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Foreign Terrorist Fighters:

Trends, Dynamics and Policy Responses

This paper, which was developed for the Global Counterterrorism Forum's Foreign Terrorist Fighters Working Group, takes stock of the current trends and dynamics related to the FTF phenomenon and identifies some of the gaps that still need to be addressed. The distinction between home-grown terrorists and (returning) FTFs is fading, the difference between ISIL/Da'esh inspired or directed terrorist attacks is becoming more fluid and the nexus between terrorism and crime is more prominent, which clearly indicates that terrorism can manifest itself in many different ways. The involvement of returning FTFs in some terrorist attacks is a stark reminder of the potential threat returning FTFs pose. The data also indicate a demographic change with a more prominent role of female FTFs and children being recruited and used in hostilities or involved in terrorist attacks. The current trends underline the need for a comprehensive, tailored and multidisciplinary approach including the involvement of stakeholders at the local level to adequately address the evolving aspects of the FTF phenomenon.

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About the Author

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Tanya's main areas of interest are international (criminal) law and rule of law approaches in countering terrorism, with a special focus on the foreign terrorist fighters phenomenon. She works closely with policy makers, judges, prosecutors and other actors of the criminal justice sector as well as international organisations. At ICCT, Tanya has been involved in a number of projects, including the Curriculum Development for the International Institute for Justice and the Rule of Law in Malta, ICCT/Asser's Rule of Law Project "Protection and Use of Intelligence Information and Witnesses in Terrorism-Related Court Cases" and the Project on "Foreign Terrorist Fighters" aimed at developing tailor-made workshops addressing the challenges posed by the growing number of foreign terrorist fighters. Since September 2015 Tanya is responsible for providing substantive support to the Global Counterterrorism Forum (GCTF) Working Group on 'Foreign Terrorist Fighters' where she has been involved drafting the Addendum to Hague-Marrakech Memorandum and setting up a state-of-the-art knowledge hub on foreign terrorist fighters.

About ICCT

The International Centre for Counter-Terrorism – The Hague (ICCT) is an independent think and do tank providing multidisciplinary policy advice and practical, solution-oriented implementation support on prevention and the rule of law, two vital pillars of effective counter-terrorism. ICCT's work focuses on themes at the intersection of countering violent extremism and criminal justice sector responses, as well as human rights related aspects of counter-terrorism. The major project areas concern countering violent extremism, rule of law, foreign fighters, country and regional analysis, rehabilitation, civil society engagement and victims' voices. Functioning as a nucleus within the international counter-terrorism network, ICCT connects experts, policymakers, civil society actors and practitioners from different fields by providing a platform for productive collaboration, practical analysis, and exchange of experiences and expertise, with the ultimate aim of identifying innovative and comprehensive approaches to preventing and countering terrorism.

Introduction¹

The geographical expansion of ISIL/Da'esh outside Iraq and Syria, notably into Afghanistan, Yemen and East Africa, the rise of Foreign Terrorist Fighters (FTFs) in Libya, closer cooperation between ISIL/Da'esh and Boko Haram pose a serious threat to peace and security.² The growing foothold of Al-Qaida in the Islamic Maghreb in West Africa, the creation of Al-Qaida in the Indian sub-continent and the broadened ambitions of Al-Shabaab in East Africa further increases the risk of terrorist attacks.³ In 2016 a wave of terrorist attacks, not only in Syria and Iraq, but also outside these conflict zones in Indonesia, Kenya, the United States, Bangladesh and France, illustrate that the threat is not yet diminishing. These evolving aspects of the threat emanating from ISIL/Da'esh and other terrorist organisations require states to continuously adapt and adopt appropriate counter-terrorism measures.

Travelling to a conflict area may contribute to (further) radicalisation, expand the know-how and skills to carry out an attack and play a role in the prolongation of conflicts.⁴ In order to stem the flow of FTFs, states have taken different countermeasures to identify and prevent travel movements of FTFs.⁵

States are increasingly concerned with the potential risk posed by returning FTFs. Estimates indicate that 30% of FTFs have returned home or moved to a third state. The involvement of FTFs in attacks in Jakarta, Paris, Brussels and Istanbul – whether in plotting, recruiting, facilitating or carrying out attacks – illustrates the ability of terrorist organisations, such as ISIL/Da'esh, to mobilise returned FTFs and to involve home-grown terrorists – sometimes referred to as “remote-controlled” fighters. This has further blurred the distinction between “foreign” and “home-grown” fighters.

In recent years several terrorist attacks took place on so-called soft targets. The combination of the use of low-tech tactics and soft targets makes it very difficult to adequately protect public spaces and prevent such attacks. Some of the perpetrators involved in the attacks suffer from mental health issues and that there is also the risk

* This paper was drafted with the valuable research assistance of Anouk Boas and Johanna Pohl at ICCT.

¹ This paper is based on GCTF FTF Working Group meeting summaries, data shared by participants during the meetings and through questionnaires, subsequent updates provided by GCTF members, publicly available information from GCTF members (and non-members), and relevant UN publications, Europol reports, publications by think tanks such as the International Centre for the Study of Radicalisation and Political Violence (ICSR), the Soufan Group and ICCT. Most of the open source material used for this analytical paper relates to FTFs that have joined ISIL/Da'esh.

² United Nations Security Council, “Third report on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat”, 30 September 2016, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/830; United Nations Security Council, “Report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat”, 31 May 2016, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/501; L. Dearden, “Isis increasing co-operation with Boko Haram - the 'world's most horrific terrorist group'”, *Independent*, 21 April 2016, <http://www.independent.co.uk/news/world/africa/isis-increasing-co-operation-with-boko-haram-the-worlds-most-horrific-terrorist-group-a6994881.html>.

³ B. Roggio, “US adds Al Qaeda in the Indian Subcontinent, leader to terrorism list”, *The Long War Journal*, 24 September 2016, <http://www.longwarjournal.org/archives/2016/09/terror-plots-in-germany-france-were-remote-controlled-by-islamic-state-operatives.php>; IGAD Security Sector Programme, “Al-Shabaab as a Transnational Security Threat”, March 2016, <http://www.igadssp.org/index.php/documentation?task=document.viewdoc&id=4>.

⁴ B. van Ginkel and E. Entenmann, eds., “The Foreign Fighters Phenomenon in the European Union. Profiles, Threats & Policies”, The International Centre for Counter-Terrorism – The Hague 7, no. 2 (2016), <https://icct.nl/publication/report-the-foreign-fighters-phenomenon-in-the-eu-profiles-threats-policies/>.

⁵ UNSC, “Report of the Secretary-General”, May 2016.

that returning FTFs may suffer from post-traumatic stress disorder (PTSD). Several of the attackers have a criminal past, which provides them with certain 'advantages' in carrying out attacks.

This paper takes stock of the current trends and dynamics related to FTFs and identifies some of the gaps that the FTF Working Group might address.

1. The flow of FTFs travelling to Syria and Iraq drops

The military efforts, increased information sharing and improved border security have contributed to reducing the number of FTFs travelling to Syria and Iraq to join ISIL/Da'esh. The lack of a clear profile makes it difficult to identify a FTF.

2. More FTFs are expected to return

More FTFs are expected to return home, but FTFs can also choose to join other terrorist organisations in Syria and Iraq or decide to travel to another conflict area, thus not mitigating the threat but morphing into another. To adequately deal with returning FTFs, states should adopt a comprehensive approach consisting of preventive, criminal, administrative and rehabilitative measures.

3. Nexus between FTF and crime

Research indicates a strong link between FTFs and crime. FTFs with a criminal past are most likely already 'familiar' with violence and can use certain skills to plan and carry out terrorist attacks. Inter-agency information sharing and linking databases relating to terrorism and crime would be helpful.

4. Role of women and children in terrorist-related activities

The role of women and children in terrorist-related activities is becoming more prominent. In order to prevent the radicalisation of women and children, states need to invest in getting a better understanding in the pull- and push factors that draw women and children to violence and develop targeted interventions.

5. "Remote-controlled" fighters

Some of the attacks in 2016 appear to have been committed by lone actors who may have 'loosely' been in touch with operatives of ISIL/Da'esh through encrypted social media applications. States need to prevent the misuse of communication technology by terrorist organisations and should work more closely together with internet service providers.

6. Mental health problems

Some initial data indicate that there is a relationship between terrorists, more specifically FTFs, and mental health problems. Further research is required to draw any conclusions. It is important to engage trained psychologists to ascertain whether (returning) FTFs suffer from mental health problems or PTSD.

7. Soft targets and low-tech tactics

During the summer of 2016, a series of terrorist attacks took place against soft targets using low-tech tactics. Alertness and close contact with local communities could be helpful in detecting early signs of radicalisation to violence.

