Returning Jihadist Foreign Fighters

Challenges Pertaining to Threat Assessment and Governance of this Pan-European Problem

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Abstract

Since the first reports detailing the presence of foreigner participating in the Syrian civil war in September 2011, the number of foreign fighters has increased exponentially. Especially European policymakers are worried about the potential threat posed by the presence of hundreds of European foreign fighters in Syria and the possibility that some of them could return to stage an attack. This article examines the challenges European policymakers face when addressing the foreign fighter phenomenon in general, and that of returnees in particular. The article first discusses the complexity of the (potential) threat posed by those that return from the fight in Syria. Next, it outlines the need for and challenge of providing an accurate threat assessment. The authors then present a number of recent ideas and proposals on how to deal with the phenomenon of foreign fighters in Europe. These proposals highlight the need for a mixed or comprehensive approach, which is sensible given the complexity as well as the multi-dimensional and international nature of the threat. However, it also poses an additional challenge to policymakers pertaining to the implementation of such an

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approach. This governance challenge is discussed by investigating the possible roles of various actors when dealing with returnees. Based on these findings, the concluding part presents a number of policy recommendations.

Keywords

Foreign Fighters – Foreign Terrorist Fighters – Terrorism – Islamic State – ISIS – ISIL – al Nusra Front – Syria – Community Engagement – Policy – Threat Analysis – Risk Assessment – Policy Recommendations

Introduction

In late 2012, early 2013, European intelligence and security services started to sound the alarm bells over an increase in the numbers of European citizens travelling to Syria to join the fight against the regime of President Bashar al-Assad. Many of these countries, such as the United Kingdom (UK), France and Germany, had been confronted with this phenomenon in recent decades, but never in very high numbers. Hence, the phenomenon of European foreign fighters is not a new one. There are many examples of groups and individuals that, for a variety of reasons and with different (ideological) backgrounds, have joined a violent struggle abroad. Fights that drew dozens or a few hundred Europeans include Afghanistan, Pakistan, Chechnya, Iraq and to a lesser extent Somalia and Yemen.

In the case of Syria, the phenomenon emerged shortly after non-violent protests in March 2011 turned into a full-blown civil war. This group of foreign fighters consists of a wide range of individuals and groups, including foreigners who mostly joined various jihadist groups, of which the Islamist al-Nusra Front and especially the Islamic State in Iraq and the Levant (ISIL)[1] are the most prominent.[2] Other groups that could be labelled foreign fighters include Iraqi Shiite and Hezbollah militias, as well as "advisors" of a number of countries, most notably Iran and most likely Russia and the United States (US). This article focuses on foreign fighters who have joined jihadist groups and who are from European Union (EU) countries – both residents and citizens. We define

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1   The "Islamic State in Iraq and the Levant" has acted under different names and is alternatively translated as Islamic State of Iraq and Syria, and Islamic State of Iraq and al-Sham, or abbreviated from its Arabic acronym as DAISH. In June 2014, the group was rebranded "Islamic State".

2   Of the foreign fighters and especially of the foreign fighters from Europe very few joined the Free Syrian Army.

these European jihadist foreign fighters as those who participate in what they believe to be a jihad of the sword against the regime of the Syrian President Bashar al-Assad and its Shiite allies, and who join local or foreign groups with a jihadist political agenda.[3]

As mentioned above, the number of foreign fighters has increased exponentially since the first reports of September 2011. According to the Washington Institute for Near East Policy, in the first half of 2012, 700 to 1,400 fighters had entered Syria.[4] The report states that the percentage of foreign fighters – back then between 4 and 7 percent of the total number of fighters – is comparable to those other Islamic jihad areas such as Bosnia, Chechnya, Afghanistan and Iraq, where they made up between 1 and 15 percent of the fighters. In August 2013, their numbers had grown to more than 6,000 foreign fighters,[5] and by the end of the year an estimated 11,000 fighters from 74 countries had travelled to Syria according to the International Centre for the Study of Radicalisation and Political Violence (ICSR).[6] There are no exact numbers and the estimates vary widely. In the summer of 2014, US Attorney General Eric Holder stated that the country's intelligence agencies estimate that around 7,000 of the 23,000 violent extremists operating in Syria are foreign fighters.[7]

While the largest contingent of foreign fighters in Syria come from neighbouring countries and North Africa,[8] the war has also attracted hundreds of

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3   In this article, the term jihad refers to the so-called jihad of the sword or violent jihad. A person who engages in this type of jihad is called a mujahid, a jihadist or jihadist terrorist – the latter depending on the kind of activities in which they are involved. Their actions are claimed to be in furtherance of the goals of Islam. These goals may include the establishment of a (pan-)Islamic theocracy and their restoration of the caliphate. See, E. Bakker, "Characteristics of Jihadi Terrorists in Europe (2001–2009)", in Rik Coolsaet, ed. *Jihadi Terrorism and the Radicalisation Challenge: European and American Experiences* (Surrey: Ashgate Publishing Limited, 2011), p. 2.

4   A. Y. Zelin, "Foreign Fighters Trickle into the Syrian Rebellion", *The Washington Institute for Near East Policy*, 11 June 2012, http://www.washingtoninstitute.org/policy-analysis/view/foreign-fighters-trickle-into-the-syrian-rebellion.

5   A. Barnard and E. Schmitt, "As Foreign Fighters Flood Syria, Fears of a New Extremist Haven", *New York Times*, 8 August 2013, http://www.nytimes.com/2013/08/09/world/middleeast/as-foreign-fighters-flood-syria-fears-of-a-new-extremist-haven.html?_r=0.

6   A. Y. Zelin, "Up to 11,000 Foreign Fighters in Syria; Steep Rise Among Western Europeans", *ICSR Insight*, 17 December 2013, http://icsr.info/2013/12/icsr-insight-11000-foreign-fighters-syria-steep-rise-among-western-europeans/.

7   A. Viswanatha and G. Fouche, "Undercover stings, new laws can combat Syrian threat, Holder says", *Reuters*, 8 July 2014, http://in.reuters.com/article/2014/07/08/syria-crisis-holder-idINL2N0PJ0OQ20140708.

