RETURNEES IN THE MAGHREB: COMPARING POLICIES ON RETURNING FOREIGN TERRORIST FIGHTERS IN EGYPT, MOROCCO AND TUNISIA

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FOREWORD

GILLES DE KERCHOVE AND CHRISTIANE HÖHN[1]

Foreign terrorist fighters (FTFs) are a challenge both for the European Union (EU) and its Member States and neighbouring countries in the Western Balkans, North Africa and the Middle East (MENA). Many MENA countries are faced with high numbers of FTFs who travelled to the conflict zone in Syria and Iraq. Tunisian FTFs, in particular, also travelled to Libya. A number of these FTFs and their families have already returned, while some have been killed and others remain in Syria and Iraq or have moved to other conflict zones. Many FTF returnees pose a serious threat because of their combat training and experience, low threshold to violence and worldwide jihadi networks. Some FTFs have dual nationality (EU and MENA), which makes cooperation even more important.

European and MENA government experts discuss FTF-related challenges and exchange good practices in dedicated working groups in the context of the Global Counter-Terrorism Forum (GCTF) and the global anti-Daesh coalition. The EU supports MENA countries to implement UN Security Council Resolution 2178 and 2396 related to FTF with a project implemented by the UN Office of Drugs and Crime (UNODC). In the context of counter-terrorism packages, the EU is providing capacity-building assistance to partners such as Tunisia. Counter-terrorism dialogues and visits are an opportunity to share good practices and lessons learnt.

The following issues are important in the context of returning FTFs and their families. The EU has been working on these issues internally. The EU Radicalisation Awareness Network (RAN) has published a manual with good practices for handling returning FTFs and their families.[2]

1. Border security: FTFs and returning family members have to be identified at the borders so that appropriate measures can be taken by the authorities. Hence it is key that information on FTFs, including from the battlefield, is shared via Interpol and that Interpol databases are checked at the external borders. The EU is supporting partners to strengthen the maintenance and checking of Interpol databases.

2. Criminal investigations and prosecutions: Prosecutions of returning FTFs are often a challenge as it is difficult to collect evidence on the crimes the FTFs may have committed in Syria and Iraq. Therefore, the EU is negotiating legislation on internet-

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[1]   The opinions expressed in this foreword are those of the authors alone and do not necessarily reflect the positions of the Council of the European Union.

[2]   RAN Manual. Responses to returnees: Foreign terrorist fighters and their families, July 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran_br_a4_m10_en.pdf

based evidence (e-evidence) and has also stepped up efforts to support making battlefield information available to investigators and prosecutors. The EU criminal legal framework, the Framework Decision on Terrorism, was updated to include FTF-related crimes in the implementation of UNSCR 2178.

3. Returning children: Children can be both victims and a threat. Specific rehabilitation and support measures addressing the traumas are important. Many children have been born in Syria and Iraq and are very young, which may favour their rehabilitation and reintegration. Sometimes it is necessary to place children with extended families. They may also have medical needs after their stay in the conflict zone and there may need to be special measures for reintegration into schools. Overall, a tailor-made response on a case-by-case basis is necessary.

4. Prisons: The prisons need to provide a secure environment to detain the convicted FTFs. It is key to take measures to avoid the radicalisation of other prisoners and planning of attacks from within the prison. Often with EU support, Member States have developed risk assessment methodologies for terrorist inmates. Member States will now face the challenge of prison leavers who have served their sentences. Security measures that are compliant with rule of law may be necessary.

5. Rehabilitation: The development of disengagement, rehabilitation and reintegration programmes inside and outside prison is key and has been supported by the EU. It is challenging to develop such programmes, but they are needed for FTFs and family members who can't be prosecuted for lack of evidence and also for those who have been convicted but will be released after some years. It is key that MENA countries also develop such rehabilitation programmes.

6. Counter-narratives: Returning FTFs might engage in the recruitment of others, given their 'veteran' status. Support for counter-narratives, also online, could help to mitigate this risk.

There may be more returning FTFs and family members. It is important for MENA countries to be prepared to handle this challenge. Overall, a whole-of-government response, collaboration and information sharing among the different authorities (law enforcement, security services, judiciary, local level, social workers, psychologists, child welfare) is key. A repressive approach alone is not enough. Prevention of radicalisation, rehabilitation and reintegration are equally important. Overall, sustainable and smart counter-terrorism policies have to comply with the rule of law and human rights, to avoid grievances, radicalisation and accusations of double standards. The EU is ready to further support MENA countries in handling challenges related to the return of FTFs and their families.

INTRODUCTION AND KEY FINDINGS: TRANSPARENCY AND HUMILITY NEEDED

THOMAS RENARD AND SABINA WÖLKNER

The conflict in Syria and Iraq has mobilised an unprecedented number of foreign terrorist fighters (FTFs). More than 50,000 individuals travelled to the Levant to join jihadi groups. While fighters have flocked from virtually every corner of the world, a significant contingent came from North Africa. This has created an unprecedented challenge for individual countries, as well as for the broader Maghreb and Mediterranean regions.

The 'Caliphate' has now been defeated with the loss of its remaining territories. While many people were killed, thousands of fighters and family members are either in detention in Syria or in Iraq – or still on the run. Authorities worldwide are contemplating – or should be contemplating – the possible return of these fighters in the short to medium term and how to deal with them. In fact, more than a thousand North African fighters have already returned home since 2012.

Following this unprecedented number of jihadi volunteers, countries must now handle an unprecedented number of jihadi veterans who present a multi-faceted security and societal challenge from prosecution to detention and rehabilitation. Arguably, whether they return or not, some of these fighters are likely to have a lasting effect on the global jihadi movement and on local dynamics in their country of origin. As highlighted in this report, history is a reminder that even small numbers of veteran fighters can have a significant impact on local, regional and global security.

There has been a growing amount of research into (returning) foreign fighters recently.[1] This research was needed to better understand the phenomenon, either in general terms or at a country-specific level. Most of this research focused on departures rather than returns, and it focused often more on the individual dynamics and motivations rather than on governments' debates and responses. Yet, as most governments still grapple with returnees, it is important to look into governments' responses, with a view to opening a discussion and possibly making some recommendations.

In this report, we have therefore decided to focus on governments' responses to the issue of returning foreign fighters in North Africa, in light of the unprecedented regional mobilisation. Tunisia, notably, has often been described as the largest provider of foreign fighters to the Levant, or certainly one of its top purveyors. Egypt and Morocco have also seen a significant mobilisation for jihad, justifying their inclusion in our study.

We offer a comparative analysis of the situation in these three North African countries: Egypt, Morocco and Tunisia. Such an approach, using similar guidelines for all contributing authors, allows for interesting comparisons between the circumstances that led to the departure of fighters and the responses to dealing with their return. Contributors were asked to look into domestic perceptions and debates related to the threat from returnees, and the specific policies developed to handle them. They were also asked to compare current perceptions and responses with previous jihadi mobilisations.

Our starting point was that there is a need for more data and empirical evidence to open a discussion on this sensitive topic. It is common sense that hiding problems does not result in solutions. However, in many countries there is a lack of transparency or even censorship that prevents evidence-based research. It is our assumption that more transparency in this debate would lead to better-informed discussions and, therefore, better-informed policies.

In the context of this project, the authors made their best possible attempt, given local constraints, to describe the scope of the challenge and the responses in place. This comes in addition to general difficulties in gathering reliable data on foreign fighters. For these reasons, the figures provided in this report, based on different sources available, should be taken with extreme circumspection.

Beyond transparency, good policy-making also involves a good dose of humility. Many governments worldwide have developed policies to deal with (returning) foreign fighters over the past few years, notably in Europe. However, all governments recognize that such policies and programmes are to be treated with caution:

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[1] See for instance, among many others: T Hegghammer (2010), 'The Rise of Muslim Foreign Fighters: Islam and the Globalization of Jihad', *International Security*, 35:3, pp. 53-94; T Hegghammer (2013) 'Should I Stay or Should I Go? Explaining Variation in Western Jihadists' Choice between Domestic and Foreign Fighting', *American Political Science Review*, February; D Byman (2015) 'The Homecomings: What Happens When Arab Foreign Fighters in Iraq and Syria Return?', *Studies in Conflict & Terrorism*, 38:8, pp. 581-602; D Byman (2019), *Road Warriors: Foreign Fighters in the Armies of Jihad*, Oxford: OUP; D Malet (2013), *Foreign Fighters: Transnational Identity in Civic Conflicts*, Oxford: OUP; D Malet and R Hayes (2018), 'Foreign Fighter Returnees: An Indefinite threat?', *Terrorism and Political Violence*; T Renard and R Coolsaet (2018), 'Returnees: who are they, why are they (not) coming back and how should we deal with them? Assessing policies on returning foreign terrorist fighters in Belgium, Germany and the Netherlands', Egmont Paper 101, Brussels: Egmont Institute; K Cragin (2017), 'The Challenge of Foreign Fighter Returnees', *Journal of Contemporary Criminal Justice*, 33:3, pp. 292-312; J de Roy van Zuijdewijn (2014), 'The Foreign Fighters' threat: What History Can (not) Tell Us', *Perspectives on Terrorism*, 8:5, pp. 59-73; M Hafez (2009), 'Jihad after Iraq: Lessons from the Arab Afghans', *Studies in Conflict & Terrorism*, 32:2, pp. 73-94; A Zelin (2018), Tunisian Foreign Fighters in Iraq and Syria, Policy Notes 55, Washington: Washington Institute for Near East Policy; B Van Ginkel and E Entenmann (2016), The Foreign Fighters Phenomenon in the European Union: Profiles, Threats and Policies, The Hague: ICCT; J Cook and G Vale (2018), 'From Daesh to "Diaspora": Tracing the Women and Minors of Islamic State', London: ICSR; Z Fellman (2018), *Fallout: The future of foreign fighters*, Washington: CSIS; D Thomson (2018), *The Returned: They Left to Wage Jihad, Now They're Back*, London: Polity; R Barrett (2017), *Beyond the Caliphate: Foreign Fighters and the Threat of Returnees*, New York: The Soufan Group; A Meleagrou-Hitchens, S Hughes and Bennett Clifford (2018), *The Travelers: American Jihadists in Syria and Iraq*, Washington: GWU Program on Extremism.
An extensive literature review is available here: https://www.universiteitleiden.nl/binaries/content/assets/customsites/perspectives-on-terrorism/2018/issue-5/tinnes-2.pdf

the effectiveness of these programmes has yet to be assessed. Everyone is still 'learning by doing', and most likely committing mistakes along the way. Furthermore, there is no one-size-fits-all approach. It is unclear to what extent some 'good practices' developed in one city or country could be duplicated in another city or country with similar effects. At the same time, however, broader guidelines for dealing with returnees have been identified in various foras, notably within the United Nations, the Global Counter-Terrorism Forum or the European Union.[2] Some of these recommendations are certainly worth considering for any government, including those in the Maghreb.

From a European perspective, North African dynamics are of particular interest. First, because instability in the region could have a damaging spillover effect for European security. Second, because a majority of FTFs from Europe were of North African descent, which has strengthened ties between jihadi milieus across the Mediterranean that might have an equally lasting impact for security on both sides. European interest in this issue was emphasised in the foreword by the EU Counter-Terrorism Coordinator, highlighting some of the key lessons learned from Europe, which could be helpful to other countries.

This report is jointly edited by the Egmont Institute and the Konrad-Adenauer-Stiftung. It follows a joint event organised in Brussels in May 2018. It also builds on the previous work of our respective institutions on this specific topic and on violent extremism more broadly. A similar report on European responses to returning FTFs was published in this series of Egmont Papers in February 2018.[3] We do hope that such research projects can help trigger constructive debates and inform the shaping of better policies.

Key findings

Among some of the key findings from this report, we highlight the following:

- Countries from the Maghreb have provided one of the largest contingents of FTFs to the Levant. More than 5,000 individuals joined jihadi groups in Syria and Iraq, while about 2,000 went to Libya. This jihadi mobilisation is possibly larger than any previous ones, including that for the anti-Soviet jihad in Afghanistan in the 1980s.

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[2] *Madrid Guiding Principles: A practical tool for Member States to stem the flow of foreign terrorist fighters*, UN Counter-Terrorism Committee, S/2015/939, December 2015; *2018 Addendum to the 2015 Madrid Guiding Principles*, UN Counter-Terrorism Committee, S/2018/1177, December 2018; *Good Practices on Addressing the Challenge of Returning Families of Foreign Terrorist Fighters (FTFs)*, The Global Counterterrorism Forum (GCTF), September 2018; *RAN Manual. Responses to returnees: Foreign terrorist fighters and their families*, Radicalisation Awareness Network (RAN), July 2017.

[3] T Renard and R Coolsaet (2018), 'Returnees: who are they, why are they (not) coming back and how should we deal with them? Assessing policies on returning foreign terrorist fighters in Belgium, Germany and the Netherlands', Egmont Paper 101, Brussels: Egmont Institute.

- While the causes of this unprecedented mobilisation are hard to disentangle, it appears that the post-'Arab Spring' transition had a particularly significant impact in the region.

- Some returning foreign fighters have already been involved in attacks and other illegal activities in the region, highlighting the threat they pose. Two of Tunisia's deadliest terrorist attacks were conducted by returnees.

- North African countries have previously been confronted by returning foreign fighters. They have experienced attacks, recruitment and other destabilising activities from veteran fighters of the 1990s and early 2000s. However, while familiar with these risks, North African countries have taken only limited measures to deal with the latest wave of (returning) foreign fighters.

- Of all the countries surveyed in this report, Morocco is by far the most advanced in dealing with returnees. It has taken legal measures as well as strengthening its security services accordingly. It has also developed deradicalisation programmes in prison and is working on other initiatives with former radicals. In contrast, Tunisia and Egypt are much less transparent and systematic in their approaches. It appears that their capacities are limited, and their approach is very narrowly security-driven.

- Overall, all Maghreb countries are still lacking a comprehensive approach for dealing with returnees, encompassing measures from prosecution to detention, post-penitentiary counselling and reintegration. In the absence of a comprehensive and long-term approach, including ambitious prevention and inclusion programmes, the challenge of returning fighters will soon re-emerge in a new form, as it has done regularly since the mid-1980s.

Egypt's foreign terrorist fighters: Cycles of violence

Allison L McManus

As efforts to combat the Islamic State (ISIS) have gained significant ground in Iraq and Syria, new policy concerns have arisen around the return of fighters to their home countries. These 'foreign terrorist fighters' (FTFs) number up to 42,000 by some United Nations (UN) estimates,[1] and hold at least 104 different nationalities.[2] The prospects of the repatriation of captured fighters, the return of fighters fleeing the conflict or the return of those who were never able to join, raise pressing questions: What capacity does the state have to investigate and prosecute crimes committed by those returning from foreign conflicts? What capacity does the state have to prevent crimes from being committed in the future? What ethical and legal responsibilities does a home country have related to these?