Trends and Dynamics

1. The Flow of FTFs Travelling to Syria and Iraq Drops

In the last few months, ISIL/Da'esh continues to lose territory which may very well mark the beginning of a new chapter in the fight against the organisation.⁶ Since August 2014, ISIL/Da'esh has lost 61% of its territory in Iraq and 28% in Syria, including access to and control over many oil fields.⁷ The depletion of oil revenues makes it harder for ISIL/Da'esh to maintain its financial infrastructure and pay for its fighters.⁸ As ISIL/Da'esh struggles to maintain control, its appeal may also be diminishing. Several countries such as France, Belgium and the United States (US) have indicated that the number of FTFs travelling to Syria and Iraq has dropped significantly, with other countries expecting the number to drop in the foreseeable future.⁹ Most FTFs with ISIL/Da'esh in Iraq and Syria come from North Africa, the Middle East and Central Asia, but significant numbers of FTFs also originate from Europe and South-East Asia.¹⁰

Not all the FTFs that travelled to Syria and Iraq have joined ISIL/Da'esh, a considerable number of FTFs have joined Jabhat Fatah al-Sham, formerly known as Jabhat al-Nusra.¹¹ Last year the group indicated that 30% of its fighters were foreigners.¹² There is no reliable information available indicating whether the number of FTFs joining Jabhat Fatah al-Sham has reduced.

Another report reveals that a small number of FTFs travel to Syria and Iraq to fight against ISIL/Da'esh and Jabhat Fatah al-Sham. These FTFs often join armed groups like Yekîneyên Parastina Gel (YPG) or Peshmerga. The majority of these 300 FTFs are male and from Western countries, often with a military background.¹³

While less FTFs are joining conflict zones in Syria and Iraq, the instability in Libya is attracting FTFs, especially originating from African countries.¹⁴ FTFs have joined branches of Al-Qaida and ISIL/Da'esh in Libya.¹⁵

⁶ UNSC, "Third Report", 30 September 2016.

⁷ S. Almukhtar, T. Wallace and D. Watkins, "ISIS Has Lost Many of the Key Places It Once Controlled", *The New York Times*, 3 July 2016, <http://www.nytimes.com/interactive/2016/06/18/world/middleeast/isis-control-places-cities.html>, <http://theglobalcoalition.org/daesh-areas-influence-november-2016-update/>

⁸ A. Rasheed, "ISIS suffers near collapse in oil revenue as it loses territory in Iraq", *Business Insider UK*, 28 July 2016, <http://uk.businessinsider.com/isis-loses-oil-revenue-as-it-loses-territory-in-iraq-2016-7?international=true&r=UK&IR=T>.

⁹ G. Witte, S. Raghavan and J. McAuley, "Flow of foreign fighters plummets as Islamic State loses its edge", *The Washington Post*, 9 September 2016, https://www.washingtonpost.com/world/europe/flow-of-foreign-fighters-plummets-as-isis-loses-its-edge/2016/09/09/ed3e0dda-751b-11e6-9781-49e591781754_story.html.

¹⁰ UNSC, "Report of the Secretary-General", May 2016.

¹¹ The Soufan Group, "Foreign Fighters. An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq", December 2015, http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf; "Nusra leader: No end to conflict with ISIL in Syria", *Aljazeera*, 4 June 2016, <http://www.aljazeera.com/news/2015/06/nusra-leader-conflict-isis-syria-150604021024858.html>.

¹² Ibid.

¹³ H. Tuck, T. Silverman and C. Smalley, "Shooting in the right direction: Anti-ISIS Foreign Fighters in Syria & Iraq", Institute for Strategic Dialogue Horizons Series No. 1, 2016, <http://www.strategicdialogue.org/wp-content/uploads/2016/08/ISD-Report-Shooting-in-the-right-direction-Anti-ISIS-Fighters.pdf>.

¹⁴ N. Gaouette, "U.S. general: Number of ISIS fighters in Libya doubles", *CNN*, 8 April 2016, <http://edition.cnn.com/2016/04/08/politics/libya-foreign-fighters-isis-doubles/>.

¹⁵ United Nations Security Council, "Report of the Secretary General on the threat posed to Libya and neighboring countries, including off the coast of Libya, by foreign terrorist fighters recruited by or joining Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities", 18 July 2016, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/627.

The motivations for FTFs wanting to join terrorist organisations like ISIL/Da'esh vary significantly, posing an important challenge for states to identify potential FTFs.

The flow of FTFs to Syria and Iraq has dropped as a result of the military efforts but could also be attributed to other efforts states have taken, ranging from increased information sharing to improved border control. Turkey has established risk analysis units at airports and border crossing points and has a comprehensive no-entry list in place. In July 2016, Turkey deported 3500 suspected FTFs and denied entry to 2200 FTFs over a period of 18 months.¹⁶

Pursuant to United Nations Security Council (UNSC) Resolutions 2178 (2014) and 2253 (2015), and in accordance with *The Hague-Marrakech Memorandum*, several countries have already taken steps to improve information sharing, which include enhancing access to and providing timely information to multilateral and regional databases.¹⁷ As of July 2016, INTERPOL maintains a database on FTFs which holds 7,500 records of suspected FTFs from 60 countries.¹⁸ Its main contributors are Belgium, Russia, Tajikistan, France and the Netherlands.¹⁹

Within the European Union, Europol's Focal Point Travellers database contains over 3000 verified FTFs.²⁰ In 2015, there has been a substantial increase in the number of FTF alerts in the SIS Schengen Information System (SIS II) and the EU Member States also submitted more information regarding on-going prosecutions and convictions. Despite these efforts, these data do not reflect the actual number of FTFs who have left Europe, which is estimated at 5000.²¹

In the area of border security and in accordance with UNSC Resolution 2178 (2014), 56 countries have so far adopted the Advance Passenger Information (API) system.²² States are also encouraged to use the Passenger Name Record (PNR) system complementing the API system.²³ In April 2016, the EU Directive on the Use of Passenger Name Record (PNR) Data for the Prevention, Detection, Investigation and Prosecution of Terrorist Offences and Serious Crimes was adopted.²⁴

¹⁶ "Countering Foreign Terrorist Fighters – Progress Update", The Global Coalition, 29 July 2016, <http://theglobalcoalition.org/countering-foreign-terrorist-fighters-progress-update/>.

¹⁷ United Nations Security Council, "Conclusions of the Counter-Terrorism Committee's Special meeting in Madrid 27-28 July 2015" (Annex I); "Guiding principles on foreign terrorist fighters (Annex II); Declaration of Ministers of Foreign Affairs" (Annex III), http://www.un.org/en/sc/ctc/docs/2015/N1544885_EN.pdf.

¹⁸ INTERPOL, "INTERPOL joins Global Coalition to Counter ISIL", 22 July 2016, <http://www.interpol.int/News-and-media/News/2016/N2016-097>.

¹⁹ On file, PPP of Interpol during Malta workshop March 2016.

²⁰ EU CT Coordinator, "Systematic feeding and consistent use of European and international databases – information sharing in the counter-terrorism context", 14 April 2016, <http://statewatch.org/news/2016/apr/eu-council-ctc-information-sharing-on-terrorism-07726-16.pdf>.

²¹ "COUNCIL DECISION 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences", Official Journal of the European Union, 29 September 2005, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:253:0022:0024:EN:PDF>; EU CT Coordinator, "State of play on implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015", 4 March 2016, <http://data.consilium.europa.eu/doc/document/ST-6785-2016-INIT/en/pdf>.

²² UNSC, "Report of the Secretary-General", May 2016.

²³ United National Security Council "Gaps in the use of advance passenger information and recommendations for expanding its use to stem the flow of foreign terrorist fighters", 26 May 2015, prepared pursuant to the request made in the statement, S/2015/377, http://www.un.org/en/sc/ctc/docs/2015/N1515285_EN.pdf; United Nations Security Council, "Statement by the President of the Security Council", 19 November 2014, http://www.un.org/ga/search/view_doc.asp?symbol=S/PRST/2014/23.

²⁴ General Secretariat of the Council, "Draft Directive of the European Parliament and of the Council on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (first reading)", <http://data.consilium.europa.eu/doc/document/ST-7829-2016-ADD-1/en/pdf>.

Other border control measures that have been introduced include the development and use of risk assessments to screen potential FTFs leaving or entering the country. Algeria, for example, has connected all of its border posts to the INTERPOL I-24/7 databases and has transmitted the INTERPOL FTF 'photo album' to all of its official border checkpoints. Furthermore, the European Commission adopted a Communication on Stronger and Smarter Information Systems for Borders and Security, initiating a process of structurally improving the EU's data management architecture in full compliance with fundamental rights, in particular the protection of personal data.²⁵ Other programmes focus on technical and operational capacity building. In October 2015, for example, the EU-ASEAN Migration and Border Management Programme was initiated to improve border security across Southeast Asia to address transnational crimes.²⁶ In order to prevent the misuse of porous borders by terrorist organisations and FTFs, the Border Security Initiative (BSI), a collaboration between the United Nations Centre for Counter-Terrorism (UNCCT) and the Global Counterterrorism Forum (GCTF), developed a set of good practices. These include practices such as engaging border communities in border security management and setting up of border cooperation centres to stem the flow of FTFs.²⁷

To further bolster these efforts and to reduce the significant gap between the number of FTFs in the databases and the actual numbers of FTFs, states need to systematically update multilateral and other existing databases and further improve information sharing.

