

Editorial

Counterfeiting and terrorism

Marius Schneider*

Identifying and cutting off terrorists' access to funding has become a key priority for the international community. It is thus not surprising that while the United Nations, the European Union, G8 and others present action plans to dry up financial sources for terrorists, right-holder organizations remind the authorities and policymakers of the links between counterfeiting and terrorism.

The French right-holders' association *Union des Fabricants* (Unifab) has presented a report on 'Counterfeiting & Terrorism' (available at: http://www.unifab.com/images/Rapport-A-Terrorisme-2015_GB.pdf) in which they highlight the proven links between counterfeiting and terrorism. The thoroughly documented report presents the involvement of several terrorist organizations in counterfeiting activities, explains the reasons for this choice and recommends further actions.

We learn, for example, that Mokhtar Belmokhtar the leader of Al-Qaeda in the Maghreb (Aqmi), responsible for several recent attacks in West Africa, has the nickname 'Mr Marlboro' because large parts of his activities are financed by counterfeit and contraband tobacco products.

What is more astonishing is that the Kouachi brothers—the terrorists involved in the Paris attacks on *Charlie Hebdo*—were under the surveillance of the French anti-terrorist police, until the monitoring of their telephone conversations revealed that they were setting up a business involving counterfeit clothing and sports shoes. This is when the police surveillance was stopped because, according to the officers, they were leaving the terrorist world to focus on petty crime. Only a few months later the Kouachi brothers burst into the newsroom of *Charlie Hebdo*. Some of the weapons used in the attacks were financed by the counterfeiting activity and the Director-General of French Customs confirmed that in this particular case there were 'close links between counterfeiting and the financing of terrorism'. This specific example shows how regrettable it is that public authorities categorize counterfeiting as a 'petty crime' while in reality, it represents a major funding method for organized crime in general and terrorism in particular.

The Unifab report shows that the conflict in Syria is partially financed by the traffic of counterfeit amphetamines, which are very popular with consumers in the Middle East

and those fighting in the conflict. In Syria, the money obtained from the sale of these counterfeit amphetamines enables forces to arm themselves, while the—albeit fake—medicine is used by fighters who see it as a way to withstand many hours in battle, without fear or fatigue.

In relation to the Paris attacks of 13 November 2015, the links are less obvious: the report points out that some of the terrorists come from the Belgian city Molenbeek, which is considered as a notorious place of radicalization, and the report cites the mayor of Molenbeek, who expressly links delinquency such as drug trafficking, counterfeiting and offences to social law with the phenomenon of radicalization.

In this particular case one can only 'feel the link', but the suspicions are not established beyond reasonable doubt. Then again, this is probably due to the fact that both terrorism and counterfeiting remain illegal activities which are carried out underground. To stay with the example of Molenbeek—which I know very well since I regularly assist my clients with seizures of counterfeit products in this part of Brussels—it is clear that counterfeiting and other delinquency are widespread in this community. However, to conclude from there that this leads to radicalization and ultimately to terrorism is less obvious. Having said that, there will inevitably be instances where candidates for the *jihad* engage in counterfeiting or piracy to make 'quick money' to finance a trip to terrorist camps or for their terrorist ventures like the Kouachi brothers did in France.

The Unifab report clearly shows why counterfeiting is a 'logical choice' for terrorists—and other malicious individuals—who are out for quick money while taking a low risk. The report demonstrates that counterfeiting is a highly lucrative activity in comparison to other criminal activities, such as drug dealing or human trafficking, while the stakes are low for those who are caught. This is due in part to the fact that the legislation in place in most countries is not sufficiently dissuasive, that penalties are rarely enforced and are often well below the maximum that the law provides for.

The report rightly concludes that the gap between the reality of counterfeiting and its treatment by national, European and international institutions is almost *unreal*!

* Attorney-at-law at the Brussels and Mauritius bar. Email: ms@cew-law.be; office@ipvocateafrica.com.