

**Proceedings of the Conference-debate on
"TERRORISM, THE LAW AND VICTIMS' RIGHTS"
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General Conclusions

By

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After such rich presentations, it is of course very difficult to conclude since we dealt with international cooperation and the way Europe is trying to deal with the issue of terrorism, with the way victims could receive reparation and might finally be taken into consideration in a "terrorist trial", not to mention the issue of applying Belgian antiterrorist legislation and how to deal with the victim at his/her personal level.

Personally, I was most affected by some points that Mister Lorent made in his presentation, for example. I think that an important idea underlined by Mister Lorent is that, all in all, what is vital for the victim is the way the victim will be dealt with by all of the actors of the judicial system. I really think this is essential. I think that, as a magistrate, it is as fundamental as realising that, beyond the efficiency of prosecutions, and even beyond repression and getting a ruling in a court for a prosecutor or for a judge to pronounce a technically and legally excellent ruling, there is also the fact of taking into consideration this victim and what s/he is trying to say.

I chaired for a year Brussels' accelerated justice chamber, where we dealt with "small cases", i.e. cases where the debates did not last very long. It took twenty or thirty minutes, and the facts were not extremely serious. I always wondered how important it was for victims to come and explain what had happened to them. In fact, even if their testimony did not contribute anything that constituted criminal evidence, it was important to allow them to speak and to finally be able to express something to the judicial system, to also be able to tell the perpetrator what they had been through, what they felt about the fact that they had been a victim. I think that this opportunity to speak is very important and that, indeed, we shall never repeat often enough to future lawyers or indeed to legal professionals how important it is to allow not only the victims but also all the other parties in a criminal trial, including the perpetrator of the crime, to speak. Room must be made for them to express themselves.

Now I would like to finish with a two-toned conclusion, i.e. with a pessimist note and a optimistic one.

On the pessimistic front, I tend to think that over the next few years we are going to live through a series of terrorist attacks against which our system is relatively powerless. And, as we said earlier, I believe that the greatest danger, or the greatest mistake we could make would be to want to respond to violence with another form of violence, with legal violence, where we would end up legalising, in a way, torture and all sorts of actions that are completely in contradiction with the essence and the very foundations of our societies. So, I think that democracies are relatively inefficiently armed against the type of terrorism we have experienced over these last years. We should not kid ourselves. We will certainly arrest some more people. But regarding suicide attacks, I think we are inadequately armed since we have relatively few elements of prevention in this respect.

Now I have a more optimistic thought: behind the people who commit these acts, there are men and women. I have approached quite a few who were accused or charged for terrorism one way or another. What has always amazed me, all in all, is how human these people are. I think that, in future, it would be in our interest to think about the mechanisms that can bring some people to act out, or at any rate the conditions that bring about these actions. Criminology work is really needed here on why people act out and how mechanisms set in in people who will engage themselves in a certain type of combat that might go as far as a suicide attack, i.e. their death. For instance, in the London attacks of July 2005, it appeared that we were dealing with people who were either perfectly or very well or relatively well integrated. At any rate, these people were not complete outcasts. At some stage, they got involved in a process that led them to carry out a suicide attack. In this respect, I think work really needs to be done to try and understand what goes on in people's minds instead of counting on a

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purely repressive system that risks, in my opinion, to lead to excesses and, finally, to become a kind of breeding ground for other types of terrorism and other candidates for terrorism. It is necessary to think about the mechanisms that lead to these acting outs because I think that some avenues might be worth exploring which would make it possible to introduce certain preventive measures which, to my mind, are probably more fruitful than repression, even if repression is useful from time to time. This repression must, on the one hand, remain within the legal framework or at any rate respect fundamental rights. This repression must be limited to people who can be labelled at a point in time as real terrorists, i.e. who might resort to blind violence or contribute to the use of blind violence at some point in time. The aim is also to not cause confusion by considering for instance that such and such a person is a terrorist or is a member of a terrorist group because of something s/he might have said, which might supposedly justify repressing them. This would indirectly feed terrorism, which is naturally the absolutely perverse effect that repression can have.