

# Security Menace Posed by Returning Foreign Fighters

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Islamic Theology of Counter Terrorism

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## **Introduction**

Human security is increasingly charted by the emergence of terrorist organizations, which either aspire for the creation of an Islamic caliphate and to attack Western democracy. This report explores international and regional provisions relating to the treatment of individuals who join and engage in jihadist tendencies in foreign countries. However, some analysis drawn from European and African perspective, following the menace posed by foreign fighters upon return to home countries, as well as policing methods. The adoption of September 2014 United Nations Security Council resolution expressing concern about the menace posed by foreign terrorist fighters, is a strategic tool in contemporary counter terrorism approach. Though many nations have resorted to sanctions applicable to such actors, which including imprisonment and loss of citizenship, challenges relating to surveillance and reintegration in to the society are still visible. Other nations implement sanction base on criminal profiling, position within the organization and skills acquired. In other countries, sanctions are based on the individual profile, if his or she is a recruiter and whether the latter gained military skills while working with the organizations. One of the best approach so far in the field of counter terrorism and the insertion of foreign fighters in to society is that of Denmark, where instead of implanting sanctions, returning fighters are being given study or employment opportunities.

## **Strategic Response by United Nations on Menace Posed by Foreign Fighters**

On September 24, 2014, Resolution No. 2178 of 2014 condemning such groups and individuals was adopted by the United Nations Security Council, based on the increasing menace posed by foreign terrorist fighters and recruited individuals in terrorist groups and affiliates. The adopted resolution was out pin under chapter VII of the UN Charter and is binding on the Member States. However, it requires UN Members to adopt national and international strategy, either through bilateral or multilateral agreements to combat emerging trends of foreign fighters. Resolution 2178/2014 requires UN Member States take action to prevent and suppress “the recruiting, organizing, transporting or equipping of individuals who travel to a State other than their States of residence or nationality” with the intent to commit, plan, or participate in terrorist acts or to be trained as terrorists, as well as the financing of their travel and other activities.

### **A. Prosecution and Punishment of Offenses**

In accordance with Resolution No. 1373/2001, which was adopted after the events of the September 11, 2001, on the US, the Security Council required all Member States to enact legislation to prosecute and punish the following offenses:

- Traveling or attempting to travel, on the part of their nationals and other individuals, to another state with the intent to commit, plan, prepare, or participate in terrorist acts or with the intent to be trained.
- The willful collection of funds, through any means, by their nationals or in the territories of the Member States with the intent to finance the travel of individuals in third states in order to commit terrorist acts or to receive training in cells.
- The willful organization or facilitation, including recruitment, of the travel of individuals to other countries with the intent to commit, plan, prepare, or participate in terrorist acts, or for the provision or reception of terrorist training.

## **B. Prevention of Entry or Transit**

Prevent the transit or entry of terrorist in a country will rely on professionalism of law enforcement, particularly their intelligence service, and cooperation with international security organizations. Resolution No. 2178/2014, pose that, Member States are not obliged to deny entry to or order the departure from their territories of their own nationals or permanent residents. However, member states which have information of profiled individuals seeking entry in the country or exploit his or her state, try to coordinate an attack for a terrorist group, is provided for in Resolution No. 2161/2014.

## **C. Airline Passenger Information**

Resolution No. 2178/2014 requested Member States to require airlines flying above territorial borders must submit passenger data to the national authorities in order to enable them to prevent entry into or transit through their territories of persons who are listed on the Al-Qaeda Sanctions List kept by the Committee, which was established by Resolution No. 1267/1999 and Resolution No. 1989/2011.

## **The Challenges Posed by Returning Foreign Fighters**

While the numbers of captured foreign fighters today are much higher than in previous historical cases, the challenges associated with dealing with returning foreign fighters are not entirely new. Drawing from the case of ISIS returnees, several scientific arguments amongst researchers and policy makers emerged since 2017, relation to after significant numbers of foreign fighters returned from Syria to Europe. However, this debate is still on the table following the proliferation of small faction of terrorist groups pledging allegiance to ISIS in Africa and as their aspirations continue to increase, the conquest for Europe and the West.