2. A Reverse Flow: More FTFs Are Expected to Return

The fact that the so-called caliphate is shrinking and ISIL/Da'esh is under both financial and military pressure, influences the options FTFs have who are currently in Iraq and Syria. FTFs can decide to go home or to a third country – either with peaceful purposes or with the intent to carry out terrorist attacks. Other options are to stay in the region and join another terrorist organisation or continue fighting in another conflict area.

Currently, approximately 15,000 FTFs are deemed to be in Syria and Iraq.²⁸ The number of returning FTFs, especially to Europe and the Maghreb, is expected to rise.²⁹ Already earlier this year, a number of countries in the EU have reported a marked increase in the rate of returning FTFs from the territories of Syria and Iraq. Notably, 30% of FTFs who have left from the EU are now thought to have returned.³⁰ Several hundred Libyan FTFs have also returned from the Iraqi/Syrian battlefield to join ISIL/Da'esh in Libya in what seems like a strategic step to expand the organisation's global footprint.³¹

²⁵ European Commission DG Migration and Home Affairs, "Stronger and Smarter Information Systems for Borders and Security and Proposal for a Regulation on the establishment of an Entry-Exit System", 6 April 2016, http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2016/20160406_3_en.htm.

²⁶ INTERPOL, "EU-ASEAN Migration and Border Management Programme II", <http://www.interpol.int/INTERPOL-expertise/Border-management/EU-ASEAN-Programme>.

²⁷ GCTF, "Good Practices in the Area of Border Security and Management in the Context of Counterterrorism and Stemming the Flow of "Foreign Terrorist Fighters", September 2016, <https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/A/GCTF-Good-Practices%20BSM-ENG.pdf?ver=2016-09-13-124953-540>.

²⁸ INTERPOL, "INTERPOL Chief warns of dangerous gaps in global screening for foreign terrorist fighters", 21 October 2016, <https://www.interpol.int/News-and-media/News/2016/N2016-136>.

²⁹ UNSC, "Third Report", 30 September 2016.

³⁰ B. van Ginkel and E. Entenmann, "The Foreign Fighters Phenomenon in the European Union" (2016).

³¹ UNSC, "Report of the Secretary-General", May 2016.

Similar dynamics could be expected in Tunisia, where a significant number of FTFs are presumed to be returning with the possible intent to conduct attacks. Tunisian returnees from Libya and Tunisian FTFs in Libya were not only involved in perpetrating terrorist attacks in Tunisia in 2015 and 2016, but also play a major role in the local recruitment of new FTFs.³²

Motivations of returning FTFs are diverse: some are disillusioned with terrorist practices, not prepared for the brutality and atrocities that were being committed, while others were disappointed with life under ISIL/Da'esh and/or denounced their prior views.³³ Others, however, return to their countries of origin with the intent and capability to carry out terrorist attacks, with evidence pointing to the systematic export of terror as a new element in the strategy of ISIL/Da'esh.³⁴ For instance, several of the perpetrators of the 2015 attacks in Paris, Brussels and Istanbul were FTFs.³⁵

Another possible scenario would be that FTFs decide to stay in Syria but join another terrorist organisation such as the rebranded Jabhat al-Nusra, which claims to have broken ties with Al-Qaida. Several of the FTFs that have joined ISIL/Da'esh previously fought for Jabhat al-Nusra, perhaps making the switch easier.

Finally, FTFs can decide to relocate to other conflict areas and join branches of ISIL/Da'esh in other regions or other terrorist organisations. FTFs could decide to go Libya, Yemen or other instable countries.

To address the threat FTFs pose, UNSC Resolution 2178 (2014) requires states to adopt appropriate criminal justice measures reflecting the seriousness of the crime.³⁶ Furthermore, it underlines the importance of developing and implementing prosecution, rehabilitation and reintegration strategies for returning FTFs. States face numerous challenges in the identification, detection, prosecution, and rehabilitation of returning FTFs. In order to avoid detection, returning FTFs take advantage of porous borders, use stolen passports and 'broken travel' techniques, infiltrate migration routes and make use of encrypted communication technology.

Challenges with respect to prosecution include the availability and gathering of evidence, the conversion of intelligence into admissible evidence and the need for mutual legal assistance. Several countries have indeed indicated that a considerable number of returning FTFs do not meet the threshold for prosecution for terrorism offences, already served a relatively short time in prison or can only be tried for relatively minor offences.

³² UNSC, "Report of the Secretary General on the threat posed to Libya", 18 July 2016.

³³ Ibid.; B. van Ginkel and E. Entenmann, "The Foreign Fighters Phenomenon in the European Union" (2016).

³⁴ P. Neumann, "Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors", 18 September 2015, <http://icsr.info/wp-content/uploads/2015/09/ICSR-Report-Victims-Perpetrators-Assets-The-Narratives-of-Islamic-State-Defectors.pdf>.

³⁵ R. Callimachi, "How a Secretive Branch of ISIS Built a Global Network of Killers", *The New York Times*, 3 August 2016, <http://www.nytimes.com/2016/08/04/world/middleeast/isis-german-recruit-interview.html>.

³⁶ Europol, "EU Terrorism Situation and Trend Report (TE-SAT) 2016", <https://www.europol.europa.eu/activities-services/main-reports/european-union-terrorism-situation-and-trend-report-te-sat-2016>; F. Karimi and S. Almasry, "Istanbul airport attack: Planner, 2 bombers identified, report says", *CNN*, 2 July 2016, <http://edition.cnn.com/2016/07/01/europe/turkey-istanbul-ataturk-airport-attack/>; A. Rubin, K. de Freytas-Tamura and A. Breeden, "Brothers Among 3 Brussels Suicide Attackers; Another Assailant Is Sought", *The New York Times*, 23 March 2016, <http://www.nytimes.com/2016/03/24/world/europe/brussels-attack.html>.

³⁷ United Nations Security Council, "Resolution 2178 (2014)", 24 September 2014, http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf.

There is growing recognition that a comprehensive approach to returning FTFs should include rehabilitative measures to prevent further radicalisation to violence (also in the direct social environment of FTFs), promote disengagement and ultimately ensure the reintegration of returned FTFs into society.

In September 2016, the GCTF adopted several new documents as part of the Life Cycle Initiative. *The Addendum to The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon* offers additional guidance on the development of comprehensive reintegration programs and other relevant issues pertaining to returning FTFs.³⁷ States are encouraged to use individual risk assessment tools, apply a case-by-case approach, which can assist in determining appropriate interventions for specific categories of returning FTFs, but also to consider integrating rehabilitative measures within and beyond the criminal justice response as part of a broader counter-terrorism approach. In this context, countries should also consider alternatives to pre-trial detention and post-conviction incarceration to returning FTFs. The GCTF *Recommendations on the Effective Use of Appropriate Alternative Measures for Terrorism-Related Offenses* provide useful guidance on the different elements that states should take into consideration when implementing alternative measures for terrorism-related offences.³⁸

Considering the risk of further radicalisation in prisons, rehabilitation programmes and aftercare should be developed for violent extremist offenders and FTFs in detention centres.³⁹ In the Netherlands, Indonesia and the United Kingdom, FTFs and violent extremist offenders (VEOs) are separated from other prisoners to prevent radicalisation and recruitment in prisons.⁴⁰ Isolating FTFs and VEOs as a security measure might not be effective on its own and could even lead to further radicalisation.⁴¹ The *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders* and its accompanying *Addendum* offer additional guidance on reintegrating returning FTFs into society.⁴²

To adequately deal with returning FTFs, states should have several measures at their disposal – ranging from preventive, criminal, administrative to rehabilitative measures – which should be applied using a case-by-case approach, while taking different factors

³⁷ GCTF, “Initiative to Address the Life Cycle of Radicalization to Violence. Addendum to The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon, with a focus on Returning FTFs”, September 2016, <https://toolkit.thegctf.org/sites/default/files/document-sets/source-document-uploads/2016-09/16Aug01%20ENGLISH%20Addendum%20to%20The%20Hague-Marrakech%20Memorandum.pdf>.

³⁸ GCTF, “Initiative to Address the Life Cycle of Radicalization to Violence. Recommendations on the Effective Use of Appropriate Alternative Measures for Terrorism-Related Offenses”, September 2016, <https://toolkit.thegctf.org/sites/default/files/document-sets/source-document-uploads/2016-08/Recommendations%20on%20the%20Effective%20Use%20of%20Appropriate%20Alternative%20Measures%20for%20Terrorism-Related%20Offenses.pdf>.

³⁹ European Commission, “High-level ministerial conference The criminal justice response to radicalisation”, 19 October 2015, http://ec.europa.eu/justice/events/response-radicalisation-2015/files/radicalisation_conference_report.pdf.

⁴⁰ K. de Freytas-Tamura, “Britain Moves to Separate Radicalized Inmates From Other Prisoners”, *The New York Times*, 22 August 2016, http://www.nytimes.com/2016/08/23/world/europe/britain-moves-to-separate-radicalized-inmates-from-other-prisoners.html?_r=0; C. Sumpter, “Managing Indonesia’s imprisoned extremists”, *East Asia Forum*, 24 March 2016, <http://www.eastasiaforum.org/2016/03/24/managing-indonesias-imprisoned-extremists/>.