In Europe, significant financial, intellectual and practical resources exist to grapple with these challenges. This is not necessarily the case elsewhere: in Egypt, the number of fighters remains obscure, and there have been few earnest efforts to examine and assess the state's capacity to tackle the challenges associated with their return. This paper seeks to address the aforementioned questions and to determine the implications of the return of fighters for Egypt's national security, regional security and global efforts to combat extremist violence. While the Egyptian government has, at times, acknowledged the potential threat from foreign fighters, it has not articulated any specific measures (legal, policing, social or otherwise) specific to address the threat of fighters returning from recent conflicts in Syria, Iraq or Libya; aside from some criminal charges stemming from activity with foreign terrorist entities and increased border security, Egyptian and international policymakers and security officials treat Egypt's FTF issue through the same framework as domestic terror threats.

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[1]   UN Security Council Counter-Terrorism Committee Executive Directorate, 'The Challenge of Returning and Relocating Foreign Terrorist Fighters: Research Perspectives,' March 2018. Available at: https://www.un.org/sc/ctc/wp-content/uploads/2018/04/CTED-Trends-Report-March-2018.pdf

[2]   A Schmid, 'Foreign (Terrorist) Fighter Estimates: Conceptual and Data Issues,' The Hague: International Centre for Counter-Terrorism, October 2015. Available at: https://icct.nl/wp-content/uploads/2015/10/ICCT-Schmid-Foreign-Terrorist-Fighter-Estimates-Conceptual-and-Data-Issues-October20152.pdf

Roots of Egypt's foreign fighter problem

Egyptian participation in transnational jihadist movements[3] is neither unique to the present day nor specific to ISIS. Throughout the 1980s, a wave of Egyptians, estimated in the thousands, joined the mujahideen in Afghanistan to fight Soviet forces. Afghan mujahideen fighters also trained inside Egypt, in a programme that Cairo sought to leverage with Washington to secure its now decades-old multi-billion-dollar annual military assistance.[4] The fight was characterised as a revolutionary and anti-imperial effort, but it constituted the roots of today's transnational jihadist movements, with Egyptians present from the very beginning, some of whom remain in pivotal roles today. 'The Blind Sheikh', Egyptian Omar Abdel Rahman, was the leader of the Jama'a al-Islamiya (JI), an Egyptian terror group that would be responsible for some of the country's deadliest violence; after spending three years in prison awaiting trial for charges of having issued a fatwa leading to the 1981 assassination of President Anwar Sadat, Abdel Rahman was acquitted, expelled from Egypt and fought alongside the mujahideen. He later orchestrated the 1993 World Trade Center bombing and died serving his sentence in a US federal penitentiary.

Ayman al-Zawahiri was a contemporary of Abdel Rahman and a member of the JI spin-off organisation responsible for Sadat's assassination in 1981, the Egyptian Islamic Jihad (EIJ). Al-Zawahiri and other members of the EIJ spent years in prison after an intense crackdown in the wake of the assassination and there amassed a following. Like Abdel Rahman, al-Zawahiri travelled to Afghanistan upon his release in 1984, where he met bin Laden. Having assumed leadership of the EIJ from abroad, al-Zawahiri formally merged his group with al-Qaeda in 1998 and became its leader after bin Laden's death, a position that he still holds today. Indeed, much of al-Qaeda's leadership have been Egyptians who fought with the mujahideen. Egyptian Abu Ayyab al Masri trained in Afghanistan before becoming one of the leaders of the al-Qaeda-affiliated Islamic State of Iraq – the precursor to ISIS under Abu Bakr al-Baghdadi.

2011-2014: The Next Exodus

After Sadat's assassination, the presidency of Hosni Mubarak saw various approaches to dealing with Islamists in the country, many of whom were non-violent but were considered a political threat. The years from 1992 to 2000 saw a

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3   For the purposes of this paper, I use transnational jihadist movements to describe groups, organisations or networks adhering to and advocating for a Salafi-jihadi religious ideology, and which transcend state boundaries. While there are noteworthy differences between these groups across contexts, the motivations to join, worldviews shared by, and, most especially, the glorification and politicisation of violence among them are similar.

4   E Cody, 'Egypt Says It Trains Afghan Fighters,' *Washington Post*, 14 February 1980. Available at: https://www.washingtonpost.com/archive/politics/1980/02/14/egypt-says-it-trains-afghan-rebels/a09f455a-fca0-48c0-b7fe-12e8c9bcede6/?utm_term=.a658af51e89e

concerted crackdown: tens of thousands were arrested and detained, often in administrative detentions without charge, allowed by a state of emergency that had been in place since 1967. In 2011, the state of emergency expired and was not renewed, a demand of the popular uprisings at the time. The expiration of the state of emergency meant that the legal justification for keeping those held under it in prison was removed, casting into question the legal status of those held in administrative detention, and many began to be released. An investigation from independent Egyptian media outlet *Mada Masr* revealed that over 800 Islamists were released under the interim government and another 80 under Muslim Brotherhood president, Mohamed Morsi.

Many were non-violent Islamists or even simply in the wrong place at the wrong time,[5] but others caused far greater security concerns. In 1999, Ahmed Salama Mabrouk was sentenced to 15 years in a military prison as part of a case against the EIJ; while incarcerated, he led a group of militants that rejected the EIJ's calls for non-violence in 2006. After being released from prison after 2011,[6] Mabrouk travelled to Syria and joined the leadership of the al-Qaeda-linked Nusra Front, remaining through its evolution to Jabhat Fatah al Sham until he was killed in a US airstrike in 2016. Muhammad Jamal Abdo Al Kashef was the former operational commander of the EIJ under Ayman Al Zawahiri and was released from prison in 2011. He then founded and led an al-Qaeda affiliate, the eponymous Muhammad Jamal Network, setting up training centres in Libya, training some of the militants who carried out the 2012 attack on the US embassy in Benghazi that killed four Americans: Ambassador Christopher Stevens, US foreign service officer Sean Smith and CIA operatives Glen Doherty and Tyrone Woods. Jamal eventually travelled back to Egypt where he formed another al-Qaeda affiliate, known as the 'Nasr City Cell', which was accused of having planned several attacks, although never actually taking action. He was arrested by Egyptian authorities in a 2012 raid.[7]

After Morsi's ousting and amid public sentiment that had turned against Islamists, the Muslim Brotherhood was, for the first time, labelled a terrorist organisation in Egypt, and police began rounding up tens of thousands suspected of Islamist affiliation or support for former president Morsi, and quelled Islamist-led demonstrations with force. The push and pull factors of these harsher attitudes towards Islamists at home and perceived failures of nonviolent Islamism on the one hand, and the attractiveness of contributing to the fight against Assad in Syria or the establishment of the

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5   H Bahgat, 'Who Let the Jihadis Out,' *Mada Masr*, 16 February 2014. Available at: https://madamasr.com/en/2014/02/16/feature/politics/who-let-the-jihadis-out/

6   It is unclear on what terms Mabrouk was released, as his sentence had not been completed.

7   Also present in the same neighbourhood that housed the Nasr City cell was Hisham Ashmawy, a former Egyptian special forces officer who is suspected of masterminding some of the deadliest attacks on Egyptian soil since 2011. Ashmawy initially fought alongside militants in North Sinai but left for Libya around the time that the group pledged allegiance to ISIS. From Libya he established several jihadi training centres until he was captured by Libyan National Army forces in Derna in October of this year. It is unknown whether or to what degree Ashmawy was in contact with the Nasr City cell during his time there.

'Caliphate' on the other motivated Egyptians to leave the country.[8] One famous example was the 'hipster jihadi', Islam Yaken, a young aspiring bodybuilder who left the upper-middle-class Cairene neighbourhood of Heliopolis for Syria; Yaken began to follow a conservative Salafist preacher and, after becoming disillusioned with the political process in 2013, decided to travel to Syria where he posted images of severed heads and other acts of violence.[9] Another young man, facing trial in a terrorism case, revealed that he had travelled to Syria primarily due to financial struggles and in an attempt to get married. After speaking with friends who encouraged him to deepen his religiosity and travel abroad, he secured a tourist visa to Turkey, through which he entered Syria and received four weeks of military and spiritual training. Following his training, he was married to a Syrian widow and received a monthly stipend of 600 dinars.[10] The young man returned to Cairo less than a year later, carrying out surveillance and other missions for the Egyptian al-Qaeda-affiliated terror group Ansar Bayt al-Maqdis.

Challenges to determining number of Egyptian FTFs

While these cases are instructive in showcasing the variety of profiles, travel patterns and threats posed, they are not comprehensive or necessarily representative of the total population of FTFs. Assessing the total magnitude of the FTF phenomenon is made difficult by unreliability of information, differences in definition and practical and security challenges related to conducting research or investigation. While many of these challenges are common to determining the size of foreign fighter populations,[11] they are all compounded in the case of Egypt.

Reliable information is notoriously difficult to access in Egypt, particularly on security issues. The process of investigating security-related offences is shrouded in a secrecy that is facilitated both by laws and norms: court records are not regularly made public, lawyers may not even know clients' charges until well after a case is referred to trial and the use of military tribunals (where civilians are regularly tried) further obscures information around potential FTFs in the courts. Torture and forced confessions are pervasive, casting serious doubt on the reliability of information presented to and from Egyptian government officials; a recent report from Human Rights

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[8] For more on attitudes and social factors contributing to Egyptians' mobilisation towards Syria: Devron, J, 'Embracing Salafi Jihadism in Egypt and Mobilizing in the Syrian Jihad,' Middle East Critique, 25: 4, July 2016.

[9] M El-Naggar, 'From a Private School in Cairo to ISIS Killing Fields in Syria,' *New York Times,* 19 February 2015. Available at: https://www.nytimes.com/2015/02/19/world/middleeast/from-a-private-school-in-cairo-to-isis-killing-fields-in-syria-video.html

[10] H Bahgat, 'The Arab Sharkas Cell: The Quasi-Cover Military Trial of Ansar Bayt al-Maqdes,' *Mada Masr*, 2 September 2014. Available at: https://madamasr.com/en/2014/09/02/feature/politics/the-arab-sharkas-cell-the-quasi-covert-military-trial-of-ansar-beit-al-maqdes/

[11] Schmid, 2015.

Watch described an 'assembly line' of torture through criminal proceedings, specifically designed to collect false information that could be used to build a case.[12]

In addition to difficulty in assessing credibility of information, challenges in defining what constitutes a 'terrorist' entity create obstacles to assessing the problem as well. Regarding FTFs, most definitions refer to individuals' presence in a territory for which they do not hold nationality and participation in terrorist activities (the definition of which is, of course, also contested). However, there is wide discrepancy in terms of how these activities are defined, whether material support that does not amount to combat would be included, and how to deal with the matter of those (especially women and children) who may not have provided direct support, or who were coerced.[13] The definition of terrorist entities by states is also subject to the political context in which they are designated: Egypt, for instance, regards members of the Muslim Brotherhood as terrorists, at home and abroad, though its efforts to advocate for a similar designation in the United States have largely fallen flat. Finally, while ISIS in Iraq and Syria has undoubtedly attracted the greatest number of FTFs, other entities present in these and other countries have also attracted fighters, who may or may not be included in estimates. Indeed, by the time ISIS had established its grip in 2014, the Syrian theatre had already become a magnet of previously unseen proportions, with many joining Ahrar al-Sham and Nusra Front, as they were known at the time. Additionally, Egyptians have recently carried out violence and trained with (or trained) armed groups throughout the Sahel, in Libya, in Gaza and elsewhere in the region. Pinpointing figures becomes further complicated as it is unclear which may have relocated from other conflict sites and which represent new cases of fighters leaving Egypt.

Additionally, the ability of media, civil society or scholars to conduct credible investigations has been severely limited by the Egyptian state's national security laws and norms, in what many have termed a 'crackdown'. Media gags on security issues are regular; mobility restrictions are in place into and around North Sinai; anti-terror legislation criminalises reporting figures other than those of the government; and researchers and journalists are regularly imprisoned, tortured and even killed for carrying out their work. In one example, researcher Ismail Iskanderani, who had conducted research into security and social dynamics in North Sinai and had held a fellowship at the prestigious DC-based Wilson Center, was sentenced to 10 years in a military trial on charges related to 'spreading false news'. His case underscores the prohibitive considerations researchers must make in verifying government accounts or conducting independent investigations into any security-related issue.

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[12]   Human Rights Watch, 'Egypt: Torture Epidemic May Be Crime Against Humanity,' September 2017. Available at: https://www.hrw.org/news/2017/09/06/egypt-torture-epidemic-may-be-crime-against-humanity
[13]   For more on the various definitions: Schmid, 2015.

The unique position of North Sinai

Egypt's North Sinai province, geographically isolated from the mainland and sharing a border with Gaza, has seen most of the country's militant activity over the last decade and some of the deadliest mainland attacks have been planned from there. According to statistics gathered by the Tahrir Institute for Middle East Policy (TIMEP), the province has been the location of 2,055 terror attacks from 2010 to present day, and 991 civilians and nearly 1,200 security forces have been reported killed in the province during that time.[14] The province has been the site of militant training facilities; fighters from North Sinai have carried out attacks on the mainland; and it is the primary destination for Egyptians seeking to join jihadist movements.[15] In November 2014, the formerly Al-Qaeda-affiliated Ansar Bayt al-Maqdis pledged allegiance to ISIS leader Abu Bakr al-Baghdadi and became known as Wilayat Sinai.[16]

There is no public consensus on the number of fighters in the province, whether Egyptians from the mainland, Bedouins native to North Sinai or fighters who have travelled from Syria and Iraq. Anecdotal accounts did suggest the presence of the latter, particularly in mid-2014 at the time of cementing allegiance to ISIS, but it is unknown how many have stayed or entered since that time. While those who leave mainland Egypt for Sinai are not counted among the country's 'foreign' fighters, Egyptian prosecution files suggest that many leave from Sinai to travel abroad, and most of the cases of violence carried out in mainland are perpetrated by fighters who spent at least some time in Sinai. Thus, North Sinai presents many of the same challenges for Egypt's security policy as a foreign territory, as well as many of the same challenges for research into the scope of the problem. North Sinai underscores that the *concept* of 'foreign fighter' may, in some cases, not be limited to those who leave state territory.

Some estimates

Having established the difficulty in assessing accuracy, several figures have been put forward on the number of Egyptian FTFs. Most open-source estimates seem to derive from one of two sources: a 2015 report by the London-based International Centre for the Study of Radicalisation (ICSR) estimated 350 Egyptian FTFs, and a 2017

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[14] To reference the methodology used to collected these figures, see: The Tahrir Institute for Middle East Policy, 'Five Years of Egypt's War on Terror,' July 2018, p 54: https://timep.org/wp-content/uploads/2018/07/TIMEP-ESW-5yrReport-7.27.18.pdf

[15] Bahgat, September 2014.

