged in jihadist and criminal activities. Here, our main indicator of the existence of these links is the fact that certain jihadists have a background of being involved in crime, frequently evidenced by a criminal record prior to being arrested and convicted of terrorist offences. Consequently,

theories have been developed based on the supposed transfer of knowledge and experience acquired during participation in illegal activities to jihadism. The empirical evidence gathered in Spain in recent years shows that jihadists with a criminal record have more access to illegal funding, the black market for arms and forged documentation, as well as greater facility for smuggling people across borders.³

One reason for common criminals to become involved in jihadism is that their paths lead to involvement in different types of illegal activities that are sometimes the same. A good example of this is the case of a Moroccan man, 21 years of age, who was arrested in Germany in August 2015 on a warrant issued by a Spanish judge. The man's search for a sense of belonging led him first to join a Latino gang (Latin Kings) and then to undergo jihadist radicalisation, aligning himself with Jabhat al-Nusrah and planning attacks on police stations. In both activities (crime and terrorism), the young man found a way to channel his desire for revenge against the security forces, whom he accused of discriminating against him after arresting him more than 20 times for involvement in violent robberies and drug dealing.

In conceptual terms, it is also interesting to consider the sequence of involvement in crime and terrorism. It is often assumed that criminality comes before involvement in jihadism, even though the two can occasionally occur in parallel. However, it should also be noted that the individual paths of the crime-terror nexus are in fact two-way processes: as well as criminals gravitating towards jihadism, jihadists can also gravitate towards crime. There is evidence of individuals moving from jihadism to crime in Spain, albeit on a lesser scale than the other way round, and there are cases in which individuals have served a prison sentence for jihadist terrorism offences and gone on to be reconvicted of involvement in common crime.

Finally, in terms of the convergence between terrorism and crime at the individual level, we must also consider the cases of non-radicalised criminals who become involved in jihadism. Such cases are an exception and occur in environments such as

1 Kacper Rekawek, Viktor Szucs, Martina Babíková, and Enya Hamel. *European Jihad Future of the Past?*, (Bratislava: Globsec 2019), p. 18.

2 See: Luis de la Corte Ibáñez, "¿Hasta qué punto convergen el terrorismo global y la criminalidad organizada?: Parámetros generales y escenarios críticos", in *Revista del Instituto Español de Estudios Estratégicos*, 1: 2013, pp. 1–28. The author identifies three types of convergence between jihadism and organised crime: confluence, when jihadist organisations appropriate the methods of criminal groups, and vice versa; hybridisation, which involves repeated and systematic appropriation of methods; and cooperation, when convergence is purely instrumental and often temporary.

3 For more information, see: Globsec, "From criminals to terrorists and back? Quarterly Report 2018. Spain", pp. 2–4, <https://www.globsec.org/wp-content/uploads/2018/06/From-Criminals-to-Terrorists-and-Back-Quarterly-Report-2018-Spain.pdf> (Accessed: 25/10/2019).

4) FROM CRIMINALS TO TERRORISTS AND BACK?

prisons, where individuals are deprived of liberty, shut off from the outside world and subject to strict surveillance and rules, all of which makes them more vulnerable and easier to influence⁴ Such spaces favour the formation of bonds of trust between prisoners who find themselves in the same specific context. An example of this phenomenon is a police operation carried out in December 2015 in the prison of Martutene, in the province of Gipuzkoa, resulting in the arrest of two individuals who had previously been cellmates after being convicted of common offences. While on release from prison, both had posted messages on social media platforms, glorifying jihadist groups. However, one of the two, a young Basque man who had not converted to Islam, had done so out of a sense of solidarity towards his cellmate, who had been radicalised in prison. His messages of support for organisations active in Syria and Iraq and involved in jihad showed a lack of basic knowledge of the reality of the conflict and its protagonists⁵