⁴¹ T.M. Veldhuis, “Captivated by fear. An evaluation of terrorism detention policy”, PhD Dissertation University of Groningen, 2015, http://www.rug.nl/research/portal/files/16347790/Complete_dissertation.pdf.

⁴² GCTF, “Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders”, <https://toolkit.thegctf.org/sites/default/files/document-sets/source-document-uploads/2016-08/Rome-Memorandum-ENG.pdf>; GCTF, “Initiative to Address the Life Cycle of Radicalization to Violence. Addendum to the Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders”, <https://toolkit.thegctf.org/sites/default/files/document-sets/source-document-uploads/2016-08/Addendum%20to%20Rome%20Memo%20on%20Legal%20Frameworks%20for%20Rehabilitation%20and%20Reintegration.pdf>.

into account, such as the potential risk a returning FTF presents to society or the seriousness of the crime.

3. Nexus Between FTFs and Crime

A 2006 study looked at 28 “Islamist” terrorist networks and the involvement of 200 individuals in terrorist plots and terrorist attacks carried out in Europe between 2001 and 2006. Nearly 25% of these terrorists had a criminal past, half of which were related to prior terrorist offences.⁴³

More recently, several of the perpetrators involved in the Brussels and Paris attacks were also found to have had a link with crime, mainly petty crime, and to have had access to fire arms.⁴⁴ Belgium already reported that half of its FTFs have had a criminal record prior to travelling to Syria and Iraq.⁴⁵ In Germany, two thirds of FTFs were known to the police, whereas one third of FTFs have a criminal record.⁴⁶ Morocco and Switzerland reported that between 15 to 20% of the FTFs have a criminal record. In France, this number amounts to 52%.

Another study examines the link between 79 “European jihadists” and their criminal past, the impact this link has on the radicalisation process, and the role prisons play in the radicalisation process.⁴⁷ In this context, the radicalisation process appears to be much shorter. Criminals are already familiar with violence and converting them into violent extremists is easier than converting radicals into violent extremists. The study reveals that 27% of the individuals that have been in prison were radicalised there. However, ISIL/Da’esh does not appear to systematically recruit criminals.

Furthermore, the acquired set of skills of a criminal can be useful as a FTF. The report indicates that several of the criminals have easier access to weapons and are more skilled in avoiding being caught or spotted by law enforcement officials, both useful skills for a terrorist.

Approximately half of the European FTFs have a criminal past.⁴⁸ As the distinction between terrorism and crime is becoming increasingly blurred, states should no longer compartmentalise these crimes so strictly. Interagency information sharing and linking databases relating to terrorism and crime would be helpful to detect potential criminal recruits and discover the financing of terrorism.

⁴³ E. Bakker, “Jihadi terrorists in Europe. Their characteristics and the circumstances in which they joined the jihad: an exploratory study”, Netherlands Institute of International Relations Clingendael, December 2006, https://www.clingendael.nl/sites/default/files/20061200_cscp_csp_bakker.pdf.

⁴⁴ UNSC, “Report of the Secretary-General”, May 2016; “Brussels attacks: Two brothers behind Belgium bombings”, *BBC News*, 23 March 2016, <http://www.bbc.com/news/world-europe-35879141>; “Paris attacks: Who were the attackers?”, *BBC News*, 27 April 2016, <http://www.bbc.com/news/world-europe-34832512>.

⁴⁵ M. Novak, “Half of all the Belgian jihadists had a criminal record prior to their departures”, *The Brussels Times*, 14 August 2016, <http://www.brusselstimes.com/belgium/3857/half-of-all-the-belgian-jihadists-had-a-criminal-record-prior-to-their-departures>.

⁴⁶ Bundeskriminalamt, “Analyse der Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischer Motivation aus Deutschland in Richtung Syrien oder Irak ausgereist sind”, 29 December 2015, <https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/Forschungsergebnisse/2015AnalyseRadikalisierungshintergruendeSyrienIrakAusreisende.html>.

⁴⁷ R. Basra, P. Neumann and C. Brunner, “Criminal Past, Terrorist Futures: European Jihadists and the New Crime-Terror Nexus”, 2016, <http://icsr.info/wp-content/uploads/2016/10/ICSR-Report-Criminal-Pasts-Terrorist-Futures-European-Jihadists-and-the-New-Crime-Terror-Nexus.pdf>.

⁴⁸ L. Dearden, “Isis recruiting violent criminals and gang members across Europe in dangerous new ‘crime-terror nexus’”, *Independent*, 10 October 2016, <http://www.independent.co.uk/news/world/europe/isis-recruiting-violent-criminals-gang-members-drugs-europe-new-crime-terror-nexus-report-drugs-a7352271.html>.

The nexus with crime also has an impact on the financing of terrorist activities. Funding of terrorism is becoming more diverse.⁴⁹ Funding through small-scale illicit trade in firearms, cigarettes or counterfeit goods is becoming more common. Several of the attacks in Europe were funded through illicit trade but also through petty crimes, such as robbery. Petty crime is also used by European FTFs to fund their travel.⁵⁰ As ISIL/Da'esh is experiencing financial pressure, funding through illegal trade and ordinary crime is likely to increase in the near future.

4. The Role of Female FTF and Children in Terrorist-Related Activities

Research on FTFs from European countries indicates that the proportion of women among FTFs averages about 17% of the total European FTF contingent.⁵¹ European women travelling to Iraq and Syria mostly marry upon arrival or just before departure. Switzerland reported that since July 2014, 10% of its FTFs are female. This number amounts to 36% in France, and up to 40% in the Netherlands.⁵² In Tunisia, the percentage of female FTFs averages 12%⁵³, and in Australia and Morocco⁵⁴, this percentage is 15% and 17%, respectively. The Al-Khanssaa Brigade circulated a manifesto which was specifically directed at recruiting Arab women.⁵⁵ Open sources suggest that women have also been used to perpetrate suicide attacks orchestrated by Boko Haram in Nigeria.⁵⁶

Until recently, female FTFs were not thought to take part in active combat; they were mainly fulfilling a variety of different roles, such as raising their children in line with terrorist ideology, engaging in recruitment activity, facilitating travel to conflict areas and raising funds for terrorist organisations.⁵⁷ A study indicates that women are more capable of forging useful links and can thus play a crucial role in terrorist organisations by disseminating information such as recruitment messages, videos, files and other propaganda used for recruitment purposes.⁵⁸ The way women are portrayed in the media often leads to underestimating or overestimating the role of women in terrorist organisations.⁵⁹

During the summer of 2016, several foiled attacks were carried out by women. In France, three women were arrested for plotting an attack at a train station.⁶⁰ This is the

⁴⁹ See UNSCR 2195 (2014), UNSCR 2199 (2015), UNSCR 2255 (2015).

⁵⁰ M. Normark and M. Ranstorp, "Understanding terrorist finance: Modus operandi and national CTF regimes", Swedish Defence University, 18 December 2015, <http://www.do-cu-cu.com/view/20dd8d301f2b44506156e2404be1b0e3/Understanding-Terrorist-Finance.pdf>.

⁵¹ B. van Ginkel and E. Entenmann, "The Foreign Fighters Phenomenon in the European Union" (2016).

⁵² On file, information obtained from the questionnaires.

⁵³ The Soufan Group, "Foreign Fighters" (2015).

⁵⁴ On file, information obtained from the questionnaires.

⁵⁵ "Women of the Islamic State. A manifesto on women by the Al-Khanssaa Brigade", Quilliam Foundation, February 2015, <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/women-of-the-islamic-state3.pdf>.

⁵⁶ Europol, "Te-Sat 2016" (2016).

⁵⁷ Ibid.; Council of Europe, "Resolution 2091 (2016). Foreign fighters in Syria and Iraq", 27 January 2016, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22482&lang=en>.

⁵⁸ S. Fenton, "Female terrorists play a far bigger role in Isis than previously thought, research reveals", 5 July 2016, <http://www.independent.co.uk/news/uk/crime/isis-latest-female-women-fighters-bigger-role-than-thought-research-a7121106.html>.

⁵⁹ S. Mahan and P. Griset, *Terrorism in Perspective* (Thousand Oaks: Sage Publications, 2008); B. de Graaf, *Gevaarlijke Vrouwen* (Amsterdam: Boom, 2012), <https://vrouwenbibliotheek.wordpress.com/2013/04/08/gevaarlijke-vrouwen-door-beatrice-de-graaf/>.