[16] Wilayat Sinai is translated from Arabic as 'Sinai Province,' referring to its position as one of the provinces in ISIS. The allegiance to ISIS caused a split within the group, with some members insisting on maintaining affiliation with al-Qaeda. Some of these left the group and travelled to Libya; al-Qaeda has recently reasserted its presence in Egypt with resumed activity in late 2017 through its affiliates Ansar Islam and Jund al-Islam.

Soufan Center report written by Richard Barrett estimated 600.[17] No methodology is available for the ICSR report. The Soufan Center report references a 2015 article in the *New Yorker* magazine which cites ISIS expert and TIMEP Fellow Hassan Hassan that 'around six hundred Egyptians have gone to fight in Syria and Iraq'.[18] The same figures have been cited in a March 2018 UN report, a 2018 European Institute of the Mediterranean report, not-for-circulation documents provided at security convenings and other news media reports. Yet, when I asked Hassan about the source and scope of this figure, he did not immediately recall.

Much higher estimates have been put forward, which appear to include those fighting with other groups in Syria. A 2013 estimate from former Egyptian Member of Parliament Dr Mostapha Naggar estimated 2,000 fighters had travelled to Syria to fight alongside anti-Assad forces. Dr Naggar has since been forcibly disappeared and is thus not available to clarify his sourcing. A 2014 report from Dr Mustafa Menshawy cited 5,000 foreign fighters, based on information from an anonymous Egyptian government official, but did not clarify whether these were fighting with ISIS or other forces, or during what time period.

Reports or estimates from government officials seem to reflect the estimates from the Soufan report. A 2015 *New York Times* article cites an unnamed Egyptian Interior Ministry figure of 600,[19] despite the stark contrast with the anonymous official cited by Menshawy. Consecutive reports on progress towards the UN Resolution 2178 issued after this time cited that Egypt 'does not possess accurate information' on the number of foreign fighters.[20] While Egypt does monitor threats exiting and entering the country, the legal, political and practical definition of terrorism is broad enough to include political dissidents, members of the Muslim Brotherhood and others who may not be engaged in internationally recognised acts of 'terrorism', making the accuracy of its figures difficult to assess. (As will be detailed later in this report, no specific legislation or policy exists to deal with FTFs separate from that dealing with terrorism generally.)

US government officials independently corroborated figures from the Soufan report, estimating the number who left Egypt to fight alongside ISIS at between 500 and 600; this figure did not include children under 12 years old or those who may have joined

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[17] R Barrett, 'Beyond the Caliphate: Foreign Fighters and the Threat of Returnees,' The Soufan Center, October 2017. Available at: http://thesoufancenter.org/wp-content/uploads/2017/11/Beyond-the-Caliphate-Foreign-Fighters-and-the-Threat-of-Returnees-TSC-Report-October-2017-v3.pdf; and P. Neumann, 'Foreign fighter total in Syria/Iraq now exceeds 20,000; surpasses Afghanistan conflict in the 1980s,' The International Centre for the Study of Radicalisation, January 2015. Available at: https://icsr.info/2015/01/26/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/

[18] P Hessler, 'Egypt's Failed Revolution,' *New Yorker,* 2 January 2017. Available at: https://www.newyorker.com/magazine/2017/01/02/egypts-failed-revolution

[19] El-Naggar, 2015.

[20] UN Security Council Counter-Terrorism Committee Executive Directorate, 'Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters,' September 2016. Available at: https://www.un.org/sc/ctc/wp-content/uploads/2016/09/FTF-Report-1-3_English.pdf

other opposition groups (and who may have carried out terrorist activity with them). In meetings held in October 2018, other US State Department officials downplayed concerns over FTFs returning to Egypt (compared to domestic, internal terrorist threats) and indicated that they were not actively monitoring any estimates.

The Washington Institute's Aaron Zelin, in his report on foreign fighters in Libya, estimated the number of Egyptian FTFs in Libya at 112 from 2011 to 2017. His findings were based on open-source information, while noting no Egyptian government figures exist on this data as well.

Regardless of the actual number of returnees, as the historical cases demonstrate, even a very few dedicated and well-trained FTFs still pose a serious policy concern. They may (and have in Egypt) return to carry out attacks in the country, recruit fighters to carry out violence there or elsewhere, train or equip existing militants or establish new militant formations. Thus, successful mitigation of the threat is contingent both on ensuring that these individuals do not continue to engage in terrorist activity upon returning, but also on addressing the environment in which they may be able to join, recruit, train or inspire.

Measures taken to address foreign terrorist fighters in Egypt

The Egyptian state, including various administrations and leadership of its security forces, has often portrayed terrorism as a threat originating from outside its own borders. In some recent instances, most notably in the case of military officer-turned-jihadist Hisham Ashmawy, who was captured in Derna, Libya in October 2018 after having been suspected of orchestrating some of Egypt's deadliest terror attacks since 2013, cases of Egyptians having travelled abroad are raised to high levels of national security. In other instances, President Abdel Fattah el Sisi and others have publicly voiced concerns over fighters travelling across borders to enter Egypt. As evident with the cases detailed in the next section, court records indicate the Egyptian judiciary and law enforcement are aware of the threat that returning FTFs pose to the country. Despite this, very few specific laws, programmes or policies exist to deal with the FTF issue, and very few were put in place to deal with the unprecedented phenomenon since 2013.

Egypt does not have any singular law criminalising foreign terrorist fighting, though its counterterrorism legislation does include language criminalising engaging with foreign organisations for the purposes of conducting terrorism inside and outside of Egypt. Article 86 of Egypt's penal code, which was most recently amended in 1992, outlines penalties up to capital punishment for individuals who are found to have worked with foreign organisations to commit terrorist crimes in Egypt, and hard labour for Egyptians who have cooperated with or joined organisations to commit terrorist acts, even where they do not target Egypt. In 2015, President Abdel Fattah

El Sisi, legislating by executive decree in the absence of a parliament, passed additional counter-terror legislation in 2015 designed to 'stiffen' the existing penal code. This legislation, which was not explicitly tied to returning foreign-fighter threats, does include provisions criminalising training with foreign terrorist organisations (including a minimum ten-year sentence) as well as for crimes committed outside of Egypt.[21]

The 2017 US State Department *terrorism report*[22] on Egypt mentioned adequate screening procedures at airports. A new policy was introduced in 2014 that explicitly sought to stem the flow of individuals joining terrorist organisations, which requires any citizen aged 18 to 40 to obtain approval from the authorities before travelling to Turkey, Iraq or Syria. The policy was never fully publicly articulated, and rights groups have noted the broad application of travel bans and passport confiscation that extend to political opposition, scholars and civil society actors.[23]

The State Department report also highlighted deficiencies in inter-agency communication between Egypt's various security bodies and 'significant physical border security concerns' on the border with Gaza and Libya. A 2017 Transparency International report[24] further alluded to potential corruption on the Libyan border, where Egyptian officers were paid bribes to facilitate the flow of illicit goods and people. In February 2018, the Egyptian military announced an escalated military campaign 'Comprehensive Operation Sinai 2018' that sought to, according to military spokesman Tamer el Rifai, 'comprehensively confront terrorism and other criminal activities'. The campaign, which remains ongoing, has seen operations in North Sinai and the western border with Libya, and has seen increased coordination between various security branches. To date, the military has reported it has killed over 400 and arrested over 2,000 more in this campaign alone. Very little information has been publicised on the identities of those killed and arrested, the crimes they may have been suspected of, whether they had links to organisations or trained abroad.

Foreign fighter case studies

In assessing the ability of the Egyptian state – particularly its security and judicial apparatuses – to ensure that returnees are not able to continue to engage in terrorist activity, examining cases where fighters are alleged to have travelled abroad are particularly instructive. In prosecution related to an October 2017 attack on a convoy

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21   The Tahrir Institute for Middle East Policy, 'Law Brief: Egypt's Counterterrorism Law,' August 2018. Available at: https://timep.org/wp-content/uploads/2018/08/TIMEP-Counterterrorism-Law-Brief.pdf

22   US Department of State, 'Country Reports on Terrorism 2017,' September 2018. Available at: https://www.state.gov/documents/organization/283100.pdf, p 129

23   Human Rights Watch, 'Egypt: Scores Barred from Traveling,' November 2015. Available at: https://www.hrw.org/news/2015/11/01/egypt-scores-barred-traveling

24   A Hendawy, 'Corruption: a lifeline for extremist groups in Libya,' in Transparency International, 'The big spin: corruption and the growth of violent extremism,' February 2017. Available at: http://ti-defence.org/wp-content/uploads/2017/02/The_Big_Spin_Web.pdf, p 13

of security personnel at the Bahariya Oasis, in which at least 16 military personnel were killed,[25] 43 defendants were charged with multiple offences including joining ISIS, targeting security personnel, conducting a terrorist attack and premeditated murder. According to the court proceedings, Libyan Abdel Rahim Muhammad Abdullah al-Masmari is alleged to have trained with Egyptian military-officer-turned jihadist Emad Eldin Ahmed Mahmoud Abdel Hamid in Libya[26] before the pair and an unknown number of other men crossed the desert and formed a training camp on the Egyptian side of the border, from which they are alleged to have carried out the attack. Eleven days after having conducted the attack, al-Masmari was apprehended by Egyptian security forces; Abdel Hamid was killed in an airstrike in Egypt on 3 November 2017, two weeks after the attack took place.

In an ongoing case against the organisation Ansar Bayt al-Maqdis, 213 defendants face 54 separate charges, including the attempted assassination of former Interior Minister Mohamed Ibrahim in September 2013, attacks on the Cairo and Qalyubia Security Directorates in 2014 and 2015, receiving military training abroad with the intent of harming the Armed Forces and killing 40 police and military personnel as well as 15 civilians. The public prosecution alleged that at least five of the defendants travelled to Syria through Turkey to receive military training, while others allegedly trained in the military camps of Hamas' armed wing, the Qassam Brigade. Some of the defendants are alleged to be members of the Muslim Brotherhood acting in solidarity, while other defendants are alleged to have pledged allegiance to Ansar Bayt al-Maqdis due to the alternative life offered in combating the government rather than living through continued financial hardships; nine of the defendants faced military trial in another case, and six were executed in May 2016, amid outcry from rights organisations over due process violations.

In another case, 278 defendants were referred to trial in May 2018 for having allegedly carried out 12 terrorist operations in various governorates throughout Egypt in 2016 and 2017 under the guise of Hasm and Liwa Thawra, two domestic organisations that claimed assassinations of prominent government and military officials in Egypt. The public prosecution alleged that some of the defendants travelled to Sudan to engage in military training as well as communicated with organisation leaders based in Turkey who provided guidance in conducting the terrorist operations. The case remains open as of October 2018, and the names of defendants who allegedly collaborated with foreign terror groups are not available.

While unrelated to any act of violence that was carried out, in the 'Libya Returnees' case, 16 defendants faced various charges related to planned attacks including belonging to a terrorist organisation, targeting members of the Armed Forces, the

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[25]   For more on the attack: The Tahrir Institute for Middle East Policy, 'Bahariya Oasis Incident,' October 2017. Available at: https://timep.org/esw/reports-briefs/bahariya-oasis-incident/

[26]   Also known as Abuhatam, the man was known to have been an associate of the former special forces officer Hisham Ashmawy.

police, civilians and public facilities, and seven of the defendants were charged with foreign travel to engage with international organisations for terror purposes. The Cairo Criminal Court sentenced two of the defendants to death, four to life imprisonment, one to 15 years' imprisonment, seven to three years in prison, and two were acquitted (including American citizen Omar Hammam) in a November 2016 ruling, though the Court of Cassation overturned the sentences upon appeal and ordered a retrial in October 2018. Seven of the defendants were accused of having travelled to Libya, Mali and Syria to conduct training and to fight alongside al-Qaeda and ISIS elements. Defendants were forcibly disappeared for periods ranging from three to over 100 days; defendants were subsequently kept in pretrial detention past the legally mandated two-year limit. Many attested to torture during detention and exhibited physical signs of mistreatment during their trial, though the judiciary did not investigate this issue. Civil society organisations, notably the Egyptian Initiative for Personal Rights, objected to the initial ruling in the case, arguing that any confessions were given under coercion.

Taken collectively, these cases demonstrate that, even across various time frames, foreign fighting locales and types of actors, there are very few instances in which Egyptian law enforcement has been able to anticipate, detect threats from and successfully seek prosecution against foreign fighters until after attacks have occurred. Only in the instance of the Libya returnees' case, a case which was eventually overturned, were law enforcement able to seek prosecution for crimes related to having travelled abroad before acts of violence were committed. The cases also raise serious doubts as to the judiciary's ability to deliver justice, prevent recidivism and deter further radicalisation. The high instance of torture; the apparently indiscriminate manner of gathering, analysing, and acting upon intelligence; the utilisation of mass trials that may include defendants who face politically motivated charges; the levying of charges based on overly broad and vague national security legislation; infringements on due process that do not allow for fair defence; and the application of the death penalty as a symbolic and retaliatory measure all immediately threaten any serious efforts to mitigate extremist violence.

Detention and deradicalisation practices

Although Egypt had sponsored deradicalisation efforts after the late 1990s (namely supporting clerics or former EIJ or JI preachers advocating for nonviolence or ideological reform), these perhaps never truly amounted to 'programmes', as they relied mostly on softening punitive measures and allowing endogenous efforts to flourish in the groups themselves. Currently no similar efforts exist. Aside from military operations and law enforcement efforts, Egypt has made few commitments to countering or preventing radicalisation. Although Sisi has made vocal calls for 'religious revolution', these have not been accompanied by action plans or strategic

vision, but rather have resulted in efforts to conform religious thought to state-approved norms. Examples include the standardisation of Friday sermons and the application of blasphemy laws against those with non-normative views.[27] Yet stricter control of religious thought may have a negative impact, curtailing free expression and debate and pushing nonconformists to extremes.

