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RETURNING FOREIGN FIGHTERS: CRIMINALIZATION OR REINTEGRATION?

CHARLES LISTER¹

AN UNPRECEDENTED THREAT?

In April 2015, the United Nations estimated that at least 22,000 foreign fighters (FFs) from 100 countries had joined the jihad in Syria and Iraq, including approximately 4,000 from Western Europe.² Considering the likelihood of unrecorded individuals, the number is likely closer to 30,000. Syria in particular has proven the most significant “mobilizer for Islamists and jihadists in the last 10 or 20 years... more people from Europe are being mobilized than in all the other foreign conflicts that have happened for the past 20 years combined.”³

Differing from mercenaries, who fight abroad on behalf of governments or privately financed entities, foreign fighters—defined by David Malet as “non-citizens of conflict states who join insurgencies during civil conflicts”—have played roles in conflicts since ancient times.⁴ The scale and rate of FF flow into Syria and Iraq since 2011, however, is unprecedented in modern history. The closest equivalent was the Afghan jihad against the Soviet Union, which attracted as many as 20,000 FFs over a 12-year period (1980-1992).⁵ As the Syrian conflict escalated, the total FF inflow increased from

700-1,400 in mid-2012, to 6,000 in August 2013 and finally the estimated 22,000 in early 2015.⁶ FFs are also increasingly traveling alongside others who adopt “civilian” roles within a jihadi context, including women and children.

Regional states have witnessed the largest FF transfers, with 3,000 Tunisians, 2,500 Saudis, and 1,500 Jordanians having traveled to fight in Syria and Iraq. As shown in Figures 1 and 2, several Western European states have also experienced notable outward flows, including France (1,550), the United Kingdom and Germany (700 each). Unnamed intelligence officials suggested in April 2015 that the number of British fighters was likely much higher, as many as 1,600.⁷ Smaller European countries have witnessed particularly high rates per capita, such as Belgium (39 FFs per million), Sweden (31), Norway (28), and Denmark (27). By contrast, the more distant United States has seen only approximately 200 citizens travel—amounting to 0.6 per million.⁸

Despite this variation in numbers, the scale of the FF issue presents a serious policy challenge to the international community. Particularly

¹ Charles Lister is a visiting fellow at the BDC and author of the forthcoming book, *The Syrian Jihad: Al-Qaeda, the Islamic State and the Evolution of an Insurgency*. He would like to express his respect and thanks to Richard Barrett, Aaron Zelin, Thomas Hegghammer, Peter Neumann, and Petter Nesser, whose research and work on the foreign fighter phenomenon has greatly influenced this paper. He would also like to thank the many other practitioners of counter-radicalization and the reintegration of foreign fighters whom he spoke to for this paper. Finally, he is grateful to the staff of the BDC, especially the Director, Salman Shaikh, the Director of Research, Sultan Barakat, as well as Senior Research Assistant Vittoria Federici, who ensured this paper remained clear and succinct.

² Michelle Nichols, “Syria, Iraq a ‘Finishing School’ for Foreign Fighters: U.N. Report,” Reuters, 31 March 2015, <http://www.reuters.com/article/2015/03/31/us-mideast-crisis-islamic-state-un-idUSKBN0MR2NP20150331>; Peter Neumann, “Foreign Fighter Total in Syria/Iraq Now Exceeds 20,000; Surpasses Afghanistan Conflict in 1980s,” International Center for the Study of Radicalization, 26 January 2015, <http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/>.

³ Ella Faye, “At Least 500 Europeans Fighting with Syria Rebels, Study Finds, Stoking Radicalization Fears,” *CBS News*, 30 April 2013, <http://www.cbsnews.com/news/at-least-500-europeans-fighting-with-syria-rebels-study-finds-stoking-radicalization-fears/>.

⁴ David Malet, *Foreign Fighters: Transnational Identity in Civil Conflicts* (New York: Oxford University Press, 2013), 9.

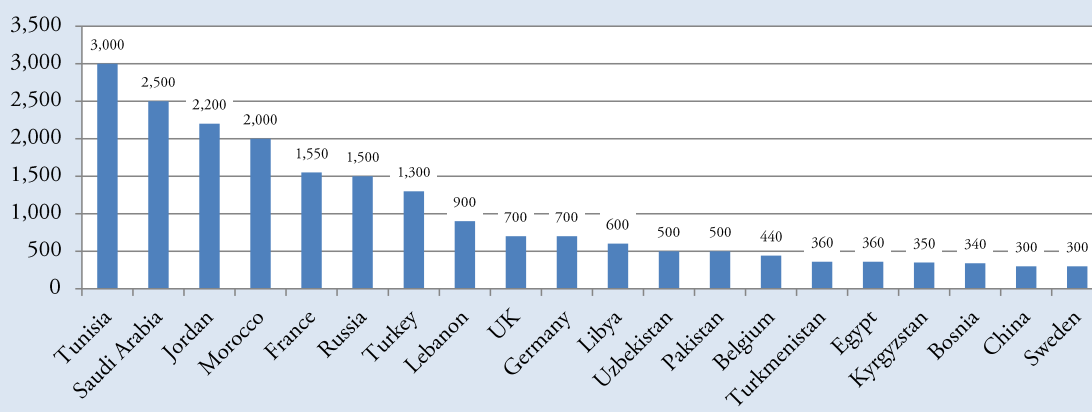
⁵ Thomas Hegghammer, “The Rise of Muslim Foreign Fighters: Islam and the Globalization of Jihad,” *International Security* 35, no. 3 (Winter 2010/11):61.

⁶ Edwin Bakker, Christophe Paulussen and Eva Entenmann, “Dealing with European Foreign Fighters in Syria: Governance Challenges & Legal Implications,” Research Paper, International Centre for Counter-Terrorism, December 2013, <http://www.icct.nl/download/file/ICCT-Bakker-Paulussen-Entenmann-Dealing-With-European-Foreign-Fighters-in-Syria.pdf>.