8   A. Y. Zelin, "Up to 11,000 Foreign Fighters in Syria", 17 December 2013.

people who live in EU Member States. It has especially been over the past year during which the increase in European fighters has caused concern: based on an analysis by ICSR's Aaron Zelin, the number of Western European mujahidin had tripled between April and December 2013 alone, making up almost twenty percent of the total number of foreign fighters in Syria.[9] By the end of 2013, most experts were estimating that 1,100 to 1,900 individuals from Europe had travelled to Syria,[10] with current estimates above the 2,000 mark. For instance, in June 2014, EU Counterterrorism Coordinator Giles de Kerchove estimated that more than 2,000 Europeans had gone to fight in Syria.[11]

The presence of foreign jihadist fighters in the Syrian war in general, and that of Europeans ones in particular, has raised concerns in many Western countries. It is not only families and communities that worry about losing their youth to Syria's increasingly bloody civil war; European governments and security services are particularly concerned about the potential threat that returning fighters could pose. These concerns have possibly been confirmed through the attack on a Jewish museum in Brussels in May 2014 by a French citizen who had allegedly previously fought alongside extremist groups in Syria. When arrested, the suspect, Mehdi Nemmouche, carried a bag including, amongst other things, a Kalashnikov rifle reportedly wrapped in an ISIL flag and a camera with a 40-second video in which he apparently claimed responsibility for the museum shooting.

The potential threat posed by the presence of hundreds of European foreign fighters in Syria and the possibility that some of them return to stage an attack is at the core of this article. We examine the challenges European policymakers face when addressing the foreign fighter phenomenon in general, and that of returnees in particular. The article first discusses the complexity of the (potential) threat posed by those who return from the fight in Syria. Next, it outlines the need for and the challenge of providing an accurate threat assessment of these returnees. After that, we look into a number of recent ideas and proposals

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9   A. Y. Zelin, "Up to 11,000 Foreign Fighters in Syria", 17 December 2013.

10   See e.g. ibid.; T. Hegghammer, "Number of Foreign Fighters from Europe in Syria is historically unprecedented. Who Should be Worried?", *The Washington Post – The Monkey Cage*, 27 November 2013, http://www.washingtonpost.com/blogs/monkey-cage/wp/2013/11/27/number-of-foreign-fighters-from-europe-in-syria-is-historically-unprecedented-who-should-be-worried/; House of Commons, Home Affairs Committee "Counter-Terrorism" Seventeenth Report of Session 2013–14 (20 April), p. 18, http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/231/231.pdf.

11   A. Croft, "ISIL may be directing attacks in Europe - EU official", *Reuters*, 19 June 2014, http://uk.reuters.com/article/2014/06/19/uk-iraq-security-kerchove-idUKKBN0EU1LQ20140619.

on how to deal with the phenomenon of foreign fighters in Europe. These proposals highlight the need for a mixed or comprehensive approach, which is sensible given the complexity as well as the multidimensional and international nature of the threat. However, it also poses an additional challenge to policymakers pertaining to the implementation of such an approach. We will discuss this governance challenge by investigating the possible roles of various actors when dealing with returnees. Based on these findings, the concluding part presents a number of policy recommendations that relate to the risk assessment challenge and the governance challenge.

The Potential Threat

Governments and key representatives of agencies on (supra)national and regional levels have expressed increasing and vocal concerns over the possibility of individuals travelling to Syria becoming (further) radicalised and receiving combat training. Basically, they fear that the battle out there in Syria is not disconnected to other "battlefields", including taking on "the fight" or the jihad in the West. According to Matthew Olsen, Director of the US government's National Counterterrorism Center, they might return to Western Europe and potentially to the US as part of a global jihadist movement.[12] Europol warned in its 2013 Terrorism Situation and Trend Report (TE-SAT) that returning fighters "have the potential to utilise their training, combat experience, knowledge and contacts for terrorist activities inside the EU".[13] The leaders of the G7 countries in June 2014 also believed foreign fighters to be a security threat, although their language was quite general. During the G7 meeting held in Brussels on 4 and 5 June 2014, the leaders of Canada, France, Germany, Italy, Japan, the UK, the US, the President of the European Council and the President of the European Commission declared: "We resolve to intensify our efforts to address the threat arising from foreign fighters travelling to Syria".[14] In a report of the Organisation for Security and Cooperation in Europe (OSCE) Counter-Terrorism Conference in April 2014, the chairmanship noted that returning

12   T. Atlas, "Foreign Fighters Flocking to Syria Stirs Terror Concerns", *Bloomberg*, 20 July 2013, http://www.bloomberg.com/news/2013-07-19/u-s-stakes-in-syria-grow-as-radicals-rally-to-the-fight.html.

13   Europol, *Te-Sat 2013: EU Terrorism Situation and Trend Report*, 25 April 2013, https://www.europol.europa.eu/content/te-sat-2013-eu-terrorism-situation-and-trend-report.

14   See The Brussels G7 Summit Declaration, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143078.pdf, para. 31.

foreign fighters "may pose a threat to society".[15] Germany's Minister of the Interior, Hans-Peter Friedrich, feared that Syrian jihadist veterans returning to Europe, after being trained in "deadly handwork", will be "ticking time bombs".[16] And, according to the President of Germany's domestic intelligence service Hans-Georg Maaßen, such individuals would appear in Germany's militant Muslim scene as heroes and would be emotionally charged to engage in terrorism or incitement to terrorism. Maaßen added: "In the worst case they are coming back with a direct fighting mission".[17] Similarly, when presenting the 2014 TE-SAT report, Europol Director Rob Wainright said that the returning fighters could incite others to join the armed struggle, or use their training, combat experience, knowledge and contacts to conduct violent activities within the borders of the EU.[18]

It should, however, be stressed that in recent years there have been very few concrete cases of returning foreign fighters staging an attack in Europe. The attack on the Jewish museum in Brussels in May 2014 and the attacks by Mohamed Mehra – who is believed to have fought in Afghanistan – on Jewish targets near his home town Toulouse in March 2012 are the only two recent cases. Nonetheless, it is obvious that policymakers in the field of security and counter-terrorism are quite worried. In both cases they reacted by saying they expected more of these attacks. However, most statements are of a very general nature and seem to be more aimed at raising the issue on security agendas and gathering the necessary political and financial means to deal with this issue, rather than providing a better picture of the security situation. How real and how probable is the threat of returning foreign fighters, and are they indeed ticking time bombs that can motivate others to also go to Syria, or to fight the jihad on European soil?