Worse yet, Egyptian prisons have become notorious for fuelling radicalisation.[28] A UN handbook on preventing pathways to extremist violence prioritises respect for prisoner rights and conducting rigorous risk assessments that guide detention practices (including pretrial detention);[29] in no case studied here were such practices put in place. Academic literature also points to overcrowding as the most prevalent variable leading to radicalisation across many contexts;[30] Egypt's prisons are notoriously overcrowded, and US State Department reports on human rights mention 'life-threatening prison conditions' as among the most significant concerns for Egypt.[31]

Indeed, first-hand testimony from Egypt's prisons confirms the success of jihadis' efforts to radicalise, by one prisoner's account, 'many people – not one or two or three, many'.[32] Mohamed Soltan, founder of the DC-based Freedom Initiative, was arrested after the clearing of the Raba'a al-Adaweya protest camp and imprisoned in Egypt from 2013 to 2015 on charges of belonging to a terrorist group. He described the conditions in the prison: political dissidents, Muslim Brotherhood supporters and jihadis were all held together, and jihadis made concerted efforts to recruit and advocate violence.[33] In a congressional testimony, Soltan explained: 'Inside prison, given the lack of space for dissent and a growing feeling of betrayal and abandonment, is a very large and diverse crowd of young political prisoners who are more susceptible to the process of radicalisation.'[34]

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27 For more, see: S Amin, 'President Sisi's Promise of Religious Revolution Remains Unfulfilled,' *Egyptian Streets,* July 2016. Available at: https://egyptianstreets.com/2016/07/05/president-sisis-promise-of-religious-revolution-remains-unfulfilled/

28 Arab Reporters for Investigative Journalism and *Mada Masr,* 'Made in Prison [Ar],' December 2018. Available at: https://arij.net/made_in_prison/

29 UN Office on Drugs and Crime, 'Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons,' October 2016. Available at: https://www.unodc.org/pdf/criminal_justice/Handbook_on_VEPs.pdf

30 A Silke and T Veldhuis, 'Countering Violent Extremism in Prisons: A Review of Key Recent Research and Critical Research Gaps,' *Perspectives on Terrorism*, 11:5, October 2017.

31 US Department of State, 'Egypt 2017 Human Rights Report,' 2017. Available at: https://www.state.gov/documents/organization/277483.pdf

32 L Fadel, 'As Egypt's Jails Fill, Growing Fears of a Rise In Radicalization,' *NPR Morning Edition,* August 2016. Available at: https://www.npr.org/sections/parallels/2016/08/24/491170122/as-egypts-jails-fill-growing-fears-of-a-rise-in-radicalization

33 D Kirkpatrick, 'US Citizen, Once Held in Egypt's Crackdown, Becomes Voice for Inmates,' *New York Times,* 29 August 2015. Available at: https://www.nytimes.com/2015/08/29/world/middleeast/us-citizen-once-held-in-egypts-crackdown-becomes-voice-for-inmates.html

34 M Soltan, Testimony before US House of Representatives Tom Lantos Human Rights Commission, November 2015. Available at: https://humanrightscommission.house.gov/sites/humanrightscommission.house.gov/files/documents/Mohamed%20Soltan%20Testimony_0.pdf

Even more alarming, former detainees describe the treatment of jihadis as being superior to those of other prisoners, particularly political prisoners. By some accounts, jihadis may have freer movement, access to cell phones or visits and access to literature while in prison. Soltan related how a man who had 'narrated the progression of his change in allegiance from al Qaeda to the "Islamic State"' celebrated his release from prison on the day that some of those in Soltan's case received death penalty sentences.[35] These practices create a dynamic much like with other prison gangs, encouraging radicalisation for the sake of protection or preferential treatment. By other accounts, those who do not join may face violence at the hands of the jihadis.[36] In August 2018, political activist Ahmed Douma reported physical assaults from those his family described as 'members of Wilayat Sinai': while attending a retrial hearing, Douma was left in an area open to those who had previously verbally harassed him, calling him an infidel. This time, the men attacked him, and prison guards were forced to intervene to quell the uprising. A statement from his family reported that this was the third time a similar scenario had happened and questioned whether the neglect was intentional on the part of the Interior Ministry.[37]

Rights and security implications

While the importance of rights in practices and norms surrounding returning fighters (and in counter-terror, counter-extremism and counter-insurgency (COIN) approaches more broadly) may seem obvious, it cannot be understated. Domestic rights protections, as well as legal and prosecutorial norms that consider and respect international human rights law, form a basis to protect or advocate on behalf of the rights of defendants in terrorism cases in many countries, no matter how brutal the crimes of which they are accused or taboos surrounding them. In Egypt, however, this is not the case. Rights protections have been so severely eroded that every case examined herein contains a rights violation, a violation of international law and, in many cases, even the spirit (or letter) of the Egyptian constitution and law. Furthermore, little recourse is available to advocate for more humane treatment or to seek justice where violations occur.

Beyond a social stigma associated with breaking taboos, those who have represented defendants in terrorism cases have themselves become victims of harassment in media and on the part of the state: this was the case with lawyer Yasmin

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35 Soltan, 2015.
36 Fadel, 2016.
37 A Douma, Facebook post [Ar], August 13, 2018. Available at: https://www.facebook.com/Douma.Page/photos/a.699103076835026/1943947842350537/?type=3&theater; and *Mada Masr,* 'Family of imprisoned activist Ahmed Douma reveals details of assault,' August 18, 2018. Available at: https://madamasr.com/en/2018/08/18/news/u/family-of-imprisoned-activist-ahmed-douma-reveals-details-of-assault/

Hosam el Din, who had represented 22-year-old Mahmoud Shafiq Mohammed Mustafa, the suicide bomber who killed 24 in a 2016 attack on St Mark's Cathedral in Cairo, in a 2014 case in which he was arrested on suspicion of belonging the Muslim Brotherhood. After the church attack, Hosam el Din posted details about her client's prior case on Facebook, including information that he had been tortured while in custody in 2015. Hosam el Din was subject to a vicious media campaign fuelled by the country's intelligence agencies, and members of parliament called for her to be investigated on suspicion of attempting to undermine the state.[38] Similar campaigns of harassment against rights lawyers are widespread and often more severe (though not limited to the defence in terrorism cases); rights lawyers have recently been arrested *en masse* on national security charges.[39]

The tendency to disregard or downplay rights protection in approaches to countering terror is, of course, not unique to Egypt, but because the dynamic has consequences that extend beyond the wellbeing of the individual, it risks undermining global efforts to counter terrorism. Intelligence gathered from torture or forced confessions is unreliable and may lead to faulty analysis or fail to inform effective action. Furthermore, the collection of intelligence elicited by torture raises serious questions about the reliability, ethics and legality of intelligence sharing with Egypt. Indeed, Egypt is one of the 67 member countries in the global coalition to fight ISIS, which lists as part of the coalition's mandate the development of information-sharing agreements, particularly with regard to the issue of foreign fighters.[40] Little information is made available about which countries participate in these specific endeavours and to what extent. International law is unequivocal in a universal and absolute ban on torture, and a 2001 report from the International Law Commission clearly establishes responsibility for a state aiding or assisting another state in a wrongful act, which legal scholars argue may make international partners responsible when sharing information in counter-terror efforts.[41]

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[38] M Fares, M El Sayed and R El Masry, 'Yasmin Hossam incites against the state after church bomber's identity released [Ar],' *Youm7*, 12 December 2017. Available at: https://bit.ly/2RvSsc2; on the control of media by intelligence bodies, Reporters Without Borders, 'Egyptian intelligence services extend control over media,' September 2017. Available at: https://rsf.org/en/news/egyptian-intelligence-services-extend-control-over-media; and H Bahgat, 'Looking into the latest acquisition of Egyptian media companies by general intelligence,' *Mada Masr,* 21 December 2017. Available at: https://madamasr.com/en/2017/12/21/feature/politics/looking-into-the-latest-acquisition-of-egyptian-media-companies-by-general-intelligence/

[39] Human Rights Watch, 'Egypt: Mass Arrests of Lawyers, Activists,' November 2018. Available at: https://www.hrw.org/news/2018/11/18/egypt-mass-arrests-lawyers-activists

[40] The Global Coalition, 'Impeding the Flow of Foreign Terrorist Fighters,' February 2017. Available at: http://theglobalcoalition.org/en/preventing-the-flow-foreign-fighters/

[41] UN General Assembly, Report of the International Law Commission on the work of its 53rd session, 26 November 2001. Available at: http://www.un.org/documents/ga/docs/56/a56589.pdf; and for more on international legal obligations in the global war on terror: https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1193&context=annlsurvey; and Association for the Prevention of Torture, 'Beware the Gift of Poison Fruit: Sharing Information with States that Torture,' 2012: https://www.apt.ch/content/files_res/report-exclusionary-rule-workshop-en.pdf

Conclusion

The relationship between international law and global efforts to counter terrorism is clearly stated in UN Security Council Resolution 2178 of 2014, which calls on states to address the issue of foreign fighters: 'respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures',[42] as well as the ensuing 2015 Madrid Principles developed by the Security Council Counter-Terrorism Committee headed (perhaps ironically) by Egypt's ambassador to the UN. With this in mind, and outside of legal or ethical responsibility, the manner in which (and support for the manner in which) Egypt is currently dealing with returning fighters is unproductive. It not only fails to prevent violence; it also reinforces and recreates the same dynamics that led many to the decision to embrace extremist violence and to travel abroad in its pursuit.

Rather, adequately and appropriately addressing the threat posed by returning FTFs requires both specific measures taken and systemic legal and security sector reform. To begin, Egypt should establish explicit legislation and security policy that deals with those suspected of having trained or committed terrorist acts abroad. To do so will require reform of existing anti-terror legislation to consolidate the laws and bring them in line with international legal standards, eliminating overly broad language and allowing them to be used to specifically target the highest threats. More targeted legislation and prosecution will have the additional effect of mitigating overcrowding, exposure and radicalisation in prisons, by ensuring that mass trials and sentencing do not result in non-violent offenders facing terrorism charges and detention with those who have committed terrorist acts. Allegations of corruption among border security, torture and other rights abuses at the hands of security personnel, and high death rates reported in counter-terrorism operations should be investigated to ensure that resources are most effectively being used to target threat actors and that intelligence gathered is reliable and may lead to more effective operations and prosecutions. Implementing such reforms is the first step to bring an interruption in the cycle of extremist violence present in Egypt for decades, and which, as many of the cases presented here illustrate, has perpetuated and exacerbated cycles of extremist violence worldwide for decades.

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[42]   UN Security Council Resolution 2178, 2014. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2178%20%282014%29

MOROCCO'S RESPONSE TO FOREIGN TERRORIST FIGHTERS: TIGHTER SECURITY AND DERADICALISATION

KATHYA KENZA BERRADA

Morocco has successfully prevented terrorist attacks over the past few years, in spite of a real jihadi challenge. More than a thousand Moroccans joined Islamic State (ISIS) and other terrorist groups in war zones. While not a new phenomenon, the number of Moroccans among foreign terrorist fighters (FTFs) is significant and unprecedented.

The security component remains at the heart of the Moroccan approach to tackling the issue of local jihadists and returning foreign fighters. Nevertheless, Morocco has also engaged in reforming its legal system and introducing de-radicalisation programmes in jails. More broadly, Morocco engaged more than a decade ago in reforming the religious sphere with the aim of countering the radical religious rhetoric perceived to be at the root of the problem.

Moroccan foreign terrorist fighters in Syria and Iraq

In a speech in summer 2014, ISIS leader Abu Bakr Al-Baghdadi singled out Morocco as a potential target for terrorist attacks. The terrorist threat was not new to Morocco, and the authorities never underestimated that threat, but the speech brought back to the surface the specific risks related to the return of FTFs, either seeking to commit attacks or to inspire others to do so. With the exception of the killing of two Scandinavian backpackers in the Atlas Mountains in December 2018, no terrorist attacks have occurred since the 2011 Marrakesh bombing in the very touristic site of Jama Al Fana, which killed 17 people and injured more than 20 others. The attack was attributed to al-Qaeda in the Islamic Maghreb (AQIM), although the group denied responsibility. In a recent development, Moroccan authorities arrested several members of a terrorist cell in April 2019, led by a returnee from Syria. He was allegedly planning attacks in Morocco.[1]

Due to the scarcity of independent research on the number of Moroccan FTFs, most of the data available come directly from official Moroccan authorities and more specifically from the Moroccan Ministry of Interior and the Central Bureau of Judiciary Investigation (Bureau Central d'Investigation Judiciaire, BCIJ), a special unit in charge of terrorism-related activities. The small number of reports from

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[1] Latifa Al Arosni, 'Morocco Arrests Terror Cell Led by Former Fighter in Syria', *Asharq Al awasat*, 11 April 2019, https://aawsat.com/english/home/article/1674796/morocco-arrests-terror-cell-led-former-fighter-syria?amp&__twitter_impression=true

independent sources, such as the Wilson Center,[2] the *Washington Post*[3] or the United Nations (UN),[4] reveal figures that are merely reflecting or very similar to the ones disclosed by the Moroccan authorities.

Figures in this paper come mostly from an internal BCIJ document.[5] The document is more comprehensive than other available sources as it discloses information on gender and affiliation to specific jihadi groups. According to this internal document, the number of Moroccans who travelled to Syria and Iraq between 2013 and 2017 totalled 1,664 individuals. It is estimated that this figure includes 285 women and 378 children. A report by the security and intelligence consultancy AICS had a slightly higher estimate for the number of Moroccan foreign fighters in both Syria and Iraq: a total of 1,800 FTFs.[6]

Recruitment of Moroccan foreign fighters increased and reached its peak between June and December 2013. During that six-month period, more than 900 Moroccans joined the fight in Syria. The majority of them joined ISIS.

Not all Moroccans travelled all the way to the Levant, however. A number of them went to less-distant Libya. They are estimated at around 300 by Moroccan authorities, as of January 2018. No information was available with regard to group affiliation, age or gender with regard to that contingent.

Table 1: Moroccan FTFs in Syria, Iraq and Libya

Moroccan FTFs in Syria/Iraq: 1,664	
Age/Sex	Affiliation
Men: 1,001	ISIS: 929
Women: 285	Harakat sham al Islam: 100
Children: 378	Jabhat Nusra: 50
	Others: 585
Moroccan FTFs in Libya: 300	
TOTAL Moroccan FTFs: 1,964	

If Europeans of Moroccan origin were included, the official estimate would probably increase to somewhere between 2,000 and 2,500 fighters in total. The issue of binationals is of a critical importance for Moroccan authorities as Europeans of

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2   Aaron Y Zelin, 'The Others: Foreign Fighters in Libya'', *The Washington Institute for Near East Policy*, 2018, https://www.washingtoninstitute.org/uploads/PolicyNote45-Zelin.pdf

3   Tim Meko, 'Now that the Islamic State has fallen in Iraq and Syria, where are all its fighters going?', *Washington Post*, 22 February 2018, https://www.washingtonpost.com/graphics/2018/world/isis-returning-fighters/?utm_term=.edb3f0ecef3f

4   Tamba Koudounou, '1,473 Moroccan Jihadists Fighting with Resilient ISIS', *Morocco World News*, 15 August 2018, https://www.moroccoworldnews.com/2018/08/252192/1473-moroccan-jihadists-fighting-with-resilient-isis/

5   Data directly provided by the Moroccan Central Investigation Bureau on March 2018. The document is an internal one but can be disclosed publicly.