⁷ Richard Kerbaj, “Twice as Many UK Jihadists as Police Thought, Officials Say,” *The Sunday Times*, 19 April, 2015, http://www.thesunday-times.co.uk/sto/news/uk_news/National/Terrorism/article1546017.ece.

⁸ Calculations made using chart data.

Figure 1: Top 20 Sources of Foreign Fighters in Syria & Iraq



Data sourced from official government figures and anonymous government sources cited in: International Centre for the Study of Radicalization, United Nations, Soufan Group, *Die Welt*, BBC, *The Sunday Times*, Reuters, *Le Monde*, *France24*, RFE-RL, *Lawfare*, *Hurriyet*.

in Europe, the active role of hundreds or thousands of citizens in jihadi militancy in Syria and Iraq is likely to pose a “major security threat.”⁹ Well-established experts on the FF issue like Thomas Hegghammer have suggested that “Syria will prolong the problem of jihadi terrorism in Europe by 20 years,” deeming an attack by a FF returnee “almost inevitable.”¹⁰

This “ticking time bomb”—as French Interior Minister Manuel Valls labeled the issue—eventually struck Europe on May 24 2014, when a French FF returnee, Mehdi Nemmouche, killed four people in Belgium’s Jewish Museum in Brussels. Nemmouche had spent a year fighting in Syria with Islamic State (IS)-linked militants before returning to Europe.¹¹ Another Frenchman who had fought alongside IS in Syria, Ibrahim Boudina, returned to France via Greece in January 2014 and was secretly arrested in February in the Côte d’Azur while allegedly plotting an attack involving high explosives.¹² Many other alleged

plots linked to returned and returning FFs have been detected and foiled in the West.

While genuine, the potential threat posed by returning FFs should not be overly exaggerated. Statistical analyses based on historical data—such as one by Hegghammer—have suggested that no more than 11 percent of FFs will pose a terrorist threat upon their return home.¹³ However, “the blowback rate varies enormously between conflicts, so we cannot extrapolate averages to individual conflicts like Syria,” says Hegghammer, whose initial investigation of FFs and the Syrian conflict suggests that only one in 200-300 returnees has posed a threat.¹⁴

Consequently, when French intelligence claims that 266 FFs have returned from Syria and Iraq, the threat assessment can vary significantly.¹⁵ If using the non-conflict-specific blowback rate of 11 percent, 266 FF returnees could represent as many as 29 potential threats. Based on Hegghammer’s Syria-specific analysis, however, this number would result in only one threat.

⁹ Council of the European Union, “The Challenge of Foreign Fighters and the EU’s Response,” 9 October 2014, http://www.consilium.europa.eu/en/policies/pdf/factsheet_foreign-fighters_en_pdf/.

¹⁰ Frank Gardner, “Europe Could Feel the Backlash from Jihadist Conflicts,” BBC, 30 November 2013, <http://www.bbc.com/news/world-middle-east-25155188>.

¹¹ “Brussels Jewish Museum Killings: Suspect ‘Admitted Attack,’” BBC, 1 June 2014, <http://www.bbc.com/news/world-europe-27654505>.

¹² Paul Cruickshank, “Raid on ISIS Suspect in the French Riviera,” CNN, 28 August 2014, <http://edition.cnn.com/2014/08/28/world/europe/france-suspected-isis-link/>.

¹³ Thomas Hegghammer, “Should I Stay or Should I Go? Explaining Variation in Western Jihadists’ Choice between Domestic and Foreign Fighting,” *American Political Science Review* 107, no. 1 (February 2013): 1-15.

¹⁴ Thomas Hegghammer and Petter Nesser, “Assessing Islamic State’s Commitment to Attacking the West,” *Perspectives on Terrorism*, [Forthcoming].

¹⁵ “Quatre-vingts jihadistes français ont été tués en Irak ou en Syrie,” *Liberation*, 9 February 2015, http://www.liberation.fr/monde/2015/02/09/quatre-vingt-jihadistes-francais-ont-ete-tues-en-irak-ou-en-syrie_1198754.

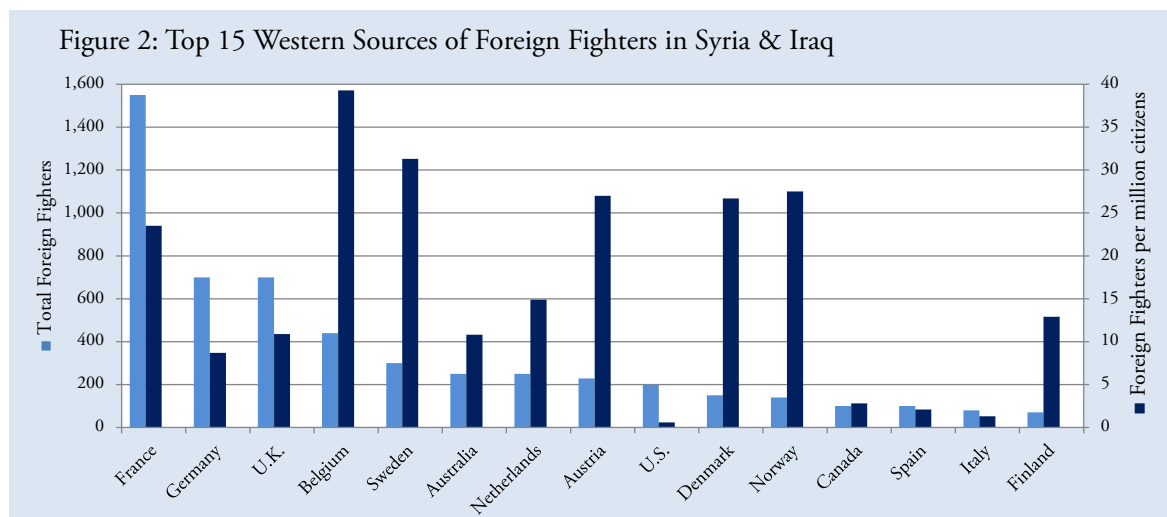
Therefore, are the Syrian and Iraqi jihads unique? Will so many FFs necessarily return? And if they do return, will they pose a threat? Certainly, the ideological attraction of fighting jihad in Syria is a powerful one. For example, many jihadis believe that the prophet *Issa Ibn Maryam* (Jesus) will return to earth via *Al-Manara al-Bayda* (the White Minaret) in Damascus' Umayyad Mosque prior to the apocalypse.¹⁶ Jihadis have also seized on an interpretation of another hadith in which the Prophet Muhammad predicted that three armies would emerge before the end of the world, in Greater Syria (or *al-Sham*), Yemen, and Iraq. When a companion asked which army he should join if he was to see that day—as many jihadis today claim they are—the Prophet told him to go to Syria, calling it the best of Allah's lands.¹⁷