⁶⁰ A. Chrisafis, "Woman charged over failed terror attack on Notre Dame in Paris", *The Guardian*, 11 September 2016, <https://www.theguardian.com/world/2016/sep/11/woman-charged-over-failed-terror-attack-on-notre-dame-in-paris-gare-de-lyon>.

first time a terrorist cell consisting solely of women has been arrested. Earlier in 2016 in France, several other young girls were indicted for planning attacks, which were announced on different social media sites.⁶¹ In October of 2016, Morocco dismantled a terrorist cell of ten women who were planning a series of terrorist attacks.⁶² The recent increase of women in plotting and planning terrorist attacks could mark the beginning of a new trend.⁶³

The recruitment and the use of children in armed conflict is likewise a major concern.⁶⁴ There are different categories of children who are affected by and involved in terrorist activities: some children accompany their parents, who travel to Syria and Iraq, or are born there to FTF families, while others have been forcibly abducted and conscripted against their will. Some minors have voluntarily enlisted, albeit after being enticed by material gain.⁶⁵ In 2015, 37 children were recruited in Iraq, 903 children in Somalia and 278 children in Nigeria. In the same period, 362 children were recruited in Syria. The majority of the children have been recruited by ISIL/Da'esh, but other armed groups like Free Syrian Army and Liwa' al-Tawhid have also been conscripting children.⁶⁶ Recruitment narratives propagated by terrorist organisations that specifically target young people drive the trend of minors travelling independently to conflict areas in substantial numbers: strong ideological messaging is attractive for adolescents developing their identities and seeking purpose in their lives.⁶⁷ Countries like France, Germany and the United Kingdom have also reported underage girls who left their home countries to marry FTFs in Syria and Iraq.⁶⁸

As part of its objective to create a so-called caliphate, ISIL/Da'esh needs to prepare for the future, to which the recruitment and use of children are instrumental. ISIL/Da'esh has created schools in which children – at the age of 10 years⁶⁹ – are systematically educated in military training, mental preparedness and religious instruction.⁷⁰ Children of FTFs are systematically indoctrinated and desensitised towards violence from an

⁶¹ S. Seelow, "Derrière l'affaire de l'Essonne, l'importance du djihad des femmes", *Le Monde*, 10 September 2016, http://www.lemonde.fr/police-justice/article/2016/09/10/derriere-l-affaire-de-l-essonne-l-importance-du-djihad-des-femmes_4995478_1653578.html.

⁶² "Morocco says arrests 10 suspected female Islamic State militants", *Reuters*, 3 October 2016, <http://www.reuters.com/article/us-morocco-security-idUSKCN1231K0>.

⁶³ A. Rubin and A. Breeden, "Women's Emergence as Terrorists in France Points to Shift in ISIS Gender Roles", *The New York Times*, 1 October 2016, http://www.nytimes.com/2016/10/02/world/europe/womens-emergence-as-terrorists-in-france-points-to-shift-in-isis-gender-roles.html?_r=0.

⁶⁴ United Nations General Assembly, "Report of the Special Representative of the Secretary-General for Children and Armed Conflict", 25 July 2016, http://www.un.org/ga/search/view_doc.asp?symbol=a%2F71%2F205&ampampampampampSubmit=Search&ampampampampampLang=E.

⁶⁵ F. Capone, "Child soldiers: the expanding practice of minors recruited to become foreign fighters", in A. de Guttry et al., eds., *Foreign Fighters under International Law and Beyond* (The Hague: Asser Press, 2016).

⁶⁶ United Nations General Assembly, "Children and armed conflict. Report of the Secretary-General", 20 April 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/111/19/PDF/N1611119.pdf?OpenElement>; M. Bloom, J. Horgan and C. Winter, "Depictions of children and youth in the Islamic state's martyrdom propaganda, 2015-2016", CTC Sentinel, 18 February 2016, <https://www.ctc.usma.edu/posts/depictions-of-children-and-youth-in-the-islamic-states-states-martyrdom-propaganda-2015-2016>; United Nations General Assembly, "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, Note by the Secretary General", A/70/330, 19 August 2015, <http://www.refworld.org/docid/56014b794.html>.

⁶⁷ N. Benotman and N. Malik, "The children of Islamic State", Quilliam Foundation, March 2016, <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/the-children-of-islamic-state.pdf>.

⁶⁸ R. van Spaendonck, "To School or to Syria? The foreign fighter phenomenon from a children's rights perspective", *Utrecht Law Review* 12, no. 2 (June 2016), <https://www.utrechtlawreview.org/articles/10.18352/ulr.348/galley/344/download/>.

⁶⁹ M. Townsend, "How Islamic State is training child killers in doctrine of hate", *The Guardian*, 5 March 2016, <https://www.theguardian.com/world/2016/mar/05/islamic-state-trains-purer-child-killers-in-doctrine-of-hate>.

⁷⁰ K. Anderson, "'Cubs of the Caliphate'. The Systematic Recruitment, Training, and Use of Children in the Islamic State", International Institute for Counter-Terrorism, January 2016, <https://www.ict.org.il/UserFiles/ICT-Cubs-of-the-Caliphate-Anderson.pdf>.

early age.⁷¹ Terrorist organisations such as ISIL/Da'esh have also incorporated children in their propaganda efforts, seeing them as the main means to further its state-building agenda and ensure their continued existence and long-term survival.⁷²

Considering the large number of children that are being recruited, radicalised to violence and possibly involved in terrorist-related activities, states need to prepare appropriate measures to deal with these minors and their possible return. The GCTF *Neuchâtel Memorandum on Juvenile Justice*⁷³ provides guidance in the development and implementation of policies regarding children in terrorism cases. The aim is to enhance the juvenile justice system in a counter-terrorism context.

In order to prevent radicalisation of women and children, States need to invest in getting a better understanding in the push- and pull factors that draws women and children to violence and develop targeted interventions.

5. "Remote-Controlled" Fighters

ISIL/Da'esh has the ability to mobilise returning FTFs to engage as operatives in terrorist activities and to inspire self-radicalised lone wolves to carry out terrorist attacks in its name. The threat emanating from ISIL/Da'esh covers a broad spectrum, at one end of which are individuals who carry out terrorist attacks inspired by ISIL/Da'esh, and ISIL/Da'esh operatives who are giving direct guidance in planning and committing terrorist attacks located at the other end. According to some experts, several of the 2016 terrorist attacks were not just inspired by ISIL/Da'esh but possibly "remotely" controlled by the organisation's operatives.⁷⁴

Several reports reveal how Emni, a special intelligence branch of ISIL/Da'esh, operates and actively promotes terror abroad.⁷⁵ The spokesperson of this branch, Abu Muhammed al-Adnani, – who was killed in August of this year – called out to his followers to launch attacks across the globe in any way possible at the beginning of summer 2016.⁷⁶ The terrorists who committed the attacks in Würzburg, Ansbach and Hannover in Germany received instructions through encrypted communication services.⁷⁷ Likewise, three women connected to a foiled attack in Paris were also digitally in touch with their 'handlers'.⁷⁸ In Asia, the terrorist attacks in Dhaka,

⁷¹ N. Benotman and N. Malik, "The children of Islamic State" (2016).

⁷² L. Dearden, "Isis training children of foreign fighters to become 'next generation' of terrorists", *Independent*, 29 July 2016, <http://www.independent.co.uk/news/world/middle-east/isis-training-children-of-foreign-fighters-to-become-next-generation-of-terrorists-a7162911.html>.

⁷³ GCTF, "Initiative to Address the Life Cycle of Radicalization to Violence. Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context", <https://toolkit.thegctf.org/sites/default/files/document-sets/source-document-uploads/2016-08/Neuchatel%20Memorandum%20on%20Juvenile%20Justice.pdf>.

⁷⁴ Testimony of N. J. Rasmussen at a Hearing before the Senate Homeland Security and Governmental Affairs Committee "Fifteen Years after 9/11: Threats to the Homeland", 27 September 2016, <http://www.hsgac.senate.gov/hearings/fifteen-years-after-9-11-threats-to-the-homeland>; D. Gartenstein-Ross and N. Barr, "The Myth of Lone-Wolf Terrorism", *Foreign Affairs*, 26 July 2016, <https://www.foreignaffairs.com/articles/western-europe/2016-07-26/myth-lone-wolf-terrorism>; R. Callimachi, "How ISIS Built the Machinery of Terror Under Europe's Gaze", *The New York Times*, 29 March 2016, http://www.nytimes.com/2016/03/29/world/europe/isis-attacks-paris-brussels.html?_r=0.

⁷⁵ R. Callimachi, "How a Secretive Branch of ISIS Built a Global Network of Killers" (2016); A. Speckhard, A. S. Yayla, "The ISIS Emni: The Inner Workings and Origins of ISIS's Intelligence Apparatus", 3 December 2016, <http://www.icsve.org/research-reports/the-isis-emni-the-inner-workings-and-origins-of-isis-intelligence-apparatus/>.

⁷⁶ E. McKirdy, "ISIS calls for more attacks on West during Ramadan", *CNN*, 22 May 2016, <http://edition.cnn.com/2016/05/22/world/isis-more-attacks-ramadan/>.

⁷⁷ H. Leyendecker and G. Mascolo, "Die Chats der Attentäter von Würzburg und Ansbach mit dem IS", *Süddeutsche Zeitung*, 14 September 2016, <http://www.sueddeutsche.de/politik/terror-die-chats-der-attentaeter-von-wuerzburg-und-ansbach-mit-dem-is-1.3161419>.

⁷⁸ "Did jihadist Rashid Kassim lure French youths to plot attacks?", *BBC News*, 15 September 2016, <http://www.bbc.com/news/world-europe-37340697>.