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15   "The Chairmanship Interlaken Recommendations: Counter-Terrorism Conference Interlaken, 28 – 29 April 2014", *Swiss Confederation and Organisation for Security and Cooperation in Europe*, April 2014, http://www.osce.org/cio/118156?download=true.

16   N. Busse, "Diese Leute sind tickende Zeitbomben in Europa", *Frankfurter Allgemeine Zeitung*, 7 June 2013, http://www.faz.net/aktuell/politik/inland/im-gespraech-hans-peter-friedrich-csu-diese-leute-sind-tickende-zeitbomben-in-europa-12213789.html.

17   A.E. Harrod, "European Jihad in Syria", *The Investigative Project on Terrorism*, 6 September 2013, http://www.investigativeproject.org/4153/european-jihad-in-syria.

18   "Syria: EU eyes potential threat from volunteer fighters. Risk of repercussions after return, anti-terrorism coordinator", *ANSAmed*, 9 July 2014; http://www.ansa.it/ansamed/en/news/nations/europe/2013/06/19/Syria-EU-eyes-potential-threat-volunteer-fighters_8893645.html. See also, Europol, *Te-Sat 2014: EU Terrorism Situation and Trend Report*, 25 April 2013, https://www.europol.europa.eu/sites/default/files/publications/europol_tsat14_web_1.pdf.

Past experiences with foreign fighters have shown that the war of a jihadist fighter is indeed not a one-way street to martyrdom. Although a number die in combat or are otherwise killed, the cases of Afghanistan, Bosnia and Somalia show that the majority of foreign fighters survive the conflict that they joined.[19] These persons might move on to other jihadist battlefields, but many, if not most, do return to their country. They seem to have returned with a sense of having fulfilled their Islamic duty and may just resume their normal lives back in their home countries including Europe. Exact numbers or good estimates are not available. However, we do know those "returnees" from foreign battle-fields who, after returning home, were involved in deadly terrorist plots and failed and foiled attacks. Of all jihadist terrorists who have been convicted of terrorism-related activities in Europe between 2001 and 2009, about twelve percent had been abroad prior to their attack, either for ideological training, military training or participation in foreign conflicts.[20] The data are often not very specific. Probably most of these persons were not abroad as a foreign fighter, but to be trained to stage attacks or support terrorism somewhere else. Nonetheless, these data show that those who have visited foreign ideological schools, training camps and battlefields outside Europe do compose a sizeable part of the total amount of jihadi terrorists in Europe, a finding that is also supported by several other studies.[21] The author of one of them, Thomas Hegghammer, stresses there is evidence of a "veteran effect" that makes returnees more lethal operatives.[22] However, he also notes that "most foreign fighters

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19 For an overview of past cases, see J. de Roy van Zuijdewijn and E. Bakker, "Returning Western foreign fighters: The case of Afghanistan, Bosnia and Somalia", June 2014, *ICCT Background Note*, http://www.icct.nl/download/file/ICCT-De-Roy-van-Zuijdewijn-Bakker-Returning-Western-Foreign-Fighters-June-2014.pdf.

20 CTC/ICCT Database on Jihadi Terrorists in Europe; E. Bakker, "Characteristics of Jihadi Terrorists in Europe (2001–2009)", in Rik Coolsaet, ed., *Jihadi Terrorism and the Radicalisation Challenge: European and American Experiences* (Surrey: Ashgate Publishing Limited, 2011).

21 See e.g. T. van Dongen, "Jihadistisch terroristische aanslagen in de EU, 2004–2011. Onderzoek naar complexiteit, daderkarakteristieken en de relatie daartussen", *The Hague Centre for Strategic Studies*, No. 11 (2012); T. Hegghammer, "Should I Stay or Should I Go? Explaining Variation in Western Jihadists' Choice between Domestic and Foreign Fighting", *American Political Science Review* (February 2013), http://hegghammer.com/_files/Hegghammer_-_Should_I_stay_or_should_I_go.pdf.

22 Hegghammer finds that out of all planned and executed attacks in his study, returnees are more likely to be involved in attacks that were executed "successfully" and resulted in casualties, than those home-grown terrorists who had not travelled abroad. See T. Hegghammer, "Should I Stay or Should I Go? Explaining Variation in Western Jihadists" (2013), p. 11.

do not return for domestic attacks".[23] Richard Barrett, the former coordinator of the United Nations Al Qaeda Taliban Monitoring Team, likewise emphasises that not all who return home will be inclined to conduct terrorism.[24] Hence, those who do return and pose a terrorist threat might be only a very small minority among the possible hundreds of jihadi veterans who have returned or migrated to Europe after having "served" in Bosnia, Chechnya, Afghanistan or other jihadi battlefields. Again, the problem is a lack of data on those who have returned and especially on those who have not committed terrorist crimes in Europe.

So where does this leave us? We know that a sizeable part of those convicted of jihadi terrorism in Europe have been abroad, that there is a veteran effect, but that probably most of those who do return do not necessarily become involved in domestic attacks. At the same time, the number of foreign fighters going to and returning from Syria is increasing, and, the exposure to violence, possible combat training, new contacts, battlefield experience, and contact with radical Islam make all of these individuals a possible concern when they return – if only to themselves and their direct surroundings. Think of the various effects of post-traumatic stress disorders (PTSD), including depression and the risk of (domestic) violence. This leaves us with a threat that is:

1   Growing, considering the increasing number of foreign fighters that have and are returning to their home countries;
2   Real, given the cases of Brussels and Toulouse;
3   Multifaceted, as it has many dimensions, including terrorism and domestic violence; and
4   Very difficult to assess.