So long as the conflict continues in Syria, it seems feasible that ideologically-driven combatants will remain more committed to fighting in those arenas than returning home to plot attacks. However, both the conflict's brutality and continuing inter-factional hostilities among Islamist fighting groups have

engendered a sense of disillusionment that makes returning a plausible scenario for some. Although no successful terrorist attack has been carried out by an FF from the 2003-2011 conflict in Iraq, the subsequent scale of FF flows into Syria heightens the potential threat posed.¹⁸ After all, the involvement of one single FF within a terrorist cell statistically increases its likelihood of executing a successful attack and causing fatalities—a phenomenon known as the “veteran effect.”¹⁹

While IS has thus far relied upon inspiring “homegrown” attacks by “lone wolves,” al-Qaida has reportedly attempted to establish the internal infrastructure in Syria—the U.S.-labelled “Khorasan Group”—to coordinate plots against targets in the West.²⁰ That U.S. airstrikes have periodically struck al-Qaida targets in Syria may further encourage such plans, making the issue of returning FFs all the more important.

With FFs returning home, the onus of responsibility shifts to their respective governments to determine the most effective responses to this issue. Ideally, every returnee



Data sourced from government figures and government sources, cited in: International Centre for the Study of Radicalization, United Nations, *Die Welt*, Soufan Group, *The Sunday Times*, *Le Monde*, *The Local* (Norway).

¹⁶ Sahih Muslim 41.7015.

¹⁷ Imam Ahmad 4.110; Abu Dawud 2483.

¹⁸ Teun van Dongen, “Foreign Fighters in Syria: A Terrorist Threat to Europe?” Aspen Institute Italia, 11 April 2013, <https://www.aspeninstitute.it/aspennia-online/article/foreign-fighters-syria-terrorist-threat-europe>.

¹⁹ Hegghammer, “Should I Stay or Should I Go?”

²⁰ Josh Halliday and Vikram Dodd, “Airport Security Stepped Up in Britain Over Bomb Plot Fears,” *The Guardian*, 3 July 2014, <http://www.theguardian.com/uk-news/2014/jul/02/airport-security-stepped-up-al-qaida-bomb-plot>.

will be dealt with as a unique individual. While statistical analyses suggest that a large majority of returning FFs are unlikely to foster hostile intent, the scale of the issue related to the conflict in Syria has encouraged a reactive securitization of the problem. This has been especially true in Europe, where the potential threat appears greater than in the more distant United States, Canada, and Australia.

Generally, Western states have adopted approaches to deal with FFs that are either predominantly “hard” or “liberal.” Domestically, such policy imbalance can have dangerous repercussions, particularly when immediate-term security objectives ignore long-term issues like social integration, community cohesion, and state-citizen relations. While both hard (criminalization) and liberal (rehabilitation and reintegration) policies have their advantages and disadvantages, states should be capable of fusing both approaches within more comprehensive strategies for managing this complex issue.

COUNTERING THREATS – HARD POLICIES

Returning FFs with potentially hostile intent can pose differing security threats, including instructing or coordinating organized terrorist plots, carrying out lone wolf-type attacks, or influencing or supporting domestic extremist networks.

Returning FFs are also likely to suffer symptoms of post-traumatic stress disorder, such as behavioral unpredictability, emotional instability, as well as “moral damage” that may “lead them to question their moral image of the world ...and [leave them] with a sense of betrayal.”²¹

The combination of potential threats and unprecedented FF numbers has encouraged

many Western states to adopt hard strategies aimed at directly countering threats. The exceptional scale of outward flows and the ease of European residents’ travel to Syria—often exploiting the Schengen system for indirect and otherwise unsuspecting travel—has presented regional and international intelligence bodies with the insurmountable challenge of identifying all FFs. Illustrating this challenge, Interpol announced in late May 2015 that 4,000 FFs had been identified, representing no more than 18% of the total FF number.²² This, by extension, has made blanket policies of “pursue and prosecute” an easier and favored option.

Across much of Western Europe, governments have introduced more repressive terrorism-related legislation to counter extremism and deal with the potential threat posed by returning FFs. Such legislation includes enhancing prosecutorial powers, expanding the scope of measures for extradition and the revocation of travel documents, augmenting intelligence powers for surveillance, or criminalizing travel to foreign conflict zones. Newly adopted measures in the United Kingdom, the Netherlands, Germany, Austria, France and elsewhere have securitized the FF issue—both as it relates to outward and inward flows. The British response is a particularly apt example of this trend.