Bangladesh, a disrupted plot in Hyderabad, India and failed attacks in Malaysia and Indonesia also seem to have been coordinated virtually by ISIL/ Da'esh.⁷⁹

The internet, social media applications and encrypted communications are being used by terrorist organisations to disseminate propaganda, contribute to recruitment efforts, instigate terrorism, enable radicalisation, but also to finance terrorism, provide online training and for the operational planning of terrorist attacks.⁸⁰

ISIL/Da'esh continues to use social media to spread targeted propaganda, such as high-quality videos and polished publications in multiple languages. The use of Telegram or other forms of encrypted technology allowed ISIL/Da'esh to plan and control virtually some of the plots and attacks during the summer of 2016.⁸¹ Even though social media accounts linked to terrorist organisations have been subject to increased suspension from internet service providers – Twitter announced in August 2016 that it had deleted more than 235,000 accounts since February 2016⁸² – terrorist organisations succeed in maintaining a proactive presence on-line for different purposes. The evolution of propaganda campaigns by terrorists is evident, in which proxy disseminators coordinate its social media campaigns with or without receiving directions from the organisation's core leadership.⁸³

Internet service providers are proactively taking steps to prevent online radicalisation. Facebook, YouTube, Twitter and Microsoft signed earlier this year an EU code of conduct for countering illegal hate speech, committing themselves to remove hate speech as defined by the Framework Decision 2008/913/JHA of 28 November 2008 within 24 hours.⁸⁴ In September 2016, Jigsaw, formerly known as Google Ideas, developed a method to dissuade potential recruits through targeted advertisements which redirect them to videos that counter the ISIL/Da'esh propaganda.⁸⁵ Since its establishment in July 2015, the EU Internet Referral Unit has received 11,050 referrals and lead to the removal 9,787 items.⁸⁶

States are increasingly working together with internet service providers and civil society to identify and prevent violent extremism and online recruitment. The EU Internet Forum, which provides a platform for internet companies and EU Member States to cooperate in countering extremist content online, is an example of this.⁸⁷ Other initiatives include a regional digital counter-messaging communication centre which

⁷⁹ D. Gartenstein-Ross and N. Barr, "Bloody Ramadan: how the Islamic State coordinated a global terrorist campaign", *War on the Rocks*, 20 July 2016, <http://warontherocks.com/2016/07/bloody-ramadan-how-the-islamic-state-coordinated-a-global-terrorist-campaign/>.

⁸⁰ The use of internet for terrorist purposes, United Nations, 2012, https://www.unodc.org/documents/frontpage/Use_of_Internet_for_Terrorist_Purposes.pdf.

⁸¹ T. Joscelyn, "Terror plots in Germany, France were 'remote-controlled' by Islamic State operatives", *The Long War Journal*, 24 September 2016, <http://www.longwarjournal.org/archives/2016/09/terror-plots-in-germany-france-were-remote-controlled-by-islamic-state-operatives.php>.

⁸² Twitter, "An update on our efforts to combat violent extremism", 18 August 2016, <https://blog.twitter.com/2016/an-update-on-our-efforts-to-combat-violent-extremism>.

⁸³ UNSC, "Report of the Secretary-General", May 2016.

⁸⁴ A. Hern, "Facebook, YouTube, Twitter and Microsoft sign EU hate speech code", *The Guardian*, 31 May 2016, <https://www.theguardian.com/technology/2016/may/31/facebook-youtube-twitter-microsoft-eu-hate-speech-code>.

⁸⁵ A. Greenberg, "Google's Clever Plan to Stop Aspiring ISIS Recruits", 9 July 2016, <https://www.wired.com/2016/09/googles-clever-plan-stop-aspiring-isis-recruits/>.

⁸⁶ Europol, "Europol Internet Referral Unit one year on", Press Release, 22 July 2016, <https://www.europol.europa.eu/content/europol-internet-referral-unit-one-year>.

⁸⁷ European Commission, "EU Internet Forum: Bringing together governments, Europol and technology companies to counter terrorist content and hate speech online", Press Release, 3 December 2015, http://europa.eu/rapid/press-release_IP-15-6243_en.htm.

will be launched soon in Malaysia⁸⁸ and – under the auspices of ASEAN – a shared database of websites dealing with terrorist propaganda has been developed.⁸⁹ The *GCTF Action Plan for Identifying and Countering Terrorist Recruiters and Facilitators* contains good practices on curbing online recruitment.⁹⁰ Australia and the UK have developed a mechanism to report illegal content to internet service providers. However, cooperation with internet companies needs to be further strengthened to address the increasingly complex internet infrastructure (cloud computing, satellite links, end-to-end encryption, the use of anonymisers, foreign 3G networks) which is frequently being used by terrorist organisations.

The distinction between terrorist attacks inspired or directed by ISIL/Da'esh does matter. Terrorist attacks that are directed by ISIL/Da'esh require more planning. The attackers are frequently communicating with ISIL/Da'esh and probably receive funding, false documents and weapons to carry out terrorist attacks. These activities leave traces that law enforcement and intelligence agencies can pick up on. Terrorist attacks which are carried out by self-radicalised lone actors without any support from outside are much more difficult to detect and prevent. Some of the attacks in 2016 appear to have elements of both: attacks are committed by lone actors who may have loosely been in touch with operatives of ISIL/Da'esh through encrypted social media applications providing one possible link that can be prevented or intercepted.

6. Mental Health Problems

The media reported that several of the lone actors who carried out attacks during the summer of 2016 may suffer from mental health problems.⁹¹ A study looked into characteristics of European lone actors between 2000 and 2015 and found that 35% were reported to have mental health issues compared to 27% of the general adult population.⁹² The presence of a history of mental health problems among a number of lone actors does not mean that mental health disorders present a general aggravating factor leading to terrorist violence. It is important to underline that mental health problems rarely lead to violence and that social exclusion, perceived grievances or sensation seeking are more common in this regard.⁹³

Available data from three EU Member States indicate that up to 20% of FTFs suffer from some mental health-related issues.⁹⁴ Switzerland indicated that between 15 to 20% have mental health problems, whereas in the Netherlands, research indicates that 60% of its FTFs suffer from mental health issues.⁹⁵

⁸⁸ Parameswaran P. "Malaysia Hails New Center to Counter Islamic State Messaging" *The Diplomat*, 25 July 2016, <http://thediplomat.com/2016/07/malaysia-hails-new-center-to-counter-islamic-state-messaging/>.

⁸⁹ UNSC, "Third Report", 30 September 2016.

⁹⁰ GCTF, "Initiative to Address the Life Cycle of Radicalization to Violence. Plan of Action for Identifying and Countering Terrorist Recruiters and Facilitators", <https://toolkit.thegctf.org/sites/default/files/document-sets/source-document-uploads/2016-08/Plan%20of%20Action%20for%20Identifying%20and%20Countering%20Recruiters%20and%20Facilitators.pdf>.

⁹¹ J. Henley, "The terror just seems to keep coming – how can we make sense of it?", *The Guardian*, 26 July 2016, <https://www.theguardian.com/world/2016/jul/26/the-terror-just-seems-to-keep-coming-how-can-we-make-sense-of-it>.

⁹² J. de Roy van Zuijdewijn and E. Bakker, "Lone-Actor Terrorism. Policy Paper 1: Personal Characteristics of Lone-Actor Terrorists", Countering Lone-Actor Terrorism Series No. 5, The International Centre for Counter-Terrorism – The Hague, 2016, https://www.icct.nl/wp-content/uploads/2016/02/201602_CLAT_Policy-Paper-1_v2.pdf.

⁹³ The Soufan Group, "The Convergence of Mental Illness and Terrorism", TSG Intel Brief, 11 May 2016, <http://soufangroup.com/tsg-intelbrief-the-convergence-of-mental-illness-and-terrorism/>; C. McCauley, S. Moskalenko and B. van Son, "Characteristics of Lone-Wolf Violent Offenders: a Comparison of Assassins and School Attackers", *Perspectives on Terrorism* 7, no. 1 (2013), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/240/html>.

⁹⁴ B. van Ginkel and E. Entenmann, "The Foreign Fighters Phenomenon in the European Union" (2016).

⁹⁵ A. W. Weenink, "Behavioral Problems and Disorders among Radicals in Police Files", *Perspectives on Terrorism* 9, no. 1 (2015), <http://www.terrorismanalysts.com/pt/index.php/pot/article/download/416/826>.

Returning FTFs are also likely to have mental health problems. Several returning FTFs suffer from symptoms of post-traumatic stress disorder (PTSD), such as stress, emotional instability or disillusionment. These symptoms can occur shortly after the FTF returns home but may also appear much later. There is the risk that returning FTFs suffering from PTSD are vulnerable to (further) radicalisation, thus becoming a danger to both themselves and their direct surroundings.⁹⁶

Further research is required to support that there is a relationship between terrorists, more specifically FTFs, and mental health problems.⁹⁷ It is important to engage trained psychologists to ascertain whether FTFs and returning FTFs suffer from mental health problems or PTSD.