This is a clear example of cooperation between crime and jihadism, without confluence between the two phenomena. This type of link can also be found at the organisational level, where criminal groups have facilitated the activities of jihadist organisations, cells, networks and groups through their illegal activities. Such links have been revealed in various operations against the drug-trafficking networks that connect North Africa and Europe and use Spain as a logistical base. According to researchers, these criminal structures directly or indirectly contributed to the funding of jihadist organisations active in the Maghreb and Middle East. In January 2015, a joint police operation involving Spain, France, and Morocco dismantled a network that smuggled hashish from Morocco into Europe, channelling part of the profits to jihadist groups.⁶ During the operation, in which around 100 individuals were arrested (the majority of Maghreb origin), 11 tonnes of hashish were intercepted and €2 million in cash and a number of firearms were seized. None of those arrested was prosecuted for jihadist terrorism in Spain.

Another significant police operation that found cooperation between organised crime and jihadist terrorism and in which Spain has been the site of activity of the network of these connections was Operation Urca, involving four European countries (Spain, France, Italy, and Greece) under the coordination of Europol⁷ The operation dismantled a criminal organisation that trafficked drugs between North Africa and Europe: the drugs, mainly hashish, originated in Morocco and were shipped via the Mediterranean to Libya, where they were unloaded and transported overland to be smuggled into Europe through the Balkans. The land route passed through areas of Libya controlled by jihadist organisations such as Islamic State, suggesting that the traffickers had made payments to allow the safe passage of the drugs to Egypt.⁸ During one phase of the operation, which took place in July 2015 off the coast of Málaga, a merchant ship registered in the Democratic Republic of Congo was intercepted carrying 15.7 tonnes of cannabis resin. It was crewed by six Syrian nationals and three Indian nationals⁹ In a subsequent phase of the operation, which took place in 2016, a Panamanian ship was captured off the coast of Almería with 19.6 tonnes of hashish. It was crewed by 11 Ukrainians and an Uzbekistani. By the end of the operation, after 32 months of investigations, 20 ships from various countries had been intercepted, together with more than 280 tonnes of hashish with a value of €2.8 million, and around €3.2 million in cash. In its final assessment of the operation, Europol noted that “the routes used, the financial flows and the nationalities of the perpetrators suggest that at least some of the huge revenues generated may be destined to finance the activities of terrorist groups or their associates”.¹⁰ Nonetheless, this hypothesis remains unconfirmed, since technical difficulties and the security situation have prevented investigators from tracing the flow of the drugs in their transit through Libya.¹¹

4 Fernando Reinares, Carola García-Calvo and Álvaro Vicente, “Yihadismo y prisiones: un análisis del caso español”, ARI 123/2018, 2018.

5 Audiencia Nacional, Sala de lo Penal, Sección 3, Sentencia 28/2016

6 Patricia Ortega Dolz, “Una operación contra el tráfico de hachís apunta a redes del yihadismo”, El País, 23/01/2015, https://elpais.com/politica/2015/01/23/actualidad/1422004135_913964.html (Accessed: 24/09/2019).

7 In Spain, the operation was called Operation Urca, while Europol used the code name Rose of the Winds.

8 Rukmini Callimachi and Lorenzo Tondo, “Scaling Up a Drug Trade, Straight Through ISIS Turf”, The New York Times, 13/09/2016, <https://www.nytimes.com/2016/09/14/world/europe/italy-morocco-isis-drug-trade.html> (Accessed: 25/09/2019).

9 Agencia Tributaria, “Interception of a merchant ship with more than 15 tons of hashish south of Malaga”, https://www.agenciatributaria.es/AEAT.internet/en_gb/Inicio/La_Agencia_Tributaria/Sala_de_prensa/Notas_de_prensa/2015/Interceptado_un_buque_mercante_con_mas_de_15_toneladas_de_resina_de_hachis_al_sur_de_Malaga.shtml (Accessed: 25/09/2019).