In the United Kingdom, Section 40 of the 1981 British Nationality Act has long provided authorities with a limited scope for revoking passports from dual-citizens. Under certain vague conditions, this could leave an individual stateless if doing so was “conducive to the public good.” Moreover, the Royal Prerogative lends powers to the Home Secretary to deny or revoke passports when this is considered to be in the national interest. Since the dramatic escalation of FF flows into Syria from 2013, the Royal Prerogative has been used 29 times.²³

²¹ Rachel Briggs and Tanya Silverman, “Western Foreign Fighters: Innovations in Responding to the Threat,” Institute for Strategic Dialogue, 12 November 2014, http://www.strategicdialogue.org/ISDJ2784_Western_foreign_fighters_V7_WEB.pdf, 37-39.

²² Jurgen Stock, “Statement before the United Nations Security Council Ministerial Briefing on Foreign Terrorist Fighters” (speech, U.N. headquarters, New York, USA, May 29, 2015).

²³ Rt. Hon. Theresa May, “On Counter-terrorism” (speech, Royal United Services Institute, Whitehall, London, November 24, 2014).

Furthermore, Section 66 of the new 2014 Immigration Act has made it legally possible to render a citizen stateless if “seriously prejudicial” activities have been proven and there is “reasonable ground to believe that they could acquire another nationality.”²⁴

As FF flows continued to increase through 2014, the U.K. Government drafted the Counter-Terrorism and Security Act, which received Royal Assent on February 12 2015. Among other things, the act seeks to “disrupt the ability of people to travel abroad to engage in terrorist activity and then return to the U.K.”²⁵ The 2015 Act allows for Temporary Passport Seizures, whereby passports and travel documents can be seized for 14 days from dual nationals at U.K. borders when terrorism-related activity is suspected. An extension up to 30 days is then available via a court application. Temporary Exclusion Orders, on the other hand, were introduced for sole U.K. nationals. These allow authorities to cancel passports and place suspected terrorists immediately onto domestic and international no-fly lists.²⁶ This measure appears as an attempt to exert control over British nationals already outside the United Kingdom, who under an exclusion order—limited to a two-year duration—would have to seek government permission to return home.

Such restrictive and repressive policies strongly discourage disaffected FFs wanting to return home. “The whole jihad was turned upside down [for me],” said one British FF, “Muslims are fighting Muslims—I didn’t come for that.”²⁷ Such FF disaffection is an important reality. “I know of a few who have returned having either fought or been involved with terrorist

cells,” said former chairman of London’s Brixton Mosque Abdul Haqq Baker, who has focused on de-radicalization since the mid-2000s. “Their sojourns abroad and the acts of violence and injustice some of them witnessed at the hands of the people they supported made them review the sense of justice in their own countries... they began to understand the counter-narratives to their original extremist ones. These narratives began to make sense,” Baker insists, adding that “the majority of them subsequently returned and reintegrated into society.”²⁸

Such policies also reduce the likelihood that FF family members would speak to authorities for fear of incriminating their relatives. This can be especially true when hard policies undermine the credibility of local councils within at-risk communities. In 2009 for example, *The Economist* claimed that the British counter-terrorism strategy had “poisoned relations between central government and local councils... some say councils are being strong-armed into carrying out ‘community’ programs that are really thinly disguised police and intelligence work.”²⁹

Even if a FF’s application to return home to the U.K. is accepted, their previous involvement in suspect activities would make them candidates for Terrorism Prevention and Investigation Measures (TPims). Introduced in January 2012, TPims are generally enforced upon individuals who authorities are unable to charge or deport for lack of evidence. With two-year durations, TPims “include electronic tagging, reporting regularly to the police and facing ‘tightly defined exclusion from particular places and

²⁴ Melanie Gower, “Deprivation of British Citizenship and Withdrawal of Passport Facilities,” House of Commons Library, 30 January 2015, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06820>.

²⁵ “Counter-Terrorism and Security Act 2015,” U.K. Home Office Introduction, 12 February 2015 <http://services.parliament.uk/bills/2014-15/counterterrorismsecurity.html>.

²⁶ “Factsheet – Temporary Passport Seizure,” Counter-Terrorism and Security Bill, Home Office, 3 December 2014 <https://www.gov.uk/government/publications/factsheet-temporary-passport-seizure>.

²⁷ Griff Witte, “Westerners Fighting in Syria Disillusioned with Islamic State but Can’t Go Home,” *Washington Post*, 12 September 2014, https://www.washingtonpost.com/world/europe/westerners-fighting-in-syria-disillusioned-with-islamic-state-but-cant-go-home/2014/09/11/cdad12c-2c27-47c4-8258-b053e45c0852_story.html.

²⁸ Abdul Haqq Baker, interview with the author, March 2015.

²⁹ “How the Government Lost the Plot,” *The Economist*, 26 February 2009, <http://www.economist.com/node/13186100>.

the prevention of travel overseas.’ A suspect must live at home and stay there overnight—possibly for up to 10 hours.”³⁰ However, TPims are imperfect and can be breached. Furthermore, they are widely asserted to have a role in engendering disaffection within the Muslim community.³¹

In order to constrain the freedom of travel of prospective FFs, other European states have similarly focused on restricting or removing the use of personal travel documents. The Netherlands retains the legal right to revoke the citizenship of convicted dual-national terrorists, while the German government retains the capacity to confiscate travel documents of any kind should an individual be suspected of posing a national security threat.³² Further afield, the Australian government is considering introducing legislation to allow the revocation of citizenship for dual nationals involved in terrorist activities, with 100 citizens linked to the conflicts in Syria and Iraq having already had passports revoked since 2011.³³

In the United States, the cancellation of the visa waiver program has been proposed as it currently makes it possible for European FFs to travel to America without a visa.³⁴ Under the current system, the U.S. Department of Homeland Security relies heavily upon the continually expanding Terrorist Identities Datamart Environment, the Terrorist Screening Database, and No-Fly List systems, but even these failed to prevent American national and al-Qaida militant Moner Muhammad Abusalha from returning from Syria to the United States prior to his carrying out a suicide bombing in Syria’s Idlib governorate in May 2014.³⁵

Although fewer Americans than Europeans have travelled to Syria and Iraq, the problem of identification remains alongside the collection of legally-binding evidence of terrorist activity. While the U.S. Neutrality Act of 1794—which prohibits American nationals from engaging in armed operations against countries that the U.S. government is not at war with—may technically ban *all* such fighting by U.S. citizens in Syria and Iraq, this contrasts with the moral reality of the U.S. government’s stated support for the revolution in Syria.