6   'Morocco should brace for return of ISIS foreign fighters', *The North Africa Post*, 3 February 2018, http://northafricapost.com/22063-morocco-brace-return-hundreds-foreign-fighters-report.html

Moroccan descent generally maintain strong family ties with their Moroccan relatives and may decide to return to Morocco rather than to Europe to go under-cover. Furthermore, as European governments increasingly strip binationals convicted or suspected of terrorism of their European citizenship, a number of European FTFs have already and will continue to be expelled to Morocco, thus further adding to the figures and to the burden.

Recruitment for jihad started against the background of the Syrian uprising, which echoed most of the Arab Spring movements. At that time, Morocco was a member country in the Group of Friends of the Syrian People and hosted its fourth meeting in Marrakech, in December 2012. It was during this meeting that the Syrian National Coalition was recognised as the legitimate representative of the Syrian people. During that period, sheikhs across the Sunni Islamic world called for the support of Sunni communities in Syria, which may have been interpreted by young Moroccans as an official endorsement of the war. The jihadi recruitment rhetoric was articulated around religious references and symbols coupled with videos and pictures of the crimes of the Assad regime against civilians and the failure of Western countries to stop the massacres. This context boosted the recruitment of young Moroccans to join jihadi groups in Syria.

According to the Moroccan government spokesperson, Mustapha Al Khalfi, 80 percent of Moroccan FTFs were recruited via social networks, namely Facebook and Twitter.[7] An overall number of 377 Facebook and Twitter accounts linked to ISIS were removed during the first months of 2017, according to the same source. The rate of 80 percent online recruitment may seem very high compared with other available figures in Europe. However, it may be explained by the fact that social control and population surveillance is stronger in Morocco, which leads jihadi groups to favour online networks rather than face-to-face recruitment.

Most Moroccan FTFs have joined Syria via a conventional route, which started with a flight from Casablanca airport to Istanbul followed by a bus trip to Gaziantep in southern Turkey, or Jarablus, which are the neighbouring cities by the Syrian border. It should be mentioned that Moroccans do not need a visa to travel to Turkey. However, when the authorities tightened their control in September 201 as Moroccan forces joined the military coalition against ISIS, jihadists started to opt for alternative itineraries, with stopovers in Tunisia or, in some cases, made their way through Algeria into Libya, before traveling to Syria.

With regard to the profile of Moroccan FTFs, there are very few studies on their socio-economic background prior to joining terrorist groups. One of the rare studies available, by the Observatoire du Nord des droits de l'Homme, a local Moroccan

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7   '80% of Moroccan youth recruited through social media', *Moroccan World News*, 26 May 2017, https://www.moroccoworldnews.com/2017/05/217773/80-of-moroccan-youth-in-isis-recruited-through-social-media-minister/

NGO, found that two-thirds of FTFs were under the age of 25, and three-quarters belonged to the deprived strata that lived in the slums of big and medium-sized cities such as Casablanca, Salé and Tangier, with less than one quarter qualifying as middle class.[8] Northern Morocco, particularly the region of Tangier-Tetouan-Al Hoceima, has historically been an area where disenfranchised youth have been recruited into violent extremist activities. This region of Morocco suffers from high rates of illiteracy, school drop-out and unemployment, and is known as a breeding ground for transnational terrorist networks.[9]

Unsurprisingly, the study implied that joining jihadi groups in war zones is more of a youth and urban phenomenon. It should be remembered that jihadists responsible for the Casablanca bombings of 2003 emerged from the same socio-economic milieu. In 2005, Morocco launched a new socio-economic development initiative entitled the National Initiative for Human Development (INDH). The underlining idea behind this initiative was that poverty and social inequality are serious challenges to political stability and social cohesion, and that poverty was a factor feeding radicalisation, if at least indirectly. Today, the outcomes of the INDH are mixed at best; while the initiative has helped create some thousands of income-generating small-scale activities, it has not triggered the level of socio-economic development articulated as its objective.

A number of FTFs also share a previous judiciary experience. According to Moroccan authorities, 225 of the 1,664 Moroccan FTFs – which represents roughly 13% – were previously condemned for terrorism-related activities. Meanwhile, this also means that 87% of the FTFs were not involved in terrorism before, although they may have been involved in criminal activities.

With a few exceptions, most Moroccan FTFs within ISIS were foot soldiers. According to Moroccan officials,[10] there were only three Moroccans in high-ranking positions in ISIS, including the position of a judge in the city of Mosul, the head of the communications department, and the governor of the Turkmen mountains.

Eventually, the setbacks suffered by ISIS in both Iraq and Syria forced thousands of FTFs to go back to their home countries. According to official Moroccan sources, 596 people from the initial 1,664 (which represents 35.8% of the official Moroccan FTFs estimate) were killed either committing suicide attacks or in the different battles and coalition air strikes in both Syria and Iraq by the end of 2017.

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[8]   UNESCO Report, 'Jeunesse et Extrémisme Violent', 18 April 2017, http://www.unesco.org/new/fileadmin/ MULTIMEDIA/FIELD/Rabat/images/SHS/20170418JeunesseExtremismeViolent.pdf

[9]   USAID, 'Democracy and Governance, 5 November 2018, https://www.usaid.gov/morocco/democracy-and-governance

[10]   Mohammed Masbah, 'Moroccan Foreign Fighters', Berlin: SWP, 10/2015, https://www.swp-berlin.org/en/ publication/moroccan-foreign-fighters/

According to the same sources, the number of returnees at the same date totalled 213, which only represents 12.8% of the total number of Moroccan FTFs. This means that half of the FTFs are still in war zones, either fighting with jihadi groups or captured by local Syrian/Iraqi/Kurdish authorities. The 213 returnees are divided as follows: 146 adult men, 52 women and 15 children. Approximately 200 returnees – almost all of them – have been brought to justice in Morocco and are now in jail. A report by the security and intelligence consultancy AICS estimates the number of foreign fighters who may return to Morocco at 900 individuals.[11] However, this would imply the return of all FTFs still alive in conflict zones, which is highly unlikely.

Previous waves of Moroccan foreign fighters

Moroccans joining Islamic terrorist groups abroad are not a new phenomenon. Initially, a dozen Moroccans travelled to Afghanistan in the 1980s to participate in the Afghan war against the Soviet occupation.

When the Taliban came to power in 1996, a group called the Moroccan Islamic Combatant Group (Groupe Islamique Combattant Marocain, GICM) was formed to represent Moroccan fighters who decided to settle down in Afghanistan and plan for attacks in Morocco at a later stage. The Casablanca attacks of 2003 were attributed to a group with ties to the GICM, as well as the 2004 Madrid bombings. Members of the GICM were considered to be part of broader international jihadi networks linked to al-Qaeda, with ramifications in Europe. A pamphlet described as the 'birth certificate of the GICM', calling notably for the elimination of King Hassan II, was discovered during a major police operation in Belgium in 1998.[12] There are, however, no available data on the number of returnees of this first wave of Moroccan foreign fighters, as they were not then considered a major threat due to their small numbers.

A new wave of Moroccan fighters joined Iraq following the American invasion in 2003. It is estimated that around 200-300 Moroccans managed to join the fight in Iraq, but most ended up killed or jailed there.

After the 2003 Casablanca attacks, a number of figures in the Moroccan Salafi Movement were arrested and received sentences of 20 to 30 years imprisonment. These included some veterans from Afghanistan, highlighting the security threat posed by returnees. In contrast, some of these historical figures of jihad in Morocco engaged in a process of ideological revision, called '*Morajaa*'. They wrote long letters in which they affirmed that they were reviewing their ideological stands and adopting a more moderate interpretation of Islam (i.e. deradicalisation); renouncing

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11   'Morocco should brace for return of ISIS foreign fighters', *The North Africa Post*, 3 February 2018, http://northafricapost.com/22063-morocco-brace-return-hundreds-foreign-fighters-report.html

12   A Grignard, 'The Islamist networks in Belgium: Between nationalism and globalisation', in R. Coolsaet (ed), *Jihadi Terrorism and the Radicalisation Challenge in Europe*, London: Ashgate, 2008.

the use of violence (i.e. disengagement); and not opposing the state authority. Some of the important figures of the Salafi movement who engaged in this ideological revision benefited from the royal pardon and were freed from jail in 2010. They have become influential voices of moderation. The most famous of them is Abou Hafs, who has been invited on TV and radio programmes and is now advocating for liberal reforms in Islam, including improving the status of women.

It is difficult to establish clear links between the previous waves of jihadi fighters and the new wave of FTFs, but some veteran fighters seem to have had a certain influence. That is notably the case of Brahim Benchekroun, a veteran Afghanistan fighter and ex-Guantanamo detainee (2002-2004) who joined Syria in 2011 and created Harakat Sham Al Islam, a jihadi group mostly composed of Moroccan fighters and associated with al-Qaeda. The other known exception is Fatiha Hassani, who joined ISIS in 2014. She is the widow of Karim Mejjati, a senior Al-Qaeda leader in Afghanistan who was killed in 2005 and allegedly involved in the Casablanca bombings as well as the 2004 Madrid bombings and 2005 London attacks.

Dealing with returnees

The fight against terrorism is presented in the official Moroccan discourse as a security priority. This fight is mainly centred around a multidimensional strategy operated by strong, coordinated security and intelligence institutions. The issue of returnees has gained more importance in recent years given its unprecedented magnitude. However, the issue is treated within the overall framework of fighting terrorism, with no specific programme focused on FTFs.

Abdelhak Khiam, head of the BCIJ, stated that Morocco is unrelenting in its crackdown on the returning foreign fighters who joined the ranks of ISIS.[13] He also added that the Moroccan authorities have arrested and brought to justice more than 200 returnees, with the suspects serving sentences ranging from 10 to 15 years in prison. Such declarations highlight the centrality of the security component in the Moroccan approach to fighting Islamic violent extremism, although this approach is complemented with other measures.

Security and legal approach

The Moroccan security approach has been articulated around the creation of new anti-terrorism mechanisms, the reinforcement of security services and the active dismantling of suspected terrorist cells.

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[13]   'Morocco Cracks Down on Returning IS fighters', *The North Africa Post*, May 2018, http://northafrica-post.com/23511-morocco-cracks-returning-fighters-official.html

The BCIJ was created in 2015. It is a high-level security unit often referred to as the Moroccan FBI and is in charge of anti-terrorism, weapon smuggling and kidnapping. This entity is under the direct supervision of the Moroccan Direction générale de la surveillance du territoire (DGST). The BCIJ holds regular press conferences to communicate nationally and internationally on the dismantling of terrorist networks and reduction of threat levels.

Additionally, a new prevention security mechanism called *Hadar* ('vigilance') was created. The mechanism involves the deployment of armed elements of the Royal Armed Forces, the Royal Gendarmerie, the police and auxiliary forces in main strategic locations such as airports, train stations, administrative buildings and some touristic areas.

In the context of the fight against terrorism, Morocco also invested in reinforcing its intelligence services. The Moroccan security services operate initially via a network of both official agents and informants who have developed an expertise in detecting habit change which may indicate radicalisation. Approximately 50,000 of these *mqadmin* (auxiliary agents) mandated by the Moroccan Ministry of Interior are deployed across the country and act as informants who report back on any unusual behaviour.

In addition to traditional informants' networks, it is claimed that Morocco has acquired mass surveillance technologies to monitor phone calls and online searches.[14]

The information provided by informants and security officials has helped in the detection of suspected terrorist cells. According to Moroccan authorities, 168 terrorist cells had been dismantled and 2,963 people were arrested in the period between 2001 and 2017. In the shorter timespan between 2011 and 2017, 97 cells were dismantled, 44 of which had a direct link with ISIS.

It should, however, be noted that it is not entirely clear what constitutes a terrorist cell or what activities are specifically targeted by the services. The Moroccan authorities break up suspected cells at an early stage even before members of the cell have developed any meaningful plan of action.

The Moroccan intelligence services have also been a source of valuable intelligence information about transnational jihadi networks for several Western countries, including Spain and France. According to Jean-Michel Fauvergue, previous Director General of the French anti-terrorism police unit (RAID), information delivered by the Moroccan intelligence services was essential to finding the coordinator of the November 2015 attack in Paris.[15] Due to the prominent role played by members of

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[14]   'Facing the Truth: Hacking Team Leak Confirms Moroccan Government Use of Spyware,' *Privacyinternational.org*, 10 July 2015.

the Moroccan diaspora in Europe, and following the Barcelona attacks in 2017, it was announced that the BCIJ's mission would be expanded to surveillance of the Moroccan diaspora in Europe,[16] which is likely to have an impact on the monitoring of some European returnees of Moroccan descent. It should be highlighted that Morocco cooperates with a number of European countries on counter-terrorism. However, beyond bilateral relationships, Morocco-EU security cooperation could be complicated by a recent ruling of the European Court of Justice, in December 2016, against the country's claim to Western Sahara. It should be remembered that Morocco's response to similar rulings in the past was to suspend cooperation for several months – including security cooperation and information exchange.

At the international level, Moroccan Royal Armed Forces joined the US-led coalition against ISIS in Iraq and Syria in 2014. It should also be noted that Morocco is an active member of international platforms on countering terrorism such as the Global Counter-Terrorism Forum (GCTF). Within the context of the GCTF, Morocco and the Netherlands established a working group on FTFs. The working group provides a platform for developing practical initiatives to help coordinate and build on efforts at the national, regional and international levels to address the complex issues related to FTFs' return.

In response to the FTF mobilisation and in line with global efforts in which it was directly involved, Morocco amended its penal code. Following the adoption of the United Nations Security Council Resolution 2178 (2014), the Moroccan parliament revised the 2003 anti-terrorism law that was quickly adopted by the Moroccan parliament after the 2003 Casablanca attacks, and facilitated the arrest of more than 3,000 individuals between 2003 and 2007.

The 2014 anti-terrorism law provided amendments to the previous anti-terrorism law in including heavy penalties from 5 to 15 years in prison, and fines up to 500,000 Moroccan Dirham (€45,000) for any Moroccan who joins or tries to join any type of non-state armed organisation, whether inside or outside Morocco. This provides for a legal framework to prosecute FTFs.

De-radicalisation programmes in prison

While the Moroccan jails have historically had a bad reputation and sad human rights records, recent efforts have been deployed to improve the situation. As such, the Moroccan General Commission for the Management of Prisons and Reintegration, in

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[15]   Steven Jambot, 'Attentats de Paris: le rôle du Maroc dans la localisation d'Abdelhamid Abaaoud', *France24*, 20 November 2015, available at https://www.france24.com/fr/20151120-attaques-paris-role-maroc-abdel-hamid-abaaoud-renseignements-france-paris-raba

[16]   'AP Interview: Morocco to Expand Counterterror Efforts Abroad', *VOA News*, 20 September 2017, available at https://www.voanews.com/a/ap-interview-morocco-to-expand-counterterror-efforts-abroad/4036984.html

partnership with the UN Development Programme and the Japanese government, has led a large-scale project to modernise the Moroccan prison system. Moreover, Morocco has announced that it will build 36 new prisons by 2020.[17]

Within this larger context of prison modernisation, the Moroccan general administration of prisons launched in 2016 a programme named '*Moussalaha*'[18] – Arabic for 'reconciliation' – which aims at de-radicalisation and reintegration of jihadists. The programme has been designed for both returnees and terrorist convicts who never left the country.