The rhetorical on the nature, status of foreign fighters and responsibility, remains a strategic issue in international relations. Former Dutch Minister of Foreign Affairs Bert Koenders, posed that, “We keep referring to these people as foreign terrorist fighters. The uncomfortable truth is that they are not foreign at all. They may be foreigners in the countries where they are going. But in reality, they are our compatriots, our acquaintances, the classmates of our kids, the guys and girls we see in our supermarkets. They are part of our societies. Perhaps the only thing that’s foreign to us is their mentality” (From Factsheet of Operation Inherent Resolve, March 16, 2016).

Former head of the British Army, General Lord Dannatt, narrative is similar to that of Dutch minister, appealing that Britain’s foreign fighters in Syria must be brought back to the United Kingdom because they are the United Kingdom’s responsibility: “They have got to be held while they are talked to and if there is sufficient evidence against any of them ... they have to be put through due process and imprisoned if that is the right thing to do. But I think it is also important that we treat them fairly with justice and tempered with a bit of mercy as well because ... the way we treat them may well have important significance for the way other people view our society.” But the case of Shamima Begum gave a new narrative to counter terrorism analysts and consultant, on the legal character of such actors.

Jürgen Stock, former Interpol’s chief, reviewed the parameters relating to the return of foreign fighters, evoking the menace, based on field experience, training and also that such actors are internationally connected. Stock views the scenario as “ISIS 2.0”, that is a second wave of Islamic State-linked or jihadists returning to their home countries. Thus, states marked by internal wrangling have more to worry

for the return of foreign fighters, which would lead to the creation of factions, rise of militia and the proliferation of weapons being a national security issue.

### **Particularities or Menace pose by Foreign Fighters**

In the process of developing new strategies to combat terrorism, terrorists and jihadists also adopt new patterns to breach security perimeters and protocols to perpetrate attacks. According to Hegghammer, incidents or attacks which foreign fighters are usually marked by mass casualties, their modus operandi is different from jihadists, and yet considered lethal terror operatives. Modern history continues to debate on the menace posed by returning foreign fighters, though historical evidence confirms that; two of Tunisia's deadliest terrorist attacks (the March 2015 Bardo National Museum assault and the June 2015 mass shooting on a beach in Sousse) were conducted by returnees.

Moreover, the November 2015 attacks in Paris were perpetrated by French and Belgian Islamic State foreign fighters trained in Syria and, similarly, the attack on Brussels' Jewish Museum on May 24, 2014, was perpetrated by Mehdi Nemmouche in what is considered as the first attack on European soil by a foreign fighter from Syria. This attack made Nemmouche the first European foreign fighter to be convicted of terrorism offenses in March 2019. Nonetheless, some scholars still consider the returning of foreign fighters as a strategic menace to national and regional security. Though several case have been analyzed, the bearing of this contention, continue to undermined efforts toward the formulation of coherent policy in many countries in relation to returning foreign fighters. Below are some particularities which ignites fear for the return of foreign fighters.

### **Publicity or Celebrity Status**

The aspiration of transnational actors, jihadists and terrorist organization has led to a new paradigm of security measures, in order to combat emerging trends. The primary issue in relation to policing of foreign fighters or returning foreign fighters is based on their integration back in the society, because they may return as recruiters and radicalize person in the community upon return. The way foreign fighters are presented on social media and even television channels, usually paints gives them "celebrity status", which may facilitate recruitment of youths and aspirations to become one of them. For example, in Tunisia, incarcerated foreign fighters from Syria had sort of special treatment by other inmates because of their grounded experience, and others like Abdelhamid Abaaoud considered them as the living embodiment of the heroes of yore, mujahideen. They are considered as "jihadist rockstars", but their return remains a national security menace, though they might not be directly engaged in planning or executing domestic terrorist attacks after their return, they may be a source of inspiration to vulnerable members in their communities.

### **Source of Inspiration for Future Attacks**

Inspiration of young recruits is based on activities of the leaders and fatwa (Muslim religious order) which prone jihad. One of Israel's domestic security agency, Shin Bet, (from narrative of former senior official in the agency) are scared on the implementation of tactics of these returning foreign fighters once home; brutal performance of members of ISIS (Jihadi John), including slaughter, beheadings and rape, just to name these. Islamic State-inspired groups such as Jund al-Khilafah in Algeria, which adopted

similar tactic. This radicalization process which they undergo while in the conflict zone or buffer zones are most important factor which influences their propensity toward extremism, and the long-term challenge for their reintegration into society following their return home.