The challenge of providing timely and accurate threat assessments is a very fundamental one. A proper risk assessment is needed for two reasons. First, of course, it is necessary to identify those returnees who could stage a terrorist attack or are likely to become involved in terrorist or extremist activities – ranging from recruiting new fighters to raising funds for the jihad. Second, we must detect those who want to and/or can be reintegrated into society. The latter is perhaps as important as the former, if only because it saves scarce resources and because European governments simply lack the capabilities to monitor all returnees 24/7.[25] The multifaceted nature of the issue of (returning) foreign

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23   *Ibid.*
24   T. Atlas, "Foreign Fighters Flocking to Syria Stirs Terror Concerns" (2013).
25   T. Altas, "Foreign Fighters Flocking to Syria Stirs Terror Concerns" (2013).

fighters requires a wide or "comprehensive approach" that involves many actors and many types of policies and measures. Basically it revolves around the questions who should do what, how, with whom and with what tools? The fact that the threat is real might require taking immediate and concrete protection measures – as has already happened in a number of countries with regard to Jewish targets. However, the phenomenon of (returning) foreign fighters also requires policies and measures that deal with the causes and can only have an effect in the long term. Dealing with this multitude of perspectives, needs and opportunities and to work with many different actors constitutes the governance challenge.

The Risk Assessment Challenge

One of the first problems for governments and security agencies is to assess who has travelled to Syria. The ease with which European jihadi fighters can travel through the Schengen area to Turkey and slip across the border into Syria makes it difficult for intelligence agencies to establish the exact numbers and identities of these foreign fighters. Often, it is immediate family members or friends who alert authorities of the absence of a foreign fighter, only after a farewell note was found or contact was made from Syria via social media or phone. Even more difficult is establishing whether or not these persons have joined extremist groups such as the Islamist al Nusra Front and ISIL that are both on the UN and EU lists of designated terrorist organisations. Moreover, authorities mostly do not have a highly accurate picture of how many fighters have come back, and when and how they return. With regard to returnees, family members and others who are close to foreign fighters can provide and have provided valuable information about their return or have even encouraged them to cooperate with the authorities.[26]

Assuming that many of them will, sooner or later, return, how can the potential risk be assessed that returnees might pose to themselves, their direct surroundings, or to national security? Answering these questions requires knowledge of:

· their reason(s) for going to Syria;
· the organisations they were with in Syria;
· the location and type of activities they undertook in Syria;

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26   Based on interviews with police officers, local officials and friends and family members of foreign fighters, autumn 2013, spring 2014.

· the reason(s) for returning from Syria;
· the simple fact that they returned and where they returned to.

Answering these questions requires an information position that is currently probably not available to the various European authorities responsible for dealing with the phenomenon of foreign jihadi fighters. Despite frantic efforts to improve their information position in Syria, many government agencies (i.e. intelligence agencies) still have an incomplete picture about the whereabouts of "their" foreign fighters. They often do not even have a complete picture of how many actually went to Syria, who has died or who has returned. Many agencies also do not know exactly what unit or subgroup individuals are fighting with, if they are actually participating in the fight or playing a supportive role behind the front lines. More importantly, they might not have a clear view of whether or not certain individuals have (further) radicalised. That some have radicalised significantly can be derived from the fact that several European foreign fighters have committed suicide attacks in Syria and Iraq. In addition, intelligence is likely to be scarce on those who are perhaps disillusioned and traumatised and about the question if and when these individuals return back to their home countries.

Against this backdrop, it is on the one hand crucial to support fronts back home or elsewhere in the world and on the other hand to invest in eyes and ears on the ground in Syria, utilising tools to intercept communications between the training camps and battlefields within the country. Communication via phone, through text messages and social media, can provide valuable information on the whereabouts of fighters, information about who they are with, their involvement in terrorist activities or war crimes and possible radicalisation trends. This requires more than intercepting calls and messages or monitoring Facebook. It is important to also have people on the ground and witnesses whose accounts could be used in court. Given the chaotic situation in Syria, this is not an objective that can be easily achieved. Add to that the many other pressing political and security issues with regard to Syria, for example the destruction of the chemical weapons arsenal and the link with developments in neighbouring Iraq. International cooperation could and should be part of the answer in dealing with the combined burden of monitoring foreign fighters and a wide range of other security issues on which governments need reports. In Syria itself, important sources of information could be all kinds of groups – ranging from those that are opposed to the presence of jihadi fighting groups to local and international non-governmental organisations. Finally, individual returnees who have grown disappointed with the groups they fought with could be willing to share information or might want to

inform authorities about persons and groups that are present in Syria for other reasons.

This brings us to the need to establish good relationships with people who are close to or could have an influence on (returning) foreign fighters in the European home countries. Good relations between the authorities and parents, family members and friends of those who have returned or might return are not only needed to make an accurate threat assessment regarding these returnees, but also for preventative, supportive and reintegration purposes. Fortunately, in many Western European countries, local police and social workers have established good relations with the communities to which these fighters belong. This might be of great help in identifying potential supporters of the violent jihad and help to quickly detect returnees, making accurate risk assessments, and having inroads to help returnees reintegrate, when possible. In addition, these contacts are important in lending support to the families of those fighting in Syria, monitoring the progress of the reintegration of returnees and helping to prevent some from (re)turning to extremist violence.

The possibilities to work with parents and communities partly depend on the general approach towards returnees. In those countries in which persons who are known to have been in Syria are immediately arrested upon their return, there might be less willingness to cooperate with authorities by those who are close to returnees. Regardless of whether or not joining the fight in Syria has been criminalised, there are many within communities and neighbourhoods that do want to be of help and provide valuable information. However, their willingness might also be hampered by the presence of groups and networks that actively support the violent jihad in Syria. These support groups can pose an obstacle to the peaceful reintegration of returnees. This especially holds true for those who left the battlefield disappointed by what they found there. Therefore, local police and the intelligence community must also assess what is going on in the neighbourhoods from which fighters stem and will possibly return to.