7. Soft Targets and Low-Tech Tactics

The terrorist attacks in France and Germany⁹⁸ but also in New Jersey and New York⁹⁹ were not sophisticated attacks, with perpetrators using low-tech tactics and equipment, such as knives, axes, pressure cookers or vehicles as weapons, to spread terror. There appears to be no significant planning and plotting involved that intelligence agencies can pick up on. Attacks targeted trains, airports, night clubs, markets, public events and cafés, not only in big cities but also in small villages, making it more difficult for law enforcement to predict them and protect such public places. The frequency and combination of sophisticated and low-tactic terrorist attacks make the threat more complex.¹⁰⁰ Alertness and close contact with local communities could be helpful in detecting early signs of radicalisation to violence.

Policy Measures

1. Preventive Measures

Measures that countries have taken to counter the FTF phenomenon, aimed at potential, identified and returning FTFs, can broadly be grouped into preventive measures, criminal measures, and rehabilitative measures. While states have acknowledged the need for a comprehensive approach to tackle the issue of FTFs, in practice, very few have developed such comprehensive strategies. To date, states have

⁹⁶ R. B. Obe and T. Silverman, "Western Foreign Fighters, Innovations in Responding to the Threat", Institute for Strategic Dialogue, 2014, http://www.strategicdialogue.org/wp-content/uploads/2016/02/ISDJ2784_Western_foreign_fighters_V7_WEB.pdf.

⁹⁷ E. Corner, P. Gill and O. Mason, "Mental Health Disorders and the Terrorist: A Research Note Probing Selection Effects and Disorder Prevalence", *Studies in Conflict & Terrorism* 39, no. 6, (2016), <http://www.tandfonline.com/doi/full/10.1080/1057610X.2015.1120099>.

⁹⁸ Ibid.

⁹⁹ Ruth Sherlock R., L. Burke, D. Millward and E. Gatten, "Explosion in New York: 29 injured in pressure cooker bomb attack", *The Telegraph*, 19 September 2016, <http://www.telegraph.co.uk/news/2016/09/19/explosion-in-new-york-29-injured-in-pressure-cooker-bomb-attack/>.

¹⁰⁰ A. Faiola and G. Witte, "Amateur terror attacks may mark a new chapter in the ISIS war in Europe", *The Washington Post*, 26 July 2016, https://www.washingtonpost.com/world/europe/amateur-terror-attacks-may-mark-a-new-chapter-in-the-isis-war-in-europe/2016/07/26/fcebfd54-5334-11e6-b652-315ae5d4d4dd_story.html?utm_term=.e04841a8c130.

predominantly implemented restrictive measures, but only a few have focused on the preventive side or implemented rehabilitation programmes.¹⁰¹

Governments are often focused on implementing security and law enforcement measures, but states need to also address the underlying conditions that are conducive to the spread of violent extremism. The UNSG Plan of Action to Prevent Violent Extremism, which calls for making preventive measures an integral part of comprehensive strategies to counter violent extremism, contains over 70 recommendations on how to address radicalisation to violence. The GCTF has also adopted two documents - *Recommendation on the Role of Families in Preventing and Countering Violent Extremism* and *Recommendations on CVE and Religious Education* – which emphasise the role of families and the relevance of education in prevention programmes.

Where measures to prevent violent extremism have been implemented, these include the development of narratives, awareness-raising programmes for first line practitioners, de-radicalisation programmes for potential FTFs, and programmes aimed at intercultural and interreligious dialogue involving civil society actors.¹⁰²

Several narrative campaigns have been developed, often using social media platforms as the primary means of distribution of messages. Examples of such campaigns are “UK Against Daesh”, the international “Against Violent Extremism”, the now-defunct American “Think Again, Turn Away” as well as campaigns by the Sawab Center, a joint venture by the US and the United Arab Emirates. However, these campaigns have limited resources, so that the volume with which they create output does not measure up to the social media activity of terrorist organisations which are using multiple thousands of social media accounts to distribute their material on a daily basis.¹⁰³ Government-led campaigns alone might not be very useful in preventing violent extremism. Empowering NGOs, schools and local partners to reach out to the communities can be more effective. Using ‘credible voices’ such as respected journalists, a religious authority or victims can be very effective. An example is the Victim’s Voices Project in Indonesia in which victims of violent extremism are engaged in preventing it.¹⁰⁴

Regarding programmes to prevent violent extremism, Germany stands out with numerous initiatives aimed both at helping radicalised individuals exit the scene and at preventing radicalisation through educational measures involving religious institutions, schools, migrant organisations and youth centres. Some of these programmes have been able to build on the experience of EXIT programmes designed to deal with right-wing extremism. Most of these measures are organised and carried out by local institutions but funded by the federal government.¹⁰⁵ In Denmark, the Action Plan on Prevention of Radicalisation and Extremism aims, through multi-agency interventions, to prevent people from joining extremist groups, help those who want to leave and

¹⁰¹ UNGA, “Children and armed conflict” (April 2016); B. van Ginkel and E. Entenmann, “The Foreign Fighters Phenomenon in the European Union” (2016); United Nations General Assembly, “Plan of Action to Prevent Violent Extremism”, 24 December 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/674.

¹⁰² B. van Ginkel and E. Entenmann, “The Foreign Fighters Phenomenon in the European Union” (2016).

¹⁰³ J.M. Berger, “Making CVE Work: A Focused Approach Based on Process Disruption”, The International Centre for Counter-Terrorism - The Hague, (2016), <https://icct.nl/publication/making-cve-work-a-focused-approach-based-on-process-disruption/>.

¹⁰⁴ The International Centre for Counter-Terrorism - The Hague, “Victim Voices”, <https://icct.nl/project/victim-voices/>.

¹⁰⁵ Bundesministerium für Familie, Senioren, Frauen und Jugend, “Demokratieförderung und Radikalisierungsprävention Bundesprogramm ‘Demokratie leben!’”, 12 January 2015, <http://www.bmfsfj.de/BMFSFJ/freiwilliges-engagement,did=208588.html>.

limit the impact of violent extremist propaganda.¹⁰⁶ Also Canada has carried out measures to increase engagement with communities on understanding pathways to radicalisation by developing an engaging story-telling and dialogue process and identifying the resources needed within those communities to address the issue of violent extremism and prevent radicalisation.¹⁰⁷ In Morocco, the website of the Ministry of Endowments and Islamic Affairs provides narratives related to 'counter-messaging' and the Rabita Mohammedia of Ulema launched a multilingual electronic platform promoting interaction with the public on issues related to countering violent extremism.

2. Criminal Measures

Pursuant to UNSC Resolution 2178 (2014), states are required to criminalise the full range of conduct related to FTFs, including criminalising preparatory and accessory acts. Several states have updated their national legislation in response to the FTF phenomenon. This is being done in several ways: while some have introduced separate legislation focusing solely on terrorist crimes, others have added aggravating factors in sentencing when a terrorist intent can be proven.¹⁰⁸ However, the updating of legislative measures is far from uniform or complete.¹⁰⁹

Laws that have been introduced in response to the FTF phenomenon criminalise, among other things, the financing of terrorism, participation in and/or leadership of a terrorist group, recruitment for a terrorist cause, incitement to and/or glorification of terrorism, providing and/or receiving of terrorist training and travel for terrorist purposes.

States face difficulties in obtaining evidence; this includes the collection and admissibility of evidence located abroad, evidence obtained from the internet, and converting intelligence into admissible evidence in criminal proceedings. Another issue that can impair effective prosecutions is the need for and availability of mutual legal assistance. Mutual legal assistance requests tend to be slow and very formal. Only 38% of the countries have designated a central authority to process extradition requests.¹¹⁰ Several states have indeed indicated that a considerable number of returning FTFs do not meet the threshold for prosecution, already served a relatively short time in prison or can only be tried for relatively minor offences.

Eurojust reported that 218 court cases related to terrorism have been completed in 12 EU Member States in 2015, concerning 514 individuals.¹¹¹ Australia indicated that there is one ongoing court case and has requested mutual legal assistance 29 times and received 2 requests. Morocco has completed 200 cases which have led to 194 convictions, 4 acquittals and 2 suspended sentences. In most of these cases, FTFs were

¹⁰⁶ M. Sareen and K. Hækkerup, "Prevention or radicalisation and extremism Action Plan", *The Danish Government*, September 2014, <http://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/SJ20150422125507430%20%5BDOR1545530%5D.PDF>.

¹⁰⁷ Parliament of Canada, "Government Response to the Eighth Report of the Standing House Committee on Foreign Affairs and International Development Entitled: 'Canada's Response to the Islamic State of Iraq and the Levant (ISIL)'", 22 July 2015, <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=e&Mode=1&Parl=41&Ses=2&DocId=8059004>.

¹⁰⁸ B. van Ginkel and E. Entenmann, "The Foreign Fighters Phenomenon in the European Union" (2016).

¹⁰⁹ UNSC, "Report of the Secretary-General", May 2016.

¹¹⁰ United Nations Security Council, "Implementation of Security Council resolution 2178 (2014) by states affected by foreign terrorist fighters, Third report", 29 December 2015, http://www.un.org/en/sc/ctc/docs/2015/N1545987_EN.pdf.