For the past decade, jihadist tendencies have been related to ideology. Ideologies a dominant factor for radicalization and as well can be used to de-radicalize aspirant or terrorist. Indoctrination is another relevant factor which ignites jihadist tendencies or terrorism, within significant minority of persons dissatisfied with the socio-political context in which they live (for example, Jihadi Jane engage in terrorist activities because of frustration). The ideological narrative is exclusively based, on violent interpretation of the Islamic faith, is a motivational factor for global jihad, as religious leaders and radicals adapt it with their fatwa to perpetrate attacks; suicide terrorism and indiscriminate high-casualty attacks.

However, their modus operandi are linked to the ideological framework, so as to justify actions perpetrated from a rational-choice point of view. The increasing protein alliance between terrorist groups in Europe and Africa, is because of common ideologies, which appeal for activism and commitment of individuals incentive which attract them to these group, orchestrating jihadist tendencies.

## **Human Rights**

Human rights are an inevitable aspect in relation to arm conflicts, terrorism studies, national, regional and international security. Military commanders in some countries usually accuse civil society actors as well as human rights activists to be sponsors of criminals. Human security challenges have made states to adopt monitoring measures and other administrative restrictions aimed at keeping returnees under surveillance and reducing menace which such actors may pose when they return or drop their weapons. The policing measures usually adopted to such actors are, but not limited to; prison term, electronic surveillance, special reporting and relocation security zones for proper surveillance.

However, there are several complications which emanate from the policing approach, because not all countries have resources, knowledge and expertise to monitor returning foreign fighters, and facilities are equally required. Some scholars in West, usually subscribe to the closure of national borders to any external security menace in accordance to policies. Drawing from the fact that foreign fighters themselves decided to renounced their citizenship, others burn their passport and sought to replace it with citizenship in IS' Caliphate (the case of Shamima Begum). This pattern made the Danish Minister of Immigration to deprive the children of Danish foreign fighters citizenship rights. According to Immigration Minister Inger Støjberg, "Their parents have turned their backs on Denmark, so there is no reason for their kids to become Danish citizens."

In the Middle East, ISIS fighters and their families are often associated with jihadist tendencies committed by IS against other Sunni Muslims, Shi'a, and Yezidi communities. Nonetheless, this correlates with the rise of former jihadist leaders children in the 'game', such as the sons of Osama Bin Laden (Al Qeada) and Mohammed Yusuf (Boko Haram) respectively in to terrorist leadership role. Though in Tunisia, civil society organizations continue to advocate for the closure of borders to returning jihadists.

## Conclusion

There is no doubt that the globalization era has ushered us to new security methods, in which policing crimes is not only limited to information and communication technology, but has engaged the sky; with the proliferation of drones. Policymakers and scholars argue that, the changing patterns returning foreign fighters pose a major security menace; with coordinated terrorist attacks, the recruitment and creation of new factions, and logistical support offered to other networks (protein alliance between terrorist groups, like Boko Haram and ISIS) engaged in jihadist tendencies. As such, allowing foreign fighters to return to their home countries, is strategic menace to national security, which appeals for serious intelligence vetting.

However, the most essential issue is to acknowledge the military training that most foreign fighters undergo during their period of militancy, is mostly for non-conventional operations or guerrilla warfare, which is contrary to contemporary terrorist attacks in urban and competently policed countries (though there are several exceptions).

Above all, repatriating, prosecuting, and incarcerating foreign fighters allows states to monitor and control the menace posed, whereas leaving them in war zones could not only be a regional menace but also an international threat. Though Anglo-American security experts argued that, the denial of citizenship of foreign fighters by their home countries will bolster the foreign fighters, giving the individual the ideology that he or she is a citizen of the Islamic State, which is another challenge in contemporary era, with the case of Shamima Begum. Nonetheless, security analyst and policymakers must derive long-term view on issues relating to foreign fighters, to limit operational skills, bonds and the creation of alliances at the national and international level for terrorist attacks.

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