For all attempts to assess the situation with regard to (returning) foreign fighters, it is vital to build trust and foster cooperation between authorities and those that can be of help and interact with (potential) fighters. To that end, governments have to strike a balance between so-called hard and soft measures and must determine whether they approach the issue primarily as a security threat or a socio-political issue. A tough approach that regards all returning foreign fighters as terrorists and treats them accordingly might alienate the government from persons and communities that are the eyes and ears on the ground and that are needed for an accurate threat assessment. Moreover, such a method or "line of attack" might also conflict with human rights and the basic principles of the rule of law. A soft approach that regards the returnees as

people that primarily need help, however, might be labelled dangerously naïve, especially with an eye on the attacks in Brussels and Toulouse. Obviously countries have to develop a mixed approach within the framework of the rule of law. What should such an approach encompass?

The Need for a Comprehensive Approach

At the time of writing – July 2014 – there has not been a third case of a former jihadi fighter staging an attack in Europe. At the same time, the number of returnees is rising. De Kerchove estimated that "[a] third may have already come back", [27] – while there are also still more people going to Syria to fight. Hence, the issue of European foreign fighters urgently requires answers to the questions of how we can prevent persons from joining the violent jihad in the first place, and how the risk posed by returnees can be reduced.

These questions are not only on the table of European security and counter-terrorism agencies. For instance, the US is worried, on the one hand, about its own citizens who have travelled to Syria, and, on the other, about the fact that most European "veterans" carry EU passports and do not require a visa to travel to the US. In July 2014, US Attorney General Eric Holder called for a four-part strategy to counter the threat:

> The approach includes enacting statutes that allow governments to prosecute planning activities undertaken by radicalized extremists seeking to aid terrorist groups. Holder also pointed to the Federal Bureau of Investigation's undercover operations as a successful method for identifying violent extremists and disrupting their plots. He also called for more information sharing among nations about travelers to Syria, and for expanded outreach to key communities in order to prevent individuals from becoming radicalized in the first place.[28]

After the attack on the Jewish Museum in Brussels, a EU Justice and Home Affairs Council meeting in Luxembourg in early June to discuss the case of

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27   A. Croft, "ISIL may be directing attacks in Europe - EU official", *Reuters*, 19 June 2014, http://uk.reuters.com/article/2014/06/19/uk-iraq-security-kerchove-idUKKBN0EU1LQ 20140619.

28   "Attorney General Holder Urges International Effort to Confront Threat of Syrian Foreign Fighters", *US Department of Justice*, 8 July 2014, http://www.justice.gov/opa/pr/2014/ July/14-ag-704.html.

foreign fighters in general and the case of Nemmouche in particular, called for an even wider approach – a "comprehensive approach" encompassing all aspects of the phenomenon. Calls like this one have been made with regard to many complex, multidimensional and transnational security threats. It is the guiding principle – or mantra – of many transnational security organisations, most notably the OCSE that "has a comprehensive approach to security that encompasses politico-military, economic and environmental, and human aspects. It therefore addresses a wide range of security-related concerns, including […] counter-terrorism […]".[29]

In relation to the phenomenon of (returning) foreign fighters, the range of policy options spans from preventative measures such as counter-narrative campaigns, supporting families and communities while one of their youths is in Syria, to a variety of options relating to those who have returned, including prosecution, extradition, monitoring, providing psychological aftercare, as well as practical assistance in finding housing or dealing with possible debts. With regard to measures on the European level, de Kerchove, already in 2013, compiled a long list of possible solutions to address the foreign fighter issue in Europe that could be part of the comprehensive approach that was announced in July 2014. According to the Counter-Terrorism Coordinator:

> We have to make sure that the 27 Member States have, in their criminal book, a specific offence of going abroad for the jihad, for training purposes, how to fight, so we are working on it. Just share experience on how you start an investigation, when you start an investigation, and a prosecution. [Note that in the context of investigations, Gilles de Kerchove has also stated that he saw a great benefit from using joint investigation teams (JITs) in cases involving foreign fighters.][30] Balance the use of criminal sanctions and administrative sanctions. You may decide to freeze assets. You may decide to expel radical preachers. You may decide to withdraw social benefits. So these are non-criminal sanctions, but which may have some impact. So we have to discuss all this. We have asked Eurojust, which is the EU agency for police [*sic*] cooperation, to collect the best practices, convene the prosecutors involved in concrete

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29   See the OSCE's official website http://www.osce.org/who.

30   See "Interview with Gilles de Kerchove, EU Counter-Terrorism Coordinator", *Eurojust News*, Issue No. 9, June 2013, http://eurojust.europa.eu/doclibrary/corporate/newsletter/ Eurojust%20News%20Issue%209%20%28June%202013%29%20on%20joint%20investigation%20teams/EurojustNews_Issue9_2013-06-EN.pdf, p. 2.

cases and to come back to us with concrete proposals of criminal policy.[31]

As is clear from these examples, many different actors can play a role at all three stages (before, during and after the fight in Syria) and on local, national, EU, and international levels. However, it is often not very clear who should take the lead or how much cooperation and coordination is needed. The attack in Brussels at the Jewish Museum on 24 May 2014 painfully revealed that there are still short-comings in this regard. Whereas the alleged perpetrator of the attack, French citizen and alleged Syria traveller Nemmouche, was known to the French authorities, they did not inform their (at least) Belgium colleagues about Nemmouche's past and current threat. Dick Schoof, the Dutch National Coordinator for Counterterrorism and Security, acknowledged that the exchange of information in Europe about seriously radicalised returned fight-ers could improve, pointing to both legal obstacles and a lack of will in sharing collected information.[32] Prior to the EU home affairs ministers' meeting in Luxembourg in early June Mr. de Kerchove stated that "[o]n the detection of suspicious travel we could do more in harmonising the information to share".[33] It was reported that de Kerchove, who anticipates more small-scale attacks like the one in Brussels[34] and recommends to make better use of Europol and Interpol, "is also pushing for the EU to adopt the EU passenger records name (PNR) bill, which was blocked by MEPs in the civil liberties committee last year",[35] and which would entitle "member states to use the data of passengers leaving or entering the EU to investigate crime and terrorism allegations".[36] Another option for the EU would be the reinforced Schengen Information System, with EU home affairs spokesperson Michele Cercone noting that "[i]t is clear that all efforts at the present stage have to converge towards the exchange

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31   G. de Kerchove, *EU Counter-Terrorism Coordinator Statement on Foreign Fighters*, Brussels: Council of the European Union, 30 May 2013, http://tvnewsroom.consilium.europa.eu/ event/justice-and-home-affairs-council-june-2013/eu-counter-terrorism-coordinator -statement-on-foreign-fighters, as from 00:03:45.