¹¹¹ Europol, "Te-Sat 2016" (2016), p. 46.

convicted for joining or attempting to join terrorist groups, recruitment and incitement. In the US, 65 alleged FTFs have been charged since 2013 which has led to 30 convictions. In Switzerland, one individual has been found guilty of participation in and support of a criminal organisation but, due to diminished mental capacity, was sentenced to public service work under conditions. Currently, 26 cases are ongoing in Switzerland. Spain has convicted 11 persons up and Austria has indicted 21 persons and completed 17 cases.¹¹²

3. Administrative Measures

Several states have adopted administrative procedures to diminish the potential risk posed by FTFs. In some jurisdictions, like the UK¹¹³ and Australia¹¹⁴, when prosecution is not viable, states can consider issuing control orders with respect to FTFs to protect the public from a terrorist attack or when there is reason to believe the returning FTF has been involved in terrorist activities. Control orders can restrict the movement of returning FTFs by imposing a curfew to remain at a specific place, apply electronic tagging or restrictions to meet certain individuals or attend specific functions. Other measures include restrictions on the use of internet and telecommunications, weapons prohibition and regular reporting to the police.

A number of countries have taken measures to disrupt travel. In France and Germany, the security services can conduct preventive interviews.¹¹⁵ Several states, such as France, Austria and Denmark, can issue travel bans (entry and exit) to a national if there is a serious reason to believe the person plans to join a terrorist organisation abroad or poses a threat to national security. With respect to foreigners who are likely to join or have participated in terrorist activity abroad, states can deny visas, revoke residence permits or impose travel bans.¹¹⁶ In the Netherlands, the nationality of Dutch citizens can be revoked if he or she is convicted for terrorist crimes, as long as this does not render a person stateless.¹¹⁷ In the UK, among other countries, the Home Secretary has the discretionary power to deprive a person of British citizenship if this is against the public interest.¹¹⁸ In Nigeria, the President can revoke the Nigerian citizenship if a person has been declared a suspected international terrorist, however, citizenship can only be revoked if the person has obtained Nigerian nationality other than by birth.¹¹⁹ In Austria, citizenship of dual nationals can be revoked for voluntary participation in an armed group engaged in terrorist activities abroad.¹²⁰ In France, a proposal to revoke citizenship of French-born persons who have been convicted of terrorist activities has been rejected.¹²¹ Conversely, in Canada, an Act to Amend Citizenship has been

¹¹² B. van Ginkel and E. Entenmann, "The Foreign Fighters Phenomenon in the European Union" (2016).

¹¹³ Government of the United Kingdom, "Terrorism Prevention and Investigation Measures Act 2011", *The National Archives*, 2011, <http://www.legislation.gov.uk/ukpga/2011/23/contents/enacted/data.htm>.

¹¹⁴ Commonwealth of Australia, "Control orders", 2016, <https://www.ag.gov.au/nationalsecurity/counterterrorismlaw/pages/controlorders.aspx>.

¹¹⁵ P. Bąkowski and L. Puccio, "Briefing: Foreign fighters – Member State responses and EU action", March 2016, *European Parliamentary Research Service*, <http://www.europarl.europa.eu/EPRS/EPRS-Briefing-579080-Foreign-fighters-rev-FINAL.pdf>; see also questionnaire received from France.

¹¹⁶ B. van Ginkel and E. Entenmann, "The Foreign Fighters Phenomenon in the European Union" (2016).

¹¹⁷ Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, "Rijkswet op het Nederlanderschap", 31 March 2016, <http://wetten.overheid.nl/BWBR0003738/2016-03-31>.

¹¹⁸ Government of the United Kingdom, "British Nationality Act 1981", *The National Archives*, <http://www.legislation.gov.uk/ukpga/1981/61/section/40>.

¹¹⁹ National Assembly of the Federal Republic of Nigeria, "Terrorism (Prevention) Act, 2011 Act No. 10, 3 June 2011, https://www.unodc.org/tldb/pdf/Nigeria/NIR_Terror_Prevent_2011.pdf.

¹²⁰ B. van Ginkel and E. Entenmann, "The Foreign Fighters Phenomenon in the European Union" (2016).

¹²¹ K. Willsher, "Hollande drops plan to revoke citizenship of dual-national terrorists", 30 March 2016, *The Guardian*, <https://www.theguardian.com/world/2016/mar/30/francois-hollande-drops-plan-to-revoke-citizenship-of-dual-national-terrorists>; Government of France, "No. 113 Sénat Ordinary Session or 2015-2016", 22 March 2016,

proposed with the aim to repeal provisions that allow citizenship to be revoked from citizens with double nationality who engage in certain acts against the national interest, such as terrorism.¹²²

4. Rehabilitative Measures

Considering the number of returning FTFs who cannot be prosecuted due to a lack of evidence or who have already served (a short) time in prison, or those returning FTFs that no longer pose a threat to society, rehabilitation programmes can assist in reducing the likelihood that these FTFs will return to committing illegal and/or violent acts. Depending on the goals of a rehabilitation programme, it can promote disengagement, prevent (further) radicalisation and assist in successfully reintegrating into society.

In the last decade, several rehabilitation and reintegration programmes for violent extremists have been developed. So far, initial research indicates that eighteen GCTF Member States have implemented rehabilitation and reintegration programmes, but that they differ greatly. In some cases, countries have been able to rely on existing rehabilitation programmes developed to deal with local terrorist organisations and non-state armed groups and individuals.

Examples of concrete initiatives include a Dutch rehabilitation programme aimed at (returning) FTFs and persons wanting to leave a terrorist organisation on a voluntary basis, a French four-phased programme aimed at both FTFs and radicalised youth at large which involves multiple actors from state and civil society, a local Danish initiative offering specialised exit programmes for FTFs who are not suspected of criminal activity and the Saudi rehabilitation programme focusing on providing counselling to detainees and continued educational and religious training after release from state custody. In Indonesia, 238 terrorists are detained in prisons. The rehabilitation programme consists of four stages: identification, rehabilitation, re-education and re-socialisation. Out of the 204 convicted terrorists, more than a quarter refused to meet or communicate with staff and showed no willingness to change their beliefs.¹²³

Concluding Remarks

This analytical paper describes recent trends, dynamics and policy responses with regard to the FTF phenomenon. The distinction between home-grown terrorists and (returning) FTFs is fading, the difference between ISIL/Da'esh inspired or directed terrorist attacks is becoming more fluid and the nexus between terrorism and crime is more prominent, which clearly indicates that terrorism can manifest itself in many different ways.

The involvement of returning FTFs in some of the terrorist attacks is a stark reminder of the potential threat returning FTFs pose. The use of the internet to recruit FTFs and the trend of shorter periods of radicalisation are of particular concern. The data also

<http://www.senat.fr/petite-loi-ameli/2015-2016/395.html>.

¹²² Government of Canada, "An overview of proposed changes to the Citizenship Act", 25 February 2016, <http://news.gc.ca/web/article-en.do?nid=1036069>.

¹²³ On file, PPP of Indonesia during Malta workshop March 2016.

indicate a demographic change with a more prominent role of female FTFs and children being recruited and used in hostilities or involved in terrorist attacks. The fact that the profile of a FTF is so diverse makes it difficult to identify FTFs and does not allow for a one-size-fits-all approach.

The current trends underline the need for a **comprehensive, tailored and multidisciplinary** approach including the involvement of stakeholders at the **local level** to adequately address the evolving aspects of the FTF phenomenon.

Comprehensive: States should adopt a comprehensive approach to address the FTF phenomenon. States should have a tool box at their disposal consisting of preventive, criminal, administrative and rehabilitative measures. In developing these tools, states should carefully take into account the human rights implications of the different measures.

Tailored: States should develop tailor-made interventions. To address concerns of specific categories of FTFs – such as women, children, criminals or those suffering from mental health problems – states should adopt a flexible and tailor-made approach. To assist in designing such interventions, the use of individual risk assessment tools could be useful.

Multidisciplinary: States should forge strategic alliances with the private sector and civil society organisations. Working closely together with the travel financial sector can help track the movement of (returning) FTFs and the financing of terrorist plots. Internet service providers can assist in reducing violent content on the web and in developing – together with civil society organisations - online counter-narratives. Internet service providers could also assist in collecting evidence in FTF court cases. Working in multidisciplinary teams in governments across different disciplines is essential to address the FTF phenomenon. These teams could consist of law enforcement officials, prosecutors and security agencies, in order to improve coordination and to share information, but could also consist of teachers, religious leaders, health coaches or job counsellors to assist with the prevention of radicalisation to violence and/or the reintegration of a FTF back into society. Trained psychologists can be helpful in diagnosing whether a (returning) FTF is suffering from mental health problems or PTSD.

Local level: Local communities and authorities play a crucial role in detecting early signs of radicalisation to violence. Engaging local communities - but also teachers, religious leaders or youth workers – in developing alternative narratives, in targeted outreach and assisting in the reintegration of FTFs in society is vital. Through community policing, local authorities have a better understanding of the context in which individuals in their communities radicalise and might be able to detect links with ordinary crimes and discover radical networks.

In conclusion, although the flow of FTFs has dropped significantly, the threat has not decreased but has morphed, making the (returning) FTF phenomenon more complex.

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