10 Europol, “‘Rose Of The Winds’ – International Operation Against Drug Trafficking”, Press Release, 01/12/2016, <https://www.europol.europa.eu/newsroom/news/%E2%80%98rose-of-winds%E2%80%99-%E2%80%93-international-operation-against-drug-trafficking> (Accessed: 25/09/2019).

11 Other forms of convergence between jihadism and crime that imply cooperation between the two phenomena but not confluence have been discovered in arrests in Spain, albeit not in 2015. The previous year, during Operation Jáver by the National Police and the Civil Guard, a cell that recruited jihadists and sent them to the north of Mali to join jihadist organisations linked to Al-Qaeda operating in the zone was dismantled in the city of Melilla. The cell used a criminal people-trafficking network to smuggle recruits from Morocco to Algeria and on to the north of Mali.

METHODOLOGICAL PROBLEMS DEALING WITH THE CRIME- TERROR NEXUS

In addition to the conceptual issues described above, analysing the crime-terror nexus means addressing evident methodological difficulties, largely related to the clandestine nature of the two activities. This means that data from the police and the justice system is one of the few indicators that allow a systematic empirical estimate of the reality, notwithstanding its limitations. The activities of the security forces and the justice system in the fight against terrorism and crime only provide data on cases with proven evidence of involvement in both types of activities. However, it does not cover those who have participated in jihadist activities and non-terrorist criminal activities but only appear on official records for one or the other. The individuals convicted in Spain include jihadists without criminal records who, during a search of their house that led to their arrest, were found in possession of large quantities of narcotics (often hashish), showing their

involvement in drug trafficking—or, at the very least dealing—in parallel to their jihadist activities. In some cases, this has resulted in convictions for terrorist and drug-trafficking offences.

It is even harder to monitor individuals who become involved in crime after being involved in jihadism. Nonetheless, there are a number of factors that facilitate the task of documenting arrests related to jihadism: the unique severity of this type of offence guarantees media coverage of police counter-terrorism operations, thus allowing systematic accounting. Moreover, the Spanish Ministry of the Interior often provides regular reports on activities related to the fight against jihadism. Finally, as opposed to other countries, all cases against individuals involved in jihadist activities in Spain are tried and judged by the same judicial body, the High Court of Spain, which makes it possible to follow cases from start to finish. In contrast, none of this is true of individuals who have been convicted of jihadist activities and go on to commit a common offence, meaning it is not possible to systematically monitor these cases.

CONCLUSIONS

While the empirical study of the crime-terror nexus is of growing importance, it remains subject to conceptual debates and methodological difficulties. In this document, we have aimed to show that even if an approach based on individuals and focusing on those with a criminal record for common offences prior to involvement in jihadism provides an objective view of the crime-terror nexus, it is a partial view, insofar as it only reflects one of the ways in which the convergence between the two phenomena arises. If academic research has tended to overlook other forms of convergence at the individual or organisational level, this is largely because of the methodological difficulties of gathering empirical evidence.

On the one hand, despite the general emphasis on the transition from petty crime to jihadist activity, we have highlighted that the nexus and its individual paths are a two-way process, with examples of former jihadist terrorists who were subsequently imprisoned for common crimes. The specific environment of prisons has also produced situations of individual cooperation between jihadists and other prisoners who have not been radicalised in the ideology of Salafist jihadism, showing the possibility of confluence as a result of effective links or solidarity but in the absence of previous radicalisation. Such cooperation without confluence or the acceptance of

ideological precepts that justify the use of violence, being instead for merely instrumental reasons, is a classic form of linkage at the organisational level between terrorism and organised crime. Another dimension of the phenomenon that also presents methodological difficulties to research is its clandestine and transnational nature. To conclude, the challenges that persist for tackling the crime-terror nexus mean it is necessary to think of new ways of addressing the phenomenon. To provide a more systematic, broader and multidimensional response, we need a more solid empirical basis, not just for understanding its nature and intensity but also to understand the conditions that make it possible.



IDEAS SHAPING THE WORLD



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