The reconciliation programme conducted within prisons was developed in collaboration between the Moroccan General administration of prison, the Council of Religious Scholars and the Moroccan Council for Human Rights.

The programme takes place over a period of four months and is a mixture of lectures and workshops. The programme is articulated around psychological counselling, theological teachings and reintegration into society.

As for its first iteration in 2016, the 25 prisoners who enrolled in the programme were individuals belonging to different jihadi groups, some of whom had been condemned to capital punishment. Enrolment in the programme is on a voluntary basis, and participants who successfully completed the programme are freed from prison following a royal pardon. As such, 14 prisoners were released following the first iteration. The mentors in charge of the programme receive specific trainings. Forty-seven mentors were trained for the first edition of the programme. In 2018, the number of beneficiaries increased to an estimated 300 prisoners across jails in four different cities: Casablanca, Tangier, Tifelt and Meknes.[19]

Some prisoners who belong to Islamist groups and who have not chosen to enrol in the *Moussalaha* programme complain that they are victims of systematic discriminations. Such alleged discriminations include a shorter time allocated for phone calls, family visits and walks authorised by the administration of the prison.

While it is too early to evaluate the programme, its elaboration represents a paradigm shift in the way Moroccan authorities tackle the issue, evolving from a purely security-led approach to a more comprehensive approach, including de-radicalisation and re-integration programmes.

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[17] Mouna Qacimi, 'Le Gouvernement Prévoit 36 Nouveaux Pénitenciers pour Désengorger les Prisons', *Le360*, 30 April 2017, available at http://fr.le360.ma/societe/le-gouvernement-prevoit-36-nouveaux-penitenciers-pour-desengorger-les-prisons-117405.

[18] 'Reconciliation program, a new Moroccan way to fight violent extremism', *Al Maghreb Alaan,* October 2017.

[19] Solene Paillard, 'Lancement d'un plan de déradicalisation religieuse dans les prisons', *Yabiladi*, 25 May 2018, available at https://www.yabiladi.com/articles/details/65250/maroc-lancement-d-un-plan-deradical-isation.html

Yet, one of the major criticisms over the programme is that it lacks continuity after the incarceration period. When programme beneficiaries leave prison, they find it difficult to reintegrate into society. This is due in part to social stigma, but also to the lack of economic resources and social skills needed to be part of society. The Moussalaha programme includes some aspects related to the development of social skills, but economic reintegration and support for families are still lacking.

There are no known civil society organisation (CSO) programmes geared directly toward the reintegration of returnees and ex-jihadi following their release. The absence of such programmes can be explained by CSOs' fear of being perceived as defending and supporting terrorism. Most of the programmes of Moroccan CSOs are focused on countering radical speech instead.

Reforming the religious sphere

Since 2005, Morocco has engaged in what is often termed a reform of the religious sphere, aimed at countering radical religious narratives while preserving the Moroccan version of Islam, which is described as moderate. As such, this reform can be viewed more as part of a counter-narrative rather than a direct prevention of radicalisation.

The reform was articulated around modernising the work of religious institutions such the Council of Religious Scholars and the Ministry of Religious Affairs and ensuring greater transparency when it comes to the financing of mosques and other religious activities.

Morocco also contributes to the training of future imams based in France by accepting them in its different theological centres. As of 2018, the Mohamed VI Institute for the Training of Imams in Rabat accepted 55 French imams in training.[20]

Concerns and criticisms over the Moroccan approach

While the Moroccan approach to fighting terrorism may be qualified as efficient in the sense that the country has not witnessed terrorist attacks since 2011 (until December 2018), it is still very much security-driven, with little room for prevention. With the exception of the *Moussalaha* prison programme, there are no other rehabilitation or reintegration programmes. Additionally, no programmes have been put in place to tackle specifically the issue of returnees, who are treated like all other terrorists. Due to the fact that returnees were in war zones, trained to use weapons and were part of larger network, it would possibly make sense to develop tailored

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[20] Amyne Asmlal, 'Ces Imams Etrangers qui seront formés par le Maroc en 2018', *le360*, November 2017, available at http://fr.le360.ma/politique/ces-imams-etrangers-qui-seront-formes-par-le-maroc-en-2018-143245

programmes for them. The issue of women and children returnees is also left unaddressed.

Likewise, the topic of binationals who may be stripped of their European citizenship following terrorist charges is also left unaddressed. Indeed, terrorist attacks in European countries coupled with the intensified risk of FTF returns have pushed a number of EU Member States to expand legal provisions on the revocation of citizenship as a measure to fight terrorism. Over the past four years, an important number of Moroccan binationals have already been expelled from Europe, following suspicion of terrorist activities.

Given the number of European FTFs or 'radicalised individuals' who also hold Moroccan citizenship, this trend is unlikely to stop any time soon. While Moroccan authorities have not communicated on how they treat this issue, the return of those (potential) terrorists will add to the burden of dealing with the returnees, reemphasising the need for a strong EU–Morocco cooperation.

Another concern related to the Moroccan counter-terrorism approach is that the Moroccan government may restrict different forms of civil liberties in the name of the fight against terrorism. A number of Moroccan-based NGOs, such as the National Council on Human Rights, criticised the cyclical arrests of Salafi figures not involved in any terrorism activities. The Moroccan authorities' relationship with the Salafi movement can be described as complex. On the one hand, the Moroccan authorities may feel the need to exercise surveillance over the movement to prevent potential attacks. On the other hand, the authorities seek to use the non-violent fraction of Salafi Islam to counter the jihadi one.

Additionally, following the publication of a link to a video attributed to al-Qaeda, the editor of *Lakome*, a Moroccan online platform, was arrested and judged in 2013 under the anti-terrorism laws. This arrest was condemned by international organisations such as Reporters without Borders and Amnesty International. It was seen as a means to silence journalists and freedom of press[21] and an abuse of the counter-terrorism legislation. The recent broadening of the counter-terrorism legal framework will not appease such concerns.

Last but not least, there are concerns related to torture allegations. In its 2017 report, Human Rights Watch stated that it remained concerned by continued allegations of torture and mistreatment by Moroccan government agents, in particular of persons suspected of terrorism. The Moroccan constitution and legal system prohibit such practices, and the government denies it allows the use of torture. In October 2017, at a North Africa regional meeting for the national mechanisms for the preven-

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21 'Drop all charges against Moroccan journalist Ali Anouzla – let him go free, once and for all', January 2016, available at https://rsf.org/en/news/drop-all-charges-against-moroccan-journalist-ali-anouzla-let-him-go-free-once-and-all

tion of torture, the Moroccan Minister of State for Human Rights, Mustapha Ramid, acknowledged that torture occurred in isolated cases, but said it was no longer a systematic practice and the government was working to eradicate it.

Conclusion

Morocco has been successful in preventing terrorist attacks and getting intelligence information which has been helpful locally and internationally. However, counter-terrorism efforts are still narrowly constrained within a security-approach framework while poorly tackling social, economic and governance challenges.

While security measures are a crucial element in the fight against terrorism, they should not distract from the need to address broader concerns. In the face of an unprecedented jihadi mobilisation, Moroccan authorities should pursue much broader socio-economic reforms and governance issues, along with softer prevention programmes. The EU and other international partners should ensure that they remain committed to encouraging and supporting efforts to reduce the socio-economic disparities and lack of opportunities that remain the public's most pressing issues in Morocco and the major conducive factor to radicalisation.

RETURNING FOREIGN FIGHTERS: UNDERSTANDING THE NEW THREAT LANDSCAPE IN TUNISIA

EMNA BEN MUSTAPHA BEN ARAB

In spite of conflicting estimates, Tunisia appears to have the highest ratio of foreign fighters per capita in the world.[1] Previous figures varied between 6,000 departees to Syria and Iraq, according to the Soufan Group in 2015, and 7,000 according to the United Nations Office of the High Commissioner for Human Rights.[2] Although these estimates have now been revised to around 3,000, according to the Tunisian authorities,[3] they remain unprecedented, not least considering the additional 27,000 Tunisians prevented from travelling to Libya and Syria.[4] In addition, 1,000 to 1,500 Tunisians are believed to have joined jihadi groups in neighbouring Libya.[5]

Although the involvement of Tunisian jihadists in foreign wars is not new, it never matched the post-2011 mobilisation. Only 400 Tunisians joined the 'Afghan Arabs' who fought against the Soviet Union in the 1980s.[6] But the 2003 invasion of Iraq by the US-led coalition forces represented a landmark in the emergence of a new generation of jihadists that built on the legacy of the older generation, which had fought in Afghanistan as well as in Chechnya and the Balkans. Veteran fighters built recruitment and logistics networks that facilitated travel to Iraq between 2002 and 2010 and ensured continuity after 2011. The Tunisian national Seifallah Ben Hassine, known as Abu Iyadh Attounisi, illustrates this 'veteran effect'. He fought in Afghanistan and Chechnya and founded the Tunisian Combatant Group (TCG) in 2000, which mobilised Tunisians for global jihad, provided support to Algerian jihadists linked to al-Qaeda in the Islamic Maghreb (AQIM) and plotted attacks in Europe. Following the 2011 general amnesty by the Tunisian government in the aftermath of the Arab Spring, he was released from prison and played a pivotal role given his experience in

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[1] B Dodwell, D Milton and D Rassler, 'The Caliphate's Global Workforce: An Inside Look at the Islamic State's Foreign Fighter Paper Trail', West Point: Combating Terrorism Center, April 2016, available at: https://ctc.usma.edu/the-caliphates-global-workforce-an-inside-look

[2] TSG, 'Foreign fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq', NYC: The Soufan Group, December 2015; 'Preliminary Findings by the United Nations Working Group on the Use of Mercenaries on its Official Visit to Tunisia,' 8 July 2015, available at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16219&LangID=E.

[3] Counter-terrorism Judicial Pole spokesperson Sofien Selliti, 'Nous ne pouvons pas refuser le retour des éléments terroristes', 11 May 2018, available at: http://www.lapresse.tn/component/nationals/?task=article&id=147935

[4] Aaron Y Zelin, 'Tunisian Foreign Fighters in Iraq and Syria', Washington DC: The Washington Institute for Near East Policy, PN55, 2018.

[5] A Zelin, 'The others: Foreign fighters in Libya', Washington DC: The Washington Institute for Near East Policy, PN45, 2018.

[6] H Malka and M Balboni, 'Tunisian Fighters in History and Today', Washington DC: CSIS, June 2016. Available at: http://foreignfighters.csis.org/tunisia/tunisian-fighters-in-history.html

fighting, training and smuggling activities and his extensive network. He founded Ansar al-Sharia in Tunisia (AST), which became a major vehicle for recruiting and facilitating the travel of Tunisians to Syria, through Libya and Turkey.

While many of these fighters remain abroad, a significant number have returned to their home country. Official estimates place the number of Tunisian returnees at 800 in April 2017[7] and around a thousand by March 2018.[8] However, no official information is available to the public about the timeframe of their return as they were allowed to go and return freely during the 2012-14 period, as evidenced by the statements of a number of convicted returnees in Tunisian prisons interviewed by this author.[9]

Nor is there documented information about the causes or motivations for their return or the whereabouts of those at large. The Rescue Association of Tunisians Trapped Abroad estimates that between 400 and 500 Tunisians have entered Tunisian territory undetected, mainly through the porous Tunisia-Libya borders.[10]

Chart 1: Returnees arrested in Tunisia
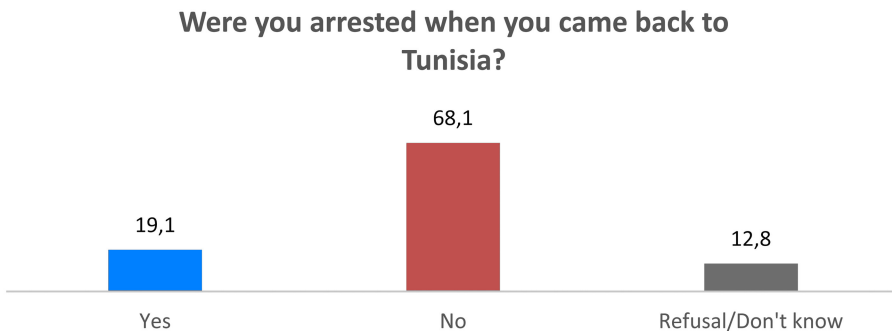
Were you arrested when you came back to Tunisia?

Source: Emna Ben Arab et al., *Assessing the Threat Posed by Tunisian Foreign Fighters*. Tunis: Tunisian Institute for Strategic Studies, 2018.

The reluctance of the Tunisian authorities to disclose information on foreign terrorist fighters (FTFs) and returnees is due to strict regulations as well as concern about publicly revealing sensitive intelligence on how the security services operate. There is also concern that it could exacerbate the state of near-permanent political crisis in the country given the role that the political parties and high-level officials have played in supporting or facilitating this jihadi mobilisation in its early stages (*see the next section*).

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[7]   Yasser Mosbah, Ministry of the Interior Spokesperson, 23 April 2017, available at: http://www.lapresse.tn/component/nationals/?task=article&id=129832
[8]   Counter-terrorism Judicial Pole spokesperson Sofien Selliti.
[9]   Emna Ben Arab et al., *Assessing the Threat Posed by Tunisian Foreign Fighters*. Tunis: Tunisian Institute for Strategic Studies, 2018.
[10]   Sarah Souli, 'Tunisia: Why Foreign Fighters Abandon ISIL', Aljazeera, 3 March 2016, http://bit.ly/2RWM4GB

In the absence of official documented information on the overall phenomenon, data from a contextualised field study involving 82 detainees indicted on terrorism charges with a final and irrevocable verdict conducted in 2017 will be used for this chapter. Among the detainees interviewed, 58 returned from hotbeds of armed combat (Syria, Iraq, Libya), while the others were either denied entry there or were prosecuted in Tunisian courts on charges related to membership of a clandestine terrorist cell or the adoption, acclaim and advocacy of violent thought. The study allowed the creation of a general demographic pattern of the Tunisian foreign fighter population, identifying trends in radicalisation and recruitment and providing a baseline assessment of Tunisian foreign fighters' motivations for going abroad to wage jihad.

Results from this survey show that the sample population is mostly young (over 55% are aged between 20 and 29 years) and unmarried. Young people seem to be the major group targeted by the rhetoric of terrorist organisations seeking to recruit fighters characterised by endurance, impulsiveness and instability.

In terms of gender, the survey data show that the phenomenon of departure for areas of armed combat concerns males more than females due to the rules and restrictions imposed on the latter, especially in conservative communities, and their secondary role within most terrorist groups engaged in armed combat.