32   See H. Logtenberg and H. Modderkolk, "Terreurcoördinator: aanhouding Syriëganger geluk bij ongeluk", *NRC*, 2 June 2014, http://www.nrc.nl/nieuws/2014/06/02/terreurcoordi-nator-aanhouding-syrieganger-geluk-bij-ongeluk/?utm_source=email &utm_campaign=nieuwsbrief-20140602&utm_content=Binnenland&utm_term=artikel1.

33   See *ibid*.

34   See N. Nielsen, "EU mulls response to Syria-bound fighters", *EUobserver*, 4 June 2014, http://euobserver.com/justice/124487.

35   See *ibid*.

36   See *ibid*.

of information among member states and it is there that attention will be focused".[37] These measures increasing coordination and facilitating the monitoring of foreign fighter travel were already noted by the European Commission in June 2013; however, the events connected to the Jewish museum in Brussels have given the issue a new urgency and priority on the European level.[38]

During the earlier mentioned meeting in Luxembourg, the home affairs ministers welcomed the report by de Kerchove and concluded "that work should be intensified. Moreover, the suggestions for possible new actions with regard to the priorities identified should be taken forward and implemented as soon as possible".[39] They noted that the Brussels attack was "an illustration of the need for all the concerted actors to step up cooperation, especially in the field of information exchange"[40] and they "highlighted the importance to make full use of the existing tools and measures in place in the different fields and underlined the need for a continued engagement with third countries given the close links between the internal and external dimension".[41] In addition, they also adopted the revised EU strategy for combating radicalisation and recruitment to terrorism, whose main objective should be "to prevent people from becoming radicalised, being radicalised and being recruited to terrorism and to prevent a new generation of terrorists from emerging".[42]

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37   See *ibid*.

38   On the EU level, the focus has predominantly been on the prevention side (such as the use of counter-narratives as discussed in the context of the EU Radicalisation Awareness Network) and non-criminal measures (such as monitoring the movement of foreign fighters, for instance via the above-mentioned (Second Generation) Schengen Information System (SIS) and PNR, but also the tracking of payments related to terrorist movements, for instance via the Terrorist Finance Tracking Programme (TFTP)). See European Commission, "Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Towards a Comprehensive EU Approach to the Syrian Crisis", Brussels, 24 June 2013, JOIN(2013) 22 final, http://eeas.europa.eu/statements/docs/2013/130624_1_comm_native_join_2013_22 _communication_from_commission_to_inst_en_v10_p1_7332751.pdf, pp. 8-9.

39   See Council of the European Union, Press Release, 3319ᵗʰ Council Meeting, Justice and Home Affairs, Luxembourg, 5 and 6 June 2014, 10578/14, Provisional Version, http://www .consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/143119.pdf, p. 11.

40   See *ibid*.

41   See *ibid*.

42   See *ibid*., p. 12. In para. 46 of this strategy, which can be found here: http://register.consilium. europa.eu/doc/srv?l=EN&f=ST%209956%202014%20INIT, a new "knowledge hub" is mentioned, about which EU Commissioner for Home Affairs Cecilia Malmström stated on 15 January 2014: "The Commission is already supporting Member States in their efforts to prevent and counter violent extremism. In 2011, we established the Radicalisation

In the media, more concrete steps were presented. According to *Reuters*, a group of nine countries (France, Belgium, Denmark, Spain, Germany, the UK, Sweden, the Netherlands and Ireland) agreed "to step up intelligence-sharing and take down radical websites to try to stop European citizens going to fight in Syria and bringing violence back home with them".[43] They would have meetings with leading internet operators to that effect.[44] A British proposal to create a European task force, using media campaigns to counter the radicals' message, also received wide support.[45] Finally, "[o]ther proposals include using airline passenger data to track people returning from Syria, information-sharing and follow-up when authorities detect someone who has been in Syria, putting information about such people on an EU data base used by border guards and police, and sending the information to Europol, the EU's law enforcement agency".[46] These issues will be decided upon by the ministers during a next meeting in Milan in July.

The issue of foreign fighters also featured as one of the main topics on the agenda of an OSCE counter-terrorism conference in Switzerland in April 2014.[47]

Awareness Network (RAN), which brings together more than 700 experts and practitioners from across Europe. It pools expertise and facilitates the exchange of ideas on topics ranging from the empowerment of local actors through to organising international conferences, bringing together expertise at all levels. Today we are moving one step further with the adoption of ten recommendations directed mainly to EU Member States that they should carry out as soon as possible. What we are proposing is a new toolbox for Europe in countering extremism, focusing at the root of the problem. Member States must reinforce their actions to actually prevent extremism that leads to violence, regardless of who inspires it. On the basis of these recommendations, the EU will develop a European knowledge hub to counter violent extremism. This will act as a sort of European anti-extremism centre that will help national and local authorities in their work and, through the use of EU funding, will also coordinate research in this field. The Commission will earmark up to 20 M EUR between 2014-2017 for the "Knowledge Hub" and other activities of the RAN." See European Commission, EU Commissioner for Home Affairs Cecilia Malmström, "Strengthening the EU's response to radicalisation and violent extremism", 15 January 2014, http://europa.eu/rapid/press-release_SPEECH-14-19_en.htm?locale=en.