On a broader domestic level, European authorities have moved to ban Islamist organizations suspected of facilitating terrorism-related travel to Syria and Iraq. Prominent examples include *Millatu Ibrahim* in 2012 in Germany; *Need4Khilafah* in the U.K. in 2014; and *Sharia4Belgium* in Belgium in 2015.

Within the scope of countering terrorism financing, tighter restrictions have been placed upon the operation and financial activities of Islamic charities and NGOs. This has had the unfortunate knock-on effect of restricting legitimate activities and alienating Islamic community groups that may otherwise have been valuable counter-radicalization partners.³⁶ Moreover, it has likely constrained the space for constructive activities by young Muslim men to help Syrians in need.

Additionally, on an international level, the 36-member Financial Action Task Force’s “Recommendation VIII” has “placed disproportionately high standards of transparency and financial reporting” upon NGOs and civil society actors perceived as “vulnerable to terrorist

³⁰ “Q&A: TPims explained,” BBC, 4 November 2013, <http://www.bbc.com/news/uk-24803069>.

³¹ “Mohammed Ahmed Mohamed ‘Breached TPims Before,’” BBC, 8 November 2013, <http://www.bbc.com/news/uk-24868258>.

³² “Addressing the Foreign Terrorist Fighters Phenomenon from a European Union Perspective,” Global Center on Cooperative Security, Human Security Collective, International Centre for Counter-Terrorism – The Hague, December 2014, http://www.globalcenter.org/wp-content/uploads/2014/12/Dec2014_EU-FTFS_GCCS_HSC_ICCT.pdf, 11.

³³ “Australia to Toughen Citizenship Laws to Combat Terrorism,” BBC, 23 February 2015, <http://www.bbc.com/news/world-australia-31579804>.

³⁴ Brian Michael Jenkins, “When Jihadis Come Marching Home,” RAND, 19 November 2014, http://www.rand.org/content/dam/rand/pubs/perspectives/PE100/PE130-1/RAND_PE130-1.pdf, 2.

³⁵ Michael S. Schmidt and Mark Mazzetti, “Suicide Bomber From U.S. Came Home Before Attack,” *New York Times*, 30 July 2014, http://www.nytimes.com/2014/07/31/us/suicide-bomber-from-us-came-home-before-attack.html?_r=0

³⁶ “Addressing the Foreign Terrorist Fighters Phenomenon,” 8.

infiltration” without “any compelling evidence explaining the need for [such] a general targeting.”³⁷

The prominence of the Internet and social media in facilitating radicalization and terrorist recruitment to Syria and Iraq has also led to a tightening of domestic monitoring, raising the question of freedom versus security. Following a warning in January 2015 by the chief of Britain’s domestic intelligence agency MI5 that he needed more “powerful capabilities” to monitor terrorist communications, Prime Minister David Cameron pledged to enhance the scope of electronic monitoring should he win the May 2015 national election.³⁸ Cameron’s pledge provoked angry condemnations from several of Britain’s most prominent Islamic bodies—again underlining the fraught relationship between counter-terrorism policies and the Muslim community.

This relationship may now be tested in France, where new invasive surveillance laws look set to be adopted. Amongst other things, these would include inducing Internet companies to allow intelligence bodies to maintain complex recording devices to record all metadata and information exchanged by phone and email across France.³⁹

Although impossible to measure, it is likely that restrictive and security-focused legislation has, in the immediate-term, directly prevented and deterred potential FF-related threats, particularly by making it difficult for FFs to return home. However, hard strategies have also likely discouraged the return of non-threatening FFs, who may be invaluable

intelligence sources or tools for de-legitimizing terrorist organizations like al-Qaida and IS. There is also no evidence that hard policies have slowed the outward flows of FFs, with five U.K. nationals still departing for Syria every week in April 2015.⁴⁰

More importantly, such policies legitimize the implication that FFs are unconditionally guilty without any appreciation of their individual motives or circumstances. “It is ... the politicians’ duty as leaders to maintain and reinforce the values on which society is based,” according to Richard Barrett, the former head of counter-terrorism at the United Kingdom’s Secret Intelligence Service MI6. “It is not acceptable to give terrorism the victory of restricting our freedoms of expression, freedoms of movement, and rights to a fair trial held in public ... terrorism will not be defeated by security measures alone, its appeal must be understood and reduced by targeted measures that make other options more attractive.”⁴¹

REDIRECTION AND REINTEGRATION: LIBERAL POLICIES

Within a broader trend of security-focused hard measures, some governments have adopted liberal approaches to dealing with returning FFs. While returnees should still face justice should they have evidently joined, trained with, fought for, or supported a proscribed terrorist organization, “a citizen of a modern democratic state governed by law ... should be given the opportunity of rehabilitation and inclusion into society,” according to Preben Bertelsen, a psychology

³⁷ Bibi van Ginkel, “The New Security Council Resolution 2178 on Foreign Terrorist Fighters: A Missed Opportunity for a Holistic Approach,” International Centre for Counter-Terrorism-The Hague, 3 October 2014, <http://icct.nl/publication/the-new-security-council-resolution-2178-on-foreign-terrorist-fighters-a-missed-opportunity-for-a-holistic-approach/>.

