

OVERVIEW AND KEY FINDINGS

Some 5000 men, women and children have travelled from Europe to Syria and Iraq since 2012. An estimated 1500 of these foreign terrorist fighters (FTF) have returned so far. Some came back disillusioned, or traumatised by their war experiences, but others returned with malicious intentions.

The first successful attack by a returnee in Europe occurred in 2014, with Mehdi Nemmouche's shooting at Brussels' Jewish Museum. Several other attacks followed, culminating with the coordinated attacks in Paris in November 2015 and Brussels in March 2016. Since then, no new attack by returnees has occurred but that does not mean the threat is over. Plots continue to be set up, mostly by so-called homegrown terrorist fighters with limited means and skills, but with potentially dramatic results should they succeed. They could pose a serious security challenge.

Studies of past jihadi waves show that veteran fighters can play a crucial role in perpetuating the jihadi movement from one generation to another, often starting from their prison cells, where many returnees from Syria and Iraq now serve their sentences.

The idea for this project goes back almost two years ago, at a time when concerns were increasingly raised about the lack of a comprehensive approach on returning FTF. Practitioners were attempting to cope with this issue within the specific context of their own agencies, but were barely aware of what colleagues were doing in other departments, let alone other countries. Although many measures were being implemented in the aftermath of the Paris and Brussels attacks, national responses were by and large compartmentalised and uncoordinated.

As we started our research in early 2017, we were still hearing many criticisms from various agencies and administrations. One year later, however, things have changed for the better. Not everything is perfect, as outlined in this report, but responses in Belgium, Germany and the Netherlands have overall become more comprehensive and coordinated.

This report looks into policies on returning foreign fighters in these three countries. It is the very first systematic and in-depth study into national approaches and policies vis-à-vis returnees. Its added value lies in the wealth of data, including data that has not been published before, and, of course, in the comparative angle. The authors hope to offer a reference point for future studies, for both practitioners and researchers.

Belgium, Germany and the Netherlands have different histories of terrorism, different institutional systems and different approaches to terrorism and radicalisation. But all three are affected by the issue and, together, represent a third of European FTF and returnees.

Interestingly, in spite of some significant differences, the three countries' responses have slowly converged over the past couple of years. Generally speaking, each government would prefer that foreign fighters do not come back, while not formally preventing them from doing so. Once back in their homelands, returnees generally go to provisional detention, awaiting trial. Until recently, women were treated with more clemency, but this has now come to an end (most recently in Germany).

In prison, different detention regimes are applied, from isolation to dispersal among other detainees, but overall the approach is a tailored one with mechanisms to monitor detainees and constantly adjust their conditions. Once out of prison, returnees fall back on mechanisms that were established to deal with FTF, although the Netherlands employs more intrusive measures than Belgium or Germany.

Each of the three country chapters in this report start with an overview of the scope of the FTF challenge, and a profile of the returnees. We also seek to compare current figures with those from previous jihadi conflicts, which is difficult given the paucity of data. Each chapter then looks at the evolution of the perception of this issue among authorities since the beginning of the Syrian conflict in 2012, and at the development of more coherent policies. Next comes a sequential description of the policies in place to deal with returnees: how to deal with fighters still in the conflict zone, with those that have come back, those in prison and those who have been released. Finally, the sensitive question of what to do about children in the jihadi war zone or recently returned from there is also assessed in some depth.

Transcending the national perspectives, David Malet offers a historical perspective on foreign fighters in Europe, explaining that the issue is nothing new – not even in scope. The involvement of European citizens in foreign fighter movements appears to be a continuous phenomenon and it would be well to absorb the lessons of history not only for the challenges of today but to prepare for the future as well.

Among the key findings of this assessment, the following are worth highlighting:

- Exactly as was the case with departures, FTF have returned in waves, mostly in two waves in 2013-2014 and early 2015. It is now assumed that, contrary to earlier assessments, the most seasoned fighters will no longer return en masse. Recent returns are mostly women and children.
- Early returnees were not systematically prosecuted, let alone convicted. This was based on an evaluation of their intentions and the presumption they posed a lesser threat, but also because the criminal code made it relatively difficult to prosecute these individuals. Women in particular were as a general rule not prosecuted.
- The situation changed radically in the aftermath of the 2014 attack by a returnee on the Jewish Museum in Brussels and, particularly, with the Paris attacks in 2015 involving Islamic State-linked returnees. The perception of the potential threat

increased exponentially. Across Europe, the criminal code with regard to terrorist crimes was broadened. Returnees, including women, started being systematically prosecuted.

- Beyond the judicial response, all three countries developed a vast range of measures and mechanisms, leading to a more systematic and multi-agency approach, involving a wide range of actors from local prevention officers to police and intelligence services.
- Prisons have long been considered a particularly challenging dimension in the response to returnees. The early policy hesitations and varying arrangements (even within a country) have now mostly been replaced by tailored detention regimes and disengagement trajectories and the training of penitentiary staff. There is increased awareness of the need to enhance authorities' information position within prisons, with the aim of preventing the radicalisation of other inmates but also of devising more suitable and adapted reintegration plans.
- Regarding those fighters still in the area, all three governments share a somewhat ambiguous position. It is probably fair to say that off the record all governments undeniably prefer their (adult) citizens not to come back.

A last word of caution: In certain aspects, today's situation resembles the situation at the end of the first decade of 2000. Europe felt a sense of relief as a result of decreasing terrorist activity, a drop in the numbers of individuals leaving for jihadi theatres, and the successful dismantlement of terrorist cells. Some member states lowered their threat levels, a sense of "counterterrorism fatigue" set in, the need for continued investment in counterterrorism arrangements and prevention policies lost their sense of urgency and polarisation around Islamic symbols went unchecked. The outbreak of the Syrian war and the speed and scope of foreign fighters flocking to the Levant took everybody by surprise.

Today's renewed window of opportunity offered by the collapse of ISIS should thus be used to consolidate existing arrangements and, most crucially, to enhance efforts to address the structural drivers of radicalisation and extremism, including social isolation, marginalisation, and polarisation, that allowed ISIS – and jihadism in general – to mobilise in the first place. If we again fail to uphold these endeavours, at some point in the future the re-emergence of a fresh wave of eager fighters cannot be excluded, if and when a new opportunity for jihadi mobilisation arises.