43   See A. Croft, "EU states take aim at radical websites to counter Syria problem", *Reuters*, 5 June 2014, http://www.reuters.com/article/2014/06/05/us-eu-syria-idUSKBN0EG2IM 20140605.

44   See *ibid.*

45   See *ibid.*

46   See *ibid.*

47   It should be noted that not only Western European countries are confronted with this phenomenon, but also Russia (mainly Chechens) and the Central Asian republics. Moreover, another OSCE Participating State, Turkey, is the transit country for most foreign fighters.

The chairmanship of the meeting noted that not only a better understanding of the phenomenon of foreign fighters through all stages (pre-, transit, and post-travel) needed to be developed, but especially that cooperation and coordination needed to be increased.[48] One OSCE Participating State, Turkey, had painfully experienced the consequences of lacking or slow cooperation and information exchange mechanisms when three of its law enforcement officers were killed in March 2014 by ISIL members, despite the fact that the countries of residence of the alleged perpetrators knew that they had travelled to Syria.[49] One recommendation by the OSCE chairmanship included table-top exercises that would foster better cooperation and cooperation regarding both legal and operational mechanisms on national and international levels. The chairmanship also suggested to increase the Organisation's work with other international organisations and urged the use of "international tools such as the ones developed by organizations such as Interpol, Europol and GCTF [Global Counterterrorism Forum]" more effectively.[50]

The Governance Challenge

As can be derived from the many high-level meetings, action plans and proposals, there is no lack of ideas on how to tackle the issue of European foreign fighters. Again, one of the main difficulties is to strike a balance between the different elements of the proposed wide or comprehensive approaches. An even bigger challenge is the governance of all the actors and instruments. The very basic questions of who is going to do what, how, with whom, and under whose supervision are also very difficult to answer – as the case of the Brussels attack has shown. Below, we focus on the roles for the many different actors pertaining to returning foreign fighters.

Although the phenomenon of foreign fighters in general is transnational in nature, the specific issue of returnees primarily needs to be dealt with on the local and national levels. As part of a comprehensive approach, perhaps the most important measures to be taken are those that prevent persons from joining the violent jihad in Syria. A wide range of local and national actors could

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48   OSCE, "The Chairmanship Interlaken Recommendations", *Counter-Terrorism Conference Interlaken*, 28–29 April 2014, p. 4, http://www.osce.org/cio/118156?download=true.

49   R. Barrett, "Foreign Fighters in Syria", *The Soufan Group*, June 2014, pp. 28–29, http://soufangroup.com/wp-content/uploads/2014/06/TSG-Foreign-Fighters-in-Syria.pdf.

50   OSCE, "The Chairmanship Interlaken Recommendations", 28–29 April 2014, p. 4, http://www.osce.org/cio/118156?download=true.

play a role in stopping individuals deemed at risk of travelling; for example, local authorities, intelligence services, local police forces, communities, religious leaders or families who have experienced a family member leaving for Syria. Interventions can be directed at individuals, communities, families and networks of possible foreign fighters themselves. These can span from hard legal measures such as confiscating passports or criminalising participation in jihad/a foreign civil war, to softer approaches such as cooperation and communication with local communities. Given the potential for groups to exploit conflicting messages to their advantage, it is particularly important that any preventative mechanisms are coordinated and it is clear who should (not) be involved and why (not). Furthermore, coordination is important also with regard to legal mechanisms: if a state has criminalised participation in jihad, for example, possible sources of information may not come forward because they fear that their cooperation will lead to the arrest or monitoring of themselves or their contacts. In these cases, it can help that non-statutory bodies provide support, rather than government bodies, if possible. Sometimes the lack of cooperation is related to the fact that different authorities have different ideas on who is a foreign fighter or not, or who is a jihadist or terrorist or not. This makes it difficult for law enforcement authorities and others to cooperate on these issues at all levels. Ideally, the definition of a foreign fighter should be unified on a European level.

With regard to the potential terrorists among those returning from Syria – as assessed by the intelligence communities or law enforcement agencies – , the what and who questions are less complicated. In many European countries, those who are deemed a potential threat will be dealt with by law enforcement agencies and the public prosecution services. They will be confronted with all kinds of policies and measures that fall under what in the Council of the European Union's counter-terrorism strategy is called the "pursue" pillar. Possible measures and policies could include: investigating the potential terrorists or those who have joined a terrorist organisation in Syria; impeding planning, travel, and communications; disrupting support networks; cutting off funding and access to attack materials; and – the ultimate challenge – bringing terrorists to justice.[51] Regarding those identified as (potential) terrorists, the question of who does what under whose supervision is relatively straightforward. There are, however, many practical and legal challenges. Do

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51   See for instance the European Counterterrorism Strategy, Presidency and CT Co-ordinator, "The European Union Counter-Terrorism Strategy: Prevent, Protect, Pursue, Respond", *14469/4/05 REV 4*, Brussels: Council of the European Union, 30 November 2005, http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf.

the national and local authorities in Europe have the necessary tools and capacity to collect and analyse information and to pursue and investigate (potential) terrorists? The rise in the number of foreign fighters also raises the question about the funding of counter-measures. In many countries, government agencies in the field of counter-terrorism are confronted with a decline in budgets.

Regarding those returnees who do not seem to pose a potential threat, the fundamental governance questions are even more difficult to answer: it is not clear what actors should or could play which role. And the "what to do" question is also not easy to answer. There is a growing body of literature on the reintegration of terrorists,[52] but very limited knowledge about the return and reintegration of foreign fighters, particularly about those who did not pose a terrorist threat upon their return. But perhaps authorities and relevant non-state actors could borrow from the literature on and experience with comparable cases of the reintegration of another kind of former fighters: there are many studies on the disarmament, demobilisation and reintegration of ex-combatants, even though most of them refer to the reintegration of local fighters in countries such as Afghanistan, the Democratic Republic of Congo, Colombia, or Bosnia-Herzegovina.[53] Some important lessons learned in the field of socio-psychological and economic issues might also be relevant to the case of returning European foreign fighters. American and European studies on the reintegration of soldiers that have served in recent military campaigns in Iraq, Afghanistan and other military operations might also be of use to gain increased insight into possible problems that "veterans" face or might cause after their return.[54] Here, it could be especially valuable to examine studies dealing with war syndromes or PTSD.