Limited academic attainment is a recurring variable. Many have not graduated beyond primary school and more than 40% are secondary-school dropouts, and their families are similarly poorly educated. When questioned as to their reasons for leaving school, a plurality (25%) reported that academic failure spurred their dropout, another 4% claimed they were dismissed, while 14% regarded education as a 'useless process' that could not in any way have brought them any added value. Given that the majority of the sample reported low educational attainment, a lack of adequate schooling seems to be a contributing factor to radicalisation.

Another important variable that has emerged from the study is precarious economic and financial situations. Around 9% were unemployed at the time of involvement in extremist activities. This rate is lower than the national unemployment rate. Nevertheless, they were generally either active in independent jobs (such as sole traders) with insecure and fluctuating incomes or involved in the informal sector. This situation generates a certain economic stress but cannot be described as poverty.

Nearly 78% of respondents have a monthly income (64 participants), of whom 25% earn an income higher than 700 TND (around €220), and 22% have a monthly income ranging between 300 and 500 TND (€90-60), just above the minimum wage. No more than 19.5% of respondents benefit from the social security system (16/82 participants), which is well below the national average (81% in 2011).

The combination of economic hardship and social exclusion is one of the most cited injustices by the participants who emphasised the absence of opportunities for living

a decent life and the lack of economic development in their localities. Most of them focused on the hopes generated by the 2011 revolution and the high expectations associated with it, as well as the ensuing disappointment as a result of its failure to achieve the promises of development and employment. Although there seems to be a correlation between deprived geographic locations and the high number of foreign fighters,[11] it is worth noting that some interior governorates known for their low socio-economic indicators and for being underserved for decades did not produce as many foreign fighters as regions such as Grand Tunis or Bizerte, as can be seen in the table below based on our sample. This is also confirmed by data provided by Sterman and Rosenblatt, who divided the country into four regions. The interior periphery (Jendouba, Béja, Kef, Siliana, Zaghouan, Kairouan, Kasserine, Sidi Bouzid and Gafsa) produced fighters at a rate of 3.8 fighters per 100,000 residents, and the eastern coastal region had a rate of 3.4 per 100,000 residents. In contrast, Grand Tunis produced fighters at a rate of 8.1 fighters per 100,000 residents followed by the southern border region at a rate of 6.3 per 100,000 residents.[12]

Chart 2: Number of FTF by governorate

Governorate	Number of FTF
Grand Tunis[a]	22
Beja	1
Kef	1
Siliana	1
Jendouba	2
Zaghouan	4
Bizerte	6
Nabeul	3
Sousse	4
Monastir	3
Mahdia	2
Kairouan	3
Kasserine	4
Sfax	4
Sidi Bouzid	10
Tataouine	1
Medenine	3
Tozeur	1
Gafsa	2
Kebili	5
Total	**82**

a   Tunis: 13, Ariana: 2, Ben Arous: 4, Mannouba: 3.

Source: Emna Ben Arab et al., *Assessing the Threat Posed by Tunisian Foreign Fighters*. Tunis: Tunisian Institute for Strategic Studies, 2018

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11   David Sterman and Nate Rosenblatt, 'All Jihad is Local: ISIS in North Africa and the Arabian Peninsula', Vol. II, Washington DC: New America, April 2018.
12   Ibid.

This sense of economic insecurity along with its associated mood of mistrust and fear seem to be among the most important drivers that enticed youth into adopting extremist ideas. In addition, the perceived existence of a systematic and intentional exclusionary policy led by the state to further marginalise them, incites them to demonstrate more proclivity for extremism.

The feeling of injustice is another statistically significant factor. Around 90% of the respondents associate Tunisia, either totally or partially, with the image of 'the country of injustice.' Most of them expressed a confused and conflicted attitude towards their country and voiced a sense of belonging characterised by uncertainty and insubstantiality. Indeed, the link that exists between the foreign fighters and their homeland seems to be reduced to a set of communal bonds: family, friends and neighbourhood.

This negative view of Tunisia is based essentially on a sense of disappointment and the absence of opportunities with a particular emphasis on the abusive behaviour of security forces. There is a total fusion, bordering on confusion, between the homeland and the system/institutions/regime. The nature of this relationship depends primarily on the quality of life and the availability of resources and opportunities offered to the individual. This utilitarian view of the 'homeland' has helped, especially in crises, to gradually erode their sense of belonging.

The confrontational relationship with the state and its institutions is one of the profound reasons that stimulated their indoctrination by extremist ideology and their membership in fundamentalist and violent groups. The respondents declare that their relationship with the state and its institutions prior to their commitment to extremism was either non-existent or characterised by tension.

Most foreign fighters were at one time using drugs, alcohol or other illicit substances. They generally started consuming illicit substances with friends at a very early age (i.e. teenagers). This seems to confirm research findings that link delinquency to terror activities.

Chart 3: Delinquency among foreign fighters

Use of drugs, ecstasy (E), alcohol, glue…
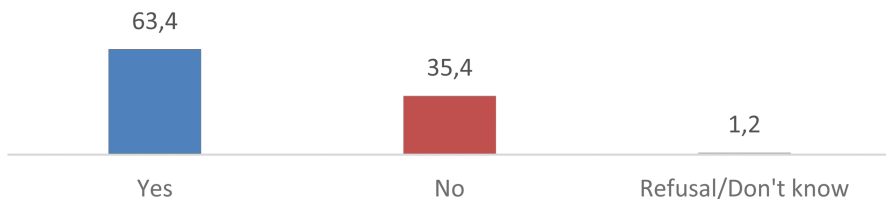
63,4	35,4	1,2
Yes	No	Refusal/Don't know

Source: Emna Ben Arab et al., *Assessing the Threat Posed by Tunisian Foreign Fighters.* Tunis: Tunisian Institute for Strategic Studies, 2018.

Moreover, we found that more than half of the respondents suffered at least once from a depressive disorder or other trouble before and/or after radicalisation, although disorders such as post-traumatic stress disorders are not documented among Tunisian foreign-fighter detainees.

During focus group conversations, participants expressed a deeply rooted attachment to Islam as a religion, an identity and a way of life, then to family by emphasising the amount of psychological backing and material support their families have provided them during their imprisonment period, despite their rejection by society at large. For example, most interviewees reported having received regular family visits. According to feedback from key stakeholders, foreign fighters receive permanent and unconditional family support during their incarceration period. Visits are regular and extensive (including parents, brothers, uncles, etc.). Therefore, the family, as the second strongest symbol of identity, represents their last resort and ultimate hope in what they perceive as their incarceration ordeal.

However, we observed that our respondents' life trajectories prior to the phase of extremism did not indicate a considerable degree of interpersonal harmony within the family. Accordingly, the improvement of this relationship, which coincides with the detainees' custodial period, is an interesting indicator of some alarming potential radicalisation of the foreign fighters' social milieu, but at the same time evidence of the significant role the family is capable of playing as a guardian of young people and a deterrent of violent extremism.

Our attempt to highlight a unique set of foreign-fighter attributes reveals the absence of any unique identifier that would distinguish them from other individuals who chose to engage in *intra muros* terrorist activity. Their 'pathways to radicalization' or 'staircase to terrorism'[13] are determined by a general pattern that includes an identity crisis, governance issues, social frustration, economic hardships and education failures that have affected their choices.

Why Tunisia?[14]

While the preconditions described above (unemployment, poverty, bad governance, etc.) combined with populist pan-Islamism are common to many countries in the region, there are at least four factors that are specific to Tunisia and may explain the unprecedented scope of departures to Libya, Iraq and Syria.

First, Islamist-led governments between 2011-2013 provided a favourable political climate for radicalisation by turning a blind eye towards indoctrination campaigns in jails and mosques. During this period, mosques witnessed 'occupy mosques'

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[13] Stefano M Torelli, Meroni Fabio and Francesco Cavatorta, 'Salafism in Tunisia: Challenges and Opportunities for Democratization.' *Middle East Policy*, Vol. XIX, N°4, Winter 2012.

[14] This section was partly amended on 3 June 2019.

campaigns in which moderate imams were forced to step down and were replaced by Salafi jihadist imams selected by Ansar al-Sharia, which was also given broad leeway, allowed to engage in *dawa* (religious proselytisation) and provide social services to local communities. The 'proselytising tents' were tolerated by some political parties (Ennahdha and Etahrir, notably). They became a space for jihadists to hold meetings and distribute flyers and booklets and became a major public recruitment channel for the jihadists between mid-2011 and July 2013, when they were banned. A 30-year-old interviewee in Douar Hisher claimed that three to four youngsters were recruited every day through the 'proselytising tents', and a 27-year-old member of the movement proudly argued that the tents were a Tunisian invention and Tunisians who answered the call for jihad took the concept with them to Syria.[15]

The interim governments' public actions were in harmony with the general trend towards mobilising youth to fight in Syria. They included the cessation of diplomatic relations with the Syrian regime of Bashar al-Assad in February 2012, the convening of the 'Friends of Syria' conference on 24 February 2012, and the reception by interim Tunisian President Moncef Marzouki in the Presidential Palace of a number of sheikhs and Islamic preachers who glamourised and (directly or indirectly) encouraged jihad. More than 70 of these religious figures were welcomed to Tunisia by government officials and party leaders (e.g. Rached Ghannouchi) and given plenty of opportunities to raise awareness of what was happening in Syria. This access and visibility may have had an impact on potential volunteers. For instance, one of the attackers of the Bardo Meuseum in 2015 used to frequent the Ghofrane mosque, a stronghold of takfiri discourse, in which one of these preachers gave a noted speech in 2012.

According to the 2015 Report of the National Observatory for consumer protection (ILEF), an unprecedented number of NGOs – 17,000 – were created in the post-2011 period, 48% of which did not abide by their declared scope and objectives and 19% of which were operating as religious and charity organisations. Some of these NGOs were funded by unknown sources and operated as facilitators for arms and foreign-fighter smuggling and provided logistical support to religious figures who amplified narratives of violent extremism.

This permissive post-revolutionary environment was dubbed as the 'golden age' by our interviewees.[16] It was facilitated and possibly amplified by the ambiguous discourse of some political leaders. For instance, Ennahdha was pressed between its political ascendance and its desire to please (or not antagonize) Tunisian Salafis. While being part of the government coalition, its leaders were caught on video talking about their strategy to progressively 'islamize' the Tunisian society, and

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[15] J H Salem, *Salafism Jihadism in Tunisia: current state and prospects: an ethnographic case study*. Tunis: Tunisian Institute of Strategic Studies, 2014.

[16] Emna Ben Arab et al., *Assessing the Threat Posed by Tunisian Foreign Fighters*. Tunis: Tunisian Institute for Strategic Studies, 2018

expressed a benign view on Salafi-jihadi activities in the Mount Chaambi area, in Western Tunisia, where anti-terrorist operations would be launched only months later. Some party members also spoke positively about the Syrian jihad, when hundreds of Tunisians were travelling to the Levant.

The government's role was confirmed by former US ambassador to Tunisia, Jacob Walles, who claims that the Troika government of 2012-2013 initially tolerated jihadist activities by allowing Ansar al-Sharia and other radical groups to organise in the open and send fighters to Syria.[17] It was indeed between March 2013 and June 2014, following the ban on AST and a crackdown on its members, that most Tunisians who had mobilised left for Iraq and Syria.[18]

The second factor was the 2011 post-uprising shake-up within the security apparatus, which led to the erosion of the security environment. One of the very first decisions of the post-uprising government was the dissolution of the secret service in March 2011, undermining domestic intelligence collection and information sharing. Besides, this *corps d'élite* was a target after the uprising and came under attack for having propped up the previous regime for so long, which weakened their morale and affected their performance.

Third, the general amnesty granted to prisoners in February 2011 resulted in the release of 2,000 alleged political prisoners of the Ben Ali regime. Among them were 350 individuals 'trained militarily' in foreign camps[19] or with fighting experience in Afghanistan, Iraq or Algeria. These charismatic figures played a key role in the mobilisation of Tunisian FTFs.

Finally, this situation was aggravated by the new opportunities created for foreign fighters in Libya, where an anarchic environment gave rise to greater freedom of movement, training and funding combined with the ready availability of weapons which proliferated in the lawless desert on the Tunisian-Libyan border, providing an extraordinary way for extremists to train new recruits on their way to Syria. Libya is believed to be the major training camp for Tunisian jihadists. According to all returnees interviewed by this author, they either trained in Libya or used Libya as a transit country towards Syria. According to another report, 70% of all Tunisians arrested for jihadi-related cases trained in Libya.[20]

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[17] With Aaron Zelin, Jacob Walles addressed a policy forum at The Washington Institute as part of the Stein Counterterrorism Lecture Series on 10 December 2018 on the mobilisation of Tunisian youth for jihad in Syria. Available at: https://www.washingtoninstitute.org/ar/policy-analysis/view/tunisias-foreign-fighters#

[18] Aaron Y Zelin, 'Tunisian Foreign Fighters in Iraq and Syria', Washington DC: The Washington Institute for Near East Policy, PN55, 2018

[19] Houssem Haddad, السلفية التونسية. الانتشار والمواجهات مع الدولة, 2018 http://www.islamist-movements.com/45486

[20] A Zelin, 'The others: Foreign fighters in Libya', Washington DC: The Washington Institute for Near East Policy, PN45, 2018.

The perception of foreign fighter returnees in Tunisia

Foreign fighters are perceived by Tunisian authorities and by the mainstream population as a potential threat to security with unprecedented lethality and capacity to cause mass destruction. Indeed, two of Tunisia's deadliest terrorist attacks in recent history, the March 2015 Bardo National Museum assault and the June 2015 mass shooting on a beach in Sousse, were perpetrated by individuals previously trained in Libyan camps. This exacerbated very real fears that attacks involving people with foreign training/experience are considerably deadlier than those planned by homegrown operatives (i.e. those who have never fought or trained abroad). The masterminds of these two attacks were Moez Fezzani and Noureddine Chouchane, two Tunisian foreign fighters and senior Islamic State (ISIS) members based in Libya. The executive team of the Bardo attack were ISIS operatives Yassine Labidi and Jaber Kachnaoui, who travelled to Libya, trained there and came back undetected with a mission that led to the killing of 20 tourists and two Tunisians and the injuring of 50 others. The Sousse massacre was an ISIS remote-controlled attack carried out by Seifeddine Rezgui Yacoubi, trained in Libya, which killed 38 and injured 39 at the Riu Imperial Marhaba Hotel.