³⁸ Michael Holden, “UK Spies Not Reading Everyone’s Emails but Need to Be More Open: Lawmakers,” Reuters, 12 March 2015, <http://uk.reuters.com/article/2015/03/12/uk-britain-security-privacy-idUKKBN0M811B20150312>

³⁹ Lizzie Dearden, “French Parliament Approves ‘Intrusive’ Surveillance Laws after Charlie Hebdo Attack,” *The Independent*, 6 May 2015, <http://www.independent.co.uk/news/world/europe/french-parliament-approves-intrusive-surveillance-laws-after-charlie-hebdo-attack-10228206.html>.

⁴⁰ Kerbaj, “Twice as Many UK Jihadists”

⁴¹ Richard Barrett, interview with the author, March 2015.

professor at Denmark's Aarhus University.⁴² In other words, such individuals have a right to be “redirected” away from their previous trajectory toward more legitimate activities.

For such an approach to be effective, returning FFs require individual assessments in which motives for leaving and returning need to be understood. While many FFs may seek specifically to join al-Qaida or IS, others may have sought to protect civilians from oppression or to join a perceived Islamic society. Others may simply have been motivated by adventure, while some may have traveled to provide humanitarian assistance before slipping down the militant slope. Whatever the initial motivation, some FFs will become disillusioned by the conflict, its dynamics, or their individual experience, thereby deciding—often at considerable personal risk—to defect and head home.

Consequently, some returnees retain the potential for reintegration into Western society, with some requiring rehabilitation and psychological care. Above all, not every FF should necessarily be treated as a lifelong extremist, but instead as a potentially valuable member of his or her home society. As a 2008 leaked report from MI5's Behavioral Science Unit made clear, “far from being religious zealots, a large number of those involved in terrorism do not practice their faith regularly. Many lack religious literacy and could ... be regarded as religious novices.”⁴³ Concurrently, esteemed anthropologist Scott Atran has described FFs as “bored, underemployed, overqualified and underwhelmed [young men or women for whom] jihad is an egalitarian,

equal opportunity employer... thrilling, glorious and cool.”⁴⁴ Consequently, a better-informed and more comprehensive religious identity can in fact be a crucial barrier to violent extremism, while a greater understanding of FF motivations can provide authorities with the tools necessary to “redirect” returnees away from violent extremism.⁴⁵

According to a laudable November 2013 declaration by the Radicalization Awareness Network (RAN), an effective policy for dealing with returning FFs will require “dialogue and engagement with a wide range of actors from the micro to macro level, such as families (both immediate and wider), community members and leaders, religious scholars, teachers, local authorities, police, and intelligence services.”⁴⁶ Such a multi-agency approach should involve an intensive but delicately managed process of engagement with FF returnees within an environment of cooperation and transparency.⁴⁷

This process need not take a substantial amount of time to develop. Local-level infrastructure exists within municipal councils, community groups, and Islamic organizations that represent the initial engagement phase, in coordination with local authorities. As U.K.-based Abdul Haqq Baker suggests:

An initial process of facilitation of effective organizations that have the credibility to address these issues is the way forward. The original work of the Muslim Contact Unit comes to mind, as a pioneering initiative on the part of the Metropolitan Police, which

⁴² Preben Bertelsen, interview with the author, March 2015.

⁴³ Alan Travis, “MI5 Report Challenges Views on Terrorism in Britain,” *The Guardian*, 20 August 2008, <http://www.theguardian.com/uk/2008/aug/20/uksecurityterrorism1>.

⁴⁴ Peter Stanners, “The Politics of Religious Fashion and Fascism,” *The Murrur*, 15 September 2014, <http://murrur.dk/articles/the-politics-of-religious-fashion-and-fascism.87.html>.

⁴⁵ Ibid.

⁴⁶ “The RAN Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration,” Radicalisation Awareness Network, November 2013, <http://www.icct.nl/download/file/RAN-Declaration-Good-Practices-for-Engagement-with-Foreign-Fighters.pdf>.

⁴⁷ Ibid.

approached Muslim communities and... gained an element of trust as they facilitated the work of those communities, recognizing the latter's experience and track record in tackling these issues.⁴⁸

While increased attention on countering violent extremism (CVE) is a positive sign—particularly U.N. Security Council Resolution 2178's emphasis on the need for empowering local actors for de-radicalization work—liberal thinking still struggles against the prevailing security narrative.

Moreover, CVE and a focus on counter-narratives is not necessarily the most important priority, and neither is it something Western governments have the credibility to lead. Conservative and respectable members of an FF's local Islamic community may provide the best intermediaries for reintegration and rehabilitation. The publicized role of British "Channel" program mentors like Sulaimaan Samuel illustrates that potential.⁴⁹

Two countries have particularly prioritized strategies of engaging, rehabilitating, and reintegrating returning FFs. In Denmark's second city of Aarhus, the police and the municipal council, in coordination with national and local NGOs, have engaged extensively with Muslim communities, both preventing potential FFs from leaving through an "Early Prevention Program" and encouraging others to return through an "Exit Program." While Denmark will arrest and prosecute returning FFs with proven involvement in terrorism, all others are assisted in securing employment, housing, education, and psychological counseling. Non-violent conservative Islamic beliefs remain unchallenged.