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52   See e.g. T. Veldhuis, "Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders: A Realist Approach", *ICCT Research Paper*, March 2012, http://www .icct.nl/download/file/ICCT-Veldhuis-Designing-Rehabilitation-Reintegration -Programmes-March-2012.pdf.

53   J. Schulhofer-Wohl and N. Sambanis, "Disarmament, Demobilization, and Reintegration Programs: An Assessment", *Research Report*. Sweden: Folke Bernadote Academy Publications, 2010, http://faculty.virginia.edu/j.sw/uploads/research/Disarmament,%20 Demobilization,%20Reintegration%20Programs_%20An%20Assessment.pdf.

54   See e.g. E. Kamp, "Zingeving na de missie", *Militaire Spectator* 4 (2013), pp. 198–207; N. Sayer et. al, "Reintegration Problems and Treatment Interests Among Iraq and Afghanistan Combat Veterans Receiving VA Medical Care", *Psychiatric Services* 61, No. 6 (June *2010*); C.W. Hoge et al., "Combat Duty in Iraq and Afghanistan, Mental Health Problems, and Barriers to Care", *The New England Journal of Medicine* 351 (July 2004), pp. 13–22, http://www.nejm.org/doi/full/10.1056/NEJMoa040603/.

The governance problem is also influenced by the politicisation of the issue of foreign fighters in some European countries (including Belgium and the Netherlands, where the topic of foreign fighters regularly makes front-page news, and has become a politically-sensitive and divisive issue). This may make it extremely difficult for some of these actors to (openly) provide assistance to returnees. Another serious problem is the earlier mentioned presence of national and local support groups of the violent jihad that are likely to either frustrate the reintegration of those returnees who want to leave the violent jihad behind, or threaten them as they might be regarded as traitors. Moreover, they could provide returnees with safe houses, and use them as propaganda assets and recruiters to inspire new generations of Muslims joining the jihad in Syria.

Concluding Remarks and Recommendations

The issue of European foreign fighters in Syria and returnees is a highly complex and dynamic one. What started with a few dozen European citizens and residents joining the opposition to fight against the regime of President Bashar al-Assad turned into a phenomenon of thousands of fighters that predominantly join the Islamist al-Nusra Front and especially ISIL. Although not all returnees will pose a terrorist threat, there are good reasons for intelligence and law enforcement agencies to fear an attack by individuals and groups returning from Syria. In order to deal with the growing number of returnees, governments need accurate threat assessments in order to determine which persons could be subject to what policies. This requires investment in knowledge and the means and instruments to deal with the risk assessment challenge and the governance challenge outlined in this paper. This has to be done at all levels, from that of the neighbourhoods to the international level. The tasks are manifold and difficult. Having said that, a number of recommendations can be presented, some of which are very general or academic in nature, and some of which are more specific.

With regard to the risk assessment challenge, the European home countries of (returning) foreign fighters could:

· Strengthen their information position and intelligence capacity, amongst other things, through better coordination among various governmental agencies and other relevant actors, at all governmental levels;
· (Also with an eye on the previous recommendation) Invest in partnership and good relations based on mutual trust with Islamic communities, the families and friends of foreign fighters, and civil society organisations;

- Further increase sharing knowledge and experience – locally, nationally and internationally – and, when possible, share and compare best practices in the areas of risk assessment, prevention, and the pursuit of foreign fighters; and
- Specific measures could include joint information gathering on the passengers on flights arriving in Europe in order to keep tabs on suspicious travel, improving international information exchange mechanisms, especially with Turkey, and the use of JITs[55] in cases involving foreign fighters.

With regard to the governance challenge, European countries should:

- Develop a common understanding of a (jihadist) foreign fighter. Ideally, the definition of a foreign fighter should be unified on a European level so that all Member States will be able to discuss the same phenomenon when addressing the threat of foreign fighters;
- Develop a mixed and comprehensive strategy on the issue of foreign fighters and determine what organisation should take the lead to deal in different parts of the "problem", including on the prevent and pursue front;
- Learn from past experiences with returnees and from (non-European) examples of related work, for instance in the field of disarmament, demobilisation and reintegration;
- Avoid the securitisation and politicisation of the issue of foreign fighters and gather the political will needed to assist returnees who can and want to be reintegrated into society;
- Develop concrete and practical proposals that can be implemented, and limit the number of symbolic proposals such as the revocation of someone's nationality that might serve to give the right signal to various target audiences, but are not likely to tackle the problem;
- Also focus on those who incite and facilitate persons to join the fighting in Syria and who might pose an obstacle or even a risk to returnees who want to resume their normal lives when back home; and
- Further increase coordination at all levels to improve consistency in policies and the framing of the issue of foreign fighters, and try to avoid conflicting mechanisms and messages.

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55   For more on JITs, see, E. Bakker and J. Powderly, "Dealing with Transnational Terrorism, the Concept and Practice of Joint Investigation Teams", *Security and Human Rights*, Vol. 22, No. 1 (2011), pp. 19–28.

Lastly, it is important to keep in mind that the complex and dynamic nature of the situation requires constant monitoring from an intelligence perspective as well as from a governance (and legal) perspective. As scholars we are aware that some of the recommendations and assumptions outlined here can be outdated before this article is published. We are aware of the fact that some of the ideas formulated above might not be feasible under the current political conditions or within the current legal framework. But, we are also aware of the fact that terrorist incidents have the power to drive things forward, as the case of the Brussels attack has shown. Nevertheless, there is also a risk in the incident-driven nature of counter-terrorism policymaking. While many in Europe are worried about the potential threat posed by (returning) foreign fighters, with a relatively unclear threat assessment it is important to constantly check the facts, test our assumptions and evaluate policies in order to gain more insight and do what is needed with the aim of dealing with the evolving phenomenon of European foreign fighters.