Professor Bertelsen, whose research into "Life Psychology" is widely seen as the foundation of the "Aarhus Model," is convinced of its value. "My work regarding violent radicalization has proven ... that violent radicalized people can be de-radicalized, provided that one addresses their ultimate concerns regarding a decent and meaningful life based on social, cultural, and societal inclusion ... and empowering fundamental human life skills." Moreover, providing such inclusionary openings to disaffected foreign fighters can allow for further positive knock-on effects, says Bertelsen. After returning home, "these young guys... still communicate with their peers in the battle zones, telling them that it is in fact possible to come home."⁵⁰

In 2013, Aarhus' Grimhojvej Mosque had seen 22 followers travel to Syria to fight jihad, while only 8 other city residents travelled that year. After the Aarhus outreach team engaged with the mosque's leadership, only one mosque member travelled in 2014.⁵¹ Of all 33 Aarhus residents known to have left to Syria and Iraq since 2011, 16 have returned with the facilitation of authorities and councilors. None have subsequently committed any serious crimes and most are now employed or re-enrolled in education.⁵²

Similarly in Germany, a project known as HAYAT has partnered with the Federal Office for Immigration since January 2012 to individually assess returning FFs and, when possible, channel them through a process of counseling and reintegration in Berlin and Eastern Germany. HAYAT counselor Julia Berczyk stresses that "we have to differentiate between types of returnees and realize that putting all of them in jail might actually

⁴⁸ Baker, interview.

⁴⁹ Ben Ferguson and Peter Walker, "Talking and Walking – UK Mentors Steer Young People Away from Radicalization," *The Guardian*, 4 February 2015, <http://www.theguardian.com/world/2015/feb/05/uk-mentors-steer-youth-away-from-radicalisation>.

⁵⁰ Bertelsen, interview.

⁵¹ Ferguson and Walker, "Talking and Walking."

⁵² Henning Mols (Aarhus Council), interview with the author, May 2015.

promote radicalization. We need to open some doors in order to enable exits.”⁵³

HAYAT’s methodological model focuses on a three-pronged de-radicalization process, which encourages a gradual reintegration into society:

1. Ideological: de-legitimize and invalidate jihadi group narratives and encourage FFs to come to terms with their past.
2. Pragmatic: assist FFs in finding employment, education or training, and housing.
3. Affective: address FFs’ emotional needs to be supported by their families and establish an alternative reference group.⁵⁴

Since starting work on Islamic extremism, HAYAT has dealt with roughly 130 cases. While most involved men, the majority were reported by female relatives, underlining the potentially crucial role of women in detecting and preventing radicalization from leading to violent militancy—a point stressed by both HAYAT and the Aarhus model. HAYAT also explicitly presents itself as a “shield” between FFs, their families, and government authorities.⁵⁵

Meanwhile, the German criminal justice system has also shown some leniency, as illustrated by the case of German former IS member Kreshnik Berisha. Having returned home “disappointed and traumatized” after experiencing “terrible suffering,” Berisha’s prison sentence was reduced from ten years to less than four in exchange for a public confession and intelligence about IS’ command structure.⁵⁶ “We don’t want to destroy his whole future,” commented Judge

Thomas Sagebiel, who presided over the case.⁵⁷ Denmark and Germany are not the only countries to have adopted such liberal approaches. In Belgium, the national Coordinating Body for Threat Analysis meets and assesses every returning FF in order to determine their criminal liability or potential for reintegration. In fact, Belgium’s national counter-radicalization strategy manages over 20 multi-agency task forces nationwide that coordinate interventions and reintegration of at-risk individuals.⁵⁸ Despite its primarily security-focused approach, the U.K. Channel program maintains a multi-agency approach to identifying those at risk of radicalism and developing appropriate support plans. However, it currently lacks a clear mandate for dealing with returning FFs and, as Abdul Haqq Baker stresses, “there are no longer any reputable grassroots organizations engaged, either due to choice or [government] funding cuts.”⁵⁹

Considering the scale of the current FF issue, it seems logical to acknowledge the potential value of liberal approaches that aim to redirect violent extremists back into Western society. Nonetheless, an overdependence on such policies of reintegration and rehabilitation comes with the risk that such a system could be “played,” allowing FFs with violent intent to slip through the net. Some will still argue then that once outside their home country, FFs are best kept out for the sake of avoiding any undue risk.

Western governments with a tradition of limited involvement in religious affairs will hesitate to empower conservative Islamists at home to

⁵³ Julia Berczyk, “Returning from the IS – Experiences from the Counseling Service HAYAT-Germany,” *Sicherheits Politik-Blog*, 20 March 2015, <http://www.sicherheitspolitik-blog.de/2015/03/20/returning-from-the-is-experiences-from-the-counseling-service-hayat-germany/>

⁵⁴ “Family Counselling to Counter Foreign Fighters – Experiences from the German HAYAT Program,” HAYAT, March 2015.

⁵⁵ Chris Vallance, “Syria: Can UK Learn from Deradicalization Scheme?” BBC News, 9 August 2014, <http://www.bbc.com/news/uk-28686930>.

⁵⁶ “Germany Jails Islamic State Jihadist Kreshnik Berisha,” BBC News, 5 December 2014, <http://www.bbc.com/news/world-europe-30344625>

⁵⁷ Ben Knight, “German ISIS suspect offered shorter jail term in return for information,” *The Guardian*, 15 September 2014, <http://www.theguardian.com/world/2014/sep/15/german-isis-suspect-shorter-jail-term-information>.

⁵⁸ “Foreign Fighters: An Overview of Responses in Eleven Countries,” Center for Security Studies, March 2014, http://www.css.ethz.ch/publications/pdfs/Foreign_Fighters_2014.pdf, pp.7-8

⁵⁹ Baker, interview.

act as ideological counterweights to violent Islamism. Moreover, there remains a legitimate argument that the ideological space between “quietist” Salafism and “violent” Salafism is so thin that the former—for some—may provide the necessary justification for the objectives espoused by the latter, including groups like IS.

POLICY RECOMMENDATIONS

Although only a minority may have done so in the past, returning FFs do pose a potential threat to Western countries’ national security. All returning FFs who can be proven to have committed criminal acts—such as belonging to a designated terrorist organization, using weapons of mass destruction, involvement in murder, war crimes, or crimes against humanity—in foreign conflict zones should be prosecuted and sentenced.⁶⁰ However, the stark reality of prison radicalization must also be countered through projects like the United Kingdom’s planned “Ibaana” program.⁶¹ Moreover, expressions of remorse and regret, as well as a willingness to speak out against the realities of jihadi militancy and to provide authorities with intelligence, should be valued.

Domestically, the key priority should be to enhance individual state-level intelligence capabilities aimed at quickly identifying outward FF flows. Discerning exactly who has left the country will determine the extent to which domestic border control should be capable of detecting their return and assessing the threat posed. While this remains a core responsibility of police, border control, and intelligence bodies, the inherent value of FF

families in the information collection process remains of critical importance.

However, in countries that have traditionally favored hard approaches to radicalization and extremism, many families have chosen not to inform authorities of their relatives’ departure. Empowering families—especially women—and encouraging local authorities to work closely with community groups, religious leaders, and civil society can help strengthen bonds of trust, which are necessary to ensure more effective information sharing. The overtly dominant role of government and security bodies in such processes, especially in outreach to communities at risk of radicalization, should be reduced.

Moreover, national governments and municipal authorities rarely operate with surplus resources. Spreading the responsibility and functions of detection, investigation, dialogue and engagement, and rehabilitation and reintegration between governmental (national, regional, and local) and non-governmental sectors should provide an expanded capacity to deal with FF issues. Furthermore, according to Abdul Haqq Baker, “government and associated bodies must acknowledge that they lack the knowledge and expertise ... to tackle these serious issues and threats and that the effective work and subsequent change can only come from among the same communities that these threats emanate from.”⁶²

Consequently, the designing of domestic counter-terrorism and counter-radicalization policy must not translate into blanket

⁶⁰ The definition of weapon of mass destruction under several countries’ domestic laws is far broader than the traditional chemical, biological, radiological and nuclear. For example, under Chapter 113B of the U.S. Code, the use of “any explosive, incendiary, or poison gas—(i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) [similar] device” by a U.S. citizen while abroad can be defined as having represented a weapon of mass destruction. This clause was used to charge Eric Harroun, an American FF charged after his return to the United States with use of a weapon of mass destruction—in his case, a rocket-propelled grenade.

⁶¹ For the United Kingdom, see: Sima Kotecha, “Warning over Islamist Radicalization in England’s Prisons,” BBC News, 7 April 2015, <http://www.bbc.com/news/uk-32194671>; for France, see: Michael Birnbaum, “French Prisons, Long Hotbeds of Radical Islam, Get New Security After Paris Attack,” *Washington Post*, 28 January 2015, https://www.washingtonpost.com/world/europe/paris-killers-radicalized-in-prison-now-leaders-want-to-fix-that-problem/2015/01/28/52271e28-a307-11e4-91fc-7dff95a14458_story.html; for Germany, see: “Prisons: Centers of Radicalization,” *Deutsche Welle*, 15 January 2015, <http://www.dw.com/en/prisons-centers-of-radicalization/a-18192520?maca=en-rss-en-all-1573-xml-atom>.

⁶² Baker, interview.

criminalization. Harsh policies of passport revocation and intensive security monitoring of Muslim communities only serve to deepen the feelings of victimization that extremists seek to exploit. Instead, local non-governmental actors must be empowered to engage with at-risk individuals and communities. Conservative Islamic belief should not necessarily be viewed as incompatible with de-radicalization, but instead, quietist Salafism can represent an effective antidote to violent jihadism.⁶³ As Richard Barrett suggests, “Wahabbism or Salafism need not lead to violence. It is hard to change people’s beliefs but perhaps easier to change their behavior.”⁶⁴ Authorities could even reverse the so-called “veteran effect” and use disillusioned FF returnees to de-radicalize others.

Internationally, all of the more than 100 FF-affected states must continue to improve their sharing of information and the integration of FF and terrorism-related databases. This has improved markedly since 2011 with the respective work done by the Global Counterterrorism Forum (GCTF), the GCTF Working Group on Foreign Terrorist Fighters, the Counter-Terrorism Implementation Task Force, the Global Community Engagement and Resilience Fund, and the EU Commission-backed RAN project all being worthy of praise. That U.N. Security Council Resolution 2178 also sought to incorporate a more holistic approach to countering extremism is a step in the right direction.

However, an improved multi-disciplinary understanding of causes and motivations and both push and pull factors is needed to better understand the dynamics of radicalization and FF recruitment. For CVE initiatives to develop an ideological counter-narrative is indeed important, but the “push” factors relating to domestic considerations are equally

significant. Extremist groups like IS have successfully exploited rumblings of disaffection, inter-communal tensions, and a perception of Muslim community victimization in the West. Such domestic dynamics as well as anger and frustration over issues like foreign policy must be taken equally into account when considering countering radicalization.

Ultimately, the FF issue represents not only an immediate-term security threat, but a long-term challenge. Stopping FF outward flows is crucial, but dealing with returnees could prove a critical component in achieving that objective. Combating radicalization and FF recruitment is principally a battle of values. Western governments—and societies—must not create a self-fulfilling prophecy by necessarily treating all FFs as one and the same. Arguably, the more immediate danger today to the internal security of Western states is posed by homegrown lone wolf-type attacks, which require no FF experience or military training, but simply a determination to kill and sow terror. Adopting more appropriate and effective approaches to dealing with the FF issue will by extension help to discourage and prevent the emergence of such unpredictable homegrown threats.

⁶³ “Is Quietist Salafism the Antidote to ISIS?” *Markaz (blog)*, Brookings Institution, March-April 2015, <http://www.brookings.edu/blogs/markaz/posts/2015/03/13-rethinking-islamism-quietist-salafis>.

⁶⁴ Barrett, interview.

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