Foreign fighter returnees may also serve as force multipliers within domestic jihadist networks. For instance, returnees' extensive knowledge of the local environment was used in the Ben Guerden attacks for improved operational planning and logistics. On 7 March 2016, ISIS militants attempted to conquer the Tunisian border town of Ben Guerden by activating sleeper cells who were joined by ISIS operatives from Libya. The attack showed painstaking planning that combined an assault on security forces with strategic communication with local residents to explain and justify their presence. 'Don't worry. We are the Islamic State. We are here to protect you from this non-believer government,'[21] they were reported as saying on the city's loudspeakers. Although the takeover of the town failed, it further strengthened the Tunisians' perception that foreign fighters' activities surpass local terrorists in dangerousness and lethality. For the first time, a foreign terrorist group had attempted to occupy Tunisian soil for the purpose of establishing a jihadi province.

Returnees may also be effective recruiters, as their foreign experience has earned them a degree of prestige among prison inmates, and street credibility within certain circles in their communities. Indeed, in conversations with key actors and active stakeholders in charge of running the daily life of detainees indicted on charges of terrorism in penitentiary centres, foreign fighters were treated with reverence by other inmates because of their battlefield knowledge and experience, we were told by prison officials.[22] It is no surprise that foreign fighter returnees who have fought

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[21] Raouf Ben Hédi and Mohamed Garoui, 'Les Terroristes Passent aux Aveux: Leur Plan pour Instaurer l'Émirat de Ben Guerdène,' *Business News*, 8 March 2016, http://washin.st/2e0EYPz.

[22] Emna Ben Arab et al. *Assessing the Threat Posed by Tunisian Foreign Fighters*. Tunis: Tunisian Institute for Strategic Studies, 2018

in conflicts in Afghanistan, Chechnya, Bosnia and elsewhere have gone on to become prominent jihadist figures, such as Abu Iyadh Attounisi (*see above*) and formed the hard core of Ansar al-Sharia in Tunisia after their release from jail in 2011.

This perception is reflected in the highly tense and intransigent debate that started in 2014, when the Tunisian government considered the establishment of a reintegration programme for returnees through an amnesty programme which the Tunisia interior ministry, described as 'a forgiveness and repentance law … previously enacted in countries like Algeria and Italy,' and that it will be applied to '[a]ny Tunisian who does not have blood on his hands.'[23] This initiative did not gain traction and, instead, in November 2015, then Tunisian Foreign Minister Taieb Baccouch explained that the government 'would not accept a pardon for legal accountability.'[24] The President of the Republic, finding himself at the heart of this controversial issue after declaring that the Tunisian constitution guarantees the right of return to all Tunisians, had to backtrack a few days later and declare that a repentance law for returnees was not an option.[25] This position seems to enjoy the support of Tunisian civil society organisations and unions.[26]

Indeed, in January 2017, a call was launched by Tunisian citizen groups to demonstrate against the return of terrorists who fought in Syria, Libya or Iraq. The General Union of Tunisian workers (UGTT), the major workers' union in the country, also declared its rejection of a repentance law for terrorists who, it argued, had to be prosecuted before Tunisian courts.

These positions reflect the absence of a societal debate in relation to the reintegration of foreign fighter returnees beyond their prosecution. To the arguments that not all foreign fighters will seek to perpetrate violence when they return home because of their disillusionment with the jihadist movement and may wish to reintegrate into mainstream society, the shared position of the government and civil society position is that Tunisia is not well equipped enough in terms of resources, know-how and intelligence to establish a typology of foreign fighter returnees and to develop targeted policies to address the various returnee populations on a case-by-case basis. Prison officials, during our interviews, pointed to the lack of expertise and financial resources to lead reintegration programmes for returnees in jails.

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[23] A Zelin and J Prohov, 'Proactive Measures: Countering the Returnee Threat,' *Lawfare*, 18 May 2014.

[24] S Souli, 'Tunisia: Why Foreign Fighters Abandon ISIL,' *Al Jazeera*, 3 March 2016.

[25] 'L'UGTT se prononce contre la Loi du repentir et pour la poursuite judiciaire des terroristes!', *Business News*, 14 December 2016, available at: http://www.businessnews.com.tn/lugtt-se-prononce-contre-la-loi-du-repentir-et-pour-la-poursuite-judiciaire-des-terroristes,520,68991,3

[26] Yassine Bellamine, 'Des citoyens appellent à manifester contre le retour de terroristes tunisiens en Tunisie', *HuffPost*, 13 December 2016, available at: http://www.huffpostmaghreb.com/2016/12/13/retour-jihad-istes-tunisie_n_13599446.html?utm_hp_ref=tunisie

The Tunisian response to returnees

With the return of such a large contingent of the Tunisian FTFs, Tunisia faces the difficult challenge of developing a large-scale response beyond prosecution, while recognising the singularity of individual cases.

So far, Tunisia's approach to foreign fighter returnees has focused almost exclusively on punitive measures. According to a Ministry of Interior spokesperson, 95% of foreign fighter returnees have either been arrested immediately upon arrival or placed under surveillance.[27] Some returnees are imprisoned for months without receiving a trial, while others are released after being interrogated for only a short period of time, suggesting that the government's approach is sometimes arbitrary and haphazard.[28] Overall, only a minority of returnees, around 35%, are sentenced to prison.[29] Moreover, as stated above, a number of FTFs may have returned undetected and therefore remain outside the radar of the authorities.

Tunisia enacted a new counterterrorism law in July 2015, replacing the previous law of 2003, imposing more stringent punishments, including the death penalty for convicted terrorists. Terrorist acts covered by this law range from apologies for terrorism in social media to conspiring, facilitating, financing, recruiting and executing terrorist assaults in Tunisia and elsewhere. Many political leaders have publicly called for returnees to be prosecuted to the full extent of this law, and several terrorists have already been sentenced to death since 2015.

In the repression-centric approach to returnees, prisons occupy a central stage. However, no disengagement or deradicalisation programmes are being offered. In fact, from our prison observation and the data collected from detainees as well as prison officials, the preparation for post-prison life, which is to start in prisons, is not taking place. Unlike common law prisoners who benefit from reinsertion programmes inside the prisons (professional training, cultural enhancement activities, etc.), foreign fighters and other terror-convicted inmates are subject to strict security measures, or even solitary confinement for those engaged in recruitment activities, which both prevent them from mingling with other convicts outside or access tailored counselling or professional training programmes aimed at facilitating their reinsertion into society. Besides, overcrowded prisons and the absence of training programmes for penitentiary personnel to deal properly with returnees and terrorist convicts in general are not helping with devising an overall strategy to disengage, rehabilitate and reintegrate returnees. Jacob Walles, former US ambassador to Tunisia, observed that 'the country's overcrowded prisons continue to serve as a breeding ground for jihadists'.[30]

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27 S Souli, 'Tunisia: Why Foreign Fighters Abandon ISIL,' *Al Jazeera*, 3 March 2016.
28 Ibid.
29 K Cragin, 'Foreign Fighter "Hot Potato"', *Lawfare*, 26 November 2017.
30 A Zelin and J Walles, 'Tunisia's Foreign Fighters', Policy Watch 3053, Wasgington DC: Washington Institute for Near East Policy, 17 December 2018.

Returnees are typically sentenced to five years in jail, followed by three to five years' probation during which they are required to check in with local authorities on a regular basis. All detainees expressed their concern about the probation period. They claimed they would be subject to police harassment which may impact their ability to lead a normal life and could significantly increase their chances of recidivism and of re-engaging in terrorist-related activities.

Like many countries in the region, imprisonment in Tunisia is considered to be the end of the judicial process. This is not helpful in terms of proper monitoring of the released returnees who become absolutely free, unless under probation. Besides, once out of jail, information about them and their penitentiary history is not readily available to the communities to which these individuals return. The moment the detainees go out through the prison gate, the director of a prison in Tunis claimed, all ties with them come to an end. Therefore, supporting disengagement and reintegration programmes at the local community level becomes greatly hampered – if such programmes are even offered. The release of returnees in the coming two or three years will become a challenge in itself.

Given the magnitude of the foreign-fighter phenomenon, arresting or keeping all foreign fighters under surveillance upon their return is both an unfeasible and ineffective use of resources, considering that not all returnees pose a threat. Similarly, reactive policies aimed at curbing foreign-fighter recruitment are unlikely to address, and may even inflame, the core grievances that motivate Tunisian youth to go abroad to join jihadist groups. Thus, there is a need for more comprehensive strategies that incorporate socio-economic, political, religious, educational and cultural measures to address both foreign fighter recruitment and the returnee challenge.

For that purpose, the National Strategy for Counter Terrorism adopted by Tunisia's National Security Council in 2016 announces a change in the strategic direction needed to tackle the problem as it stipulates that fighting extremism and terrorism requires a multidimensional approach built around four main axes: prevention, protection, judicial proceedings and retaliation.

There appears to be a consensus that this security challenge requires addressing simultaneously the root causes of radicalisation and enhancing the capacity of security forces to anticipate and respond to the threat. However, while the security services were reinforced accordingly, there has been no operational preventive strategy in place so far to counter a growing jihadist threat that goes beyond security in the narrowest sense. This lack of a preventive strategy is due to poor institutional coordination, numerous administrative obstacles and the fragmentation of stakeholders (the ministries and the multiple ad-hoc counter-terrorism commissions) and resources. This is hampering the effective integration of the financial and technical support received by Tunisia – as part of its collaboration with regional and interna-

tional partners – into a clear strategic vision. Besides, prevention is closely inter-twined with larger political and economic issues that are particularly difficult to resolve.

Children returnees

In addition to the security threat posed by returnees, a substantial number of children who are reported to have been either taken to Syria and Libya or born there will seek to come back. It is estimated as of August 2018[31] that 83 children of Tunisian connection (one or both parents are Tunisian citizens) are stranded in Libya seeking entry permission to Tunisian soil.

While this is not yet a topic of debate in Tunisia, the option of denying them entry is being entertained. There is clearly hesitation of how to deal with this thorny issue. These children who have likely been exposed to the 'Caliphate' ideology and brutality, will pose a serious challenge in terms of reintegration if they return and will nurse grudges against their community that could nurture their desire for revenge if they are not allowed to come back. So far there have been no mechanisms in place to classify the children stranded along the Tunisian-Libyan borders (whether they are victims or a security threat having been exposed to ideological indoctrination and military training) to allow their entry to Tunisian soil, nor are tailored programmes in place to accompany them if they return.

Conclusion

The jihadi mobilisation in Tunisia is unprecedented, as illustrated by the approxi-mately 4,500 FTFs in Libya, Syria and Iraq, and the approximately 30,000 individuals who were prevented from travelling. Meanwhile, the ability of the authorities to respond effectively to this challenge is in question. With no hard proof of deradical-isation, which includes 'renouncing ?violence? (behavioral de-radicalization) and de-legitimizing ?extreme ideas? (ideological deradicalization)'[32] and with no social, economic and psychological support systems, returnees are likely to turn back to the extremist community that had once attracted them.

With the devolution of power to the local governments in its very early stages in Tunisia, public security requires that the Tunisian government play a leading role in initiating and overseeing reintegration programmes for foreign fighter returnees with close coordination with local communities who are in a position to provide them with multi-actor individualised support – including psychological counselling, profes-

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[31]   The Rescue Association of Tunisians Trapped Abroad, conference 12/8/2018 https://en.ratta-tn.org/
[32]   O Ashour, *The De-Radicalization of Jihadists*. London: Routledge, 2009.

sional training and religious orientation – and to rebuild trust between them and their government.

This requires an open societal debate about the status of the returnees (some go as far as calling for revocations of nationality, others push for adopting a differentiated approach though there is no system in place to classify returnees) and pursuing efforts to mitigate underlying conditions that facilitate radicalisation and recidivism. If dire socio-economic conditions are reversed and the identity crisis is addressed, extremist ideas' appeal and potency will wither away.

JIHADI VETERANS IN THE MAGHREB: LESSONS FROM THE PAST AND CHALLENGES FOR TOMORROW

THOMAS RENARD

The Maghreb has a long history of jihadi activism. Yet, even by regional standards, the mobilisation of fighters to wage jihad in Libya, Syria and Iraq was impressive. For Tunisia and Morocco, the magnitude of this phenomenon was unprecedented. The contingent of jihadi volunteers from the three countries covered in this report (Egypt, Morocco and Tunisia) is larger than the number of foreign terrorist fighters (FTFs) from the entire European Union (EU), and possibly larger than the North African contingent that fought against the Soviets in Afghanistan in the 1980s. This issue has raised concern among North African countries. Contributions to this report highlight the difficulties and limitations of local approaches to dealing with returnees. Beyond North Africa, Europeans are worried about the lasting destabilising effect of these veteran fighters in the region. Hence they monitor the situation with particular attention while enquiring how they can support local efforts.

Figure 1: Estimates of (returning) foreign fighters from North Africa

	FTF in Syria/Iraq (est.)	FTF in Libya (est.)	Returnees (est.)
Egypt	500-600	112	n/a
Morocco	1,664	300	213
Tunisia	3,000	1,500	1,000
Total	5,164-5,264	1,912	1,213+
	Total Libya/Syria/Iraq: 7,076-7,176		

Returnees from the past

The jihadi threat is severe in the Maghreb but it is not new. Egypt, Morocco and Tunisia have previously been confronted by jihadi mobilisations. Hundreds of Tunisians and about 2,000 Egyptians fought in Afghanistan against the Soviet Union in the 1980s. While few Moroccans joined the anti-Soviet jihad, there were several hundred fighting in Iraq in the early 2000s. The magnitude of mobilisations has thus varied over time and across countries but it remained a recurring phenomenon in the region.

North African authorities do not ignore the risks associated with returning foreign fighters. Some of the veteran 'Arab Afghans' were directly involved in violent activities upon their return. Some Egyptians were involved in destabilising activities as well as assassination attempts against local leaders. Hosni Mubarak narrowly escaped some assassination attempts by veteran jihadis in the 1990s. In Morocco, Afghan

veterans were involved in the deadly Casablanca attacks of 2003, which killed 33 and injured many more. In Tunisia, the 2002 attack on a synagogue in Djerba, which killed 19, was conducted by Nizar Bin Muhammad Nasar Nawar (Sayf al-Din al-Tunisi), a young Tunisian from Ben Guerdane who had trained in al-Qaeda camps in Afghanistan in the late 1990s.[1]

A number of returnees also remained involved in militant activities upon their return. Not all of them supported violence, but a small group certainly played a key role in 'importing' the jihadi ideology and tactics. It was, for instance, veterans of Afghanistan and Chechnya who, in 2000, established the Tunisian Combatant Group (TCG) associated with al-Qaeda and Ansar al-sharia in Tunisia in 2011. It was a veteran from Afghanistan who established the Moroccan Islamic Combatant Group (MICG) – also associated with al-Qaeda.

A number of veteran fighters tried to return home and live a normal life.[2] However, this was rarely tolerated by local regimes. Many veterans then turned into fugitives. As regimes in Tunisia, Egypt or Algeria were not always particularly comfortable with these jihadis wandering freely around, they sought to repatriate some of them through extradition agreements with Pakistan.[3] Some returned and were sent to prison or executed. Others were killed while waging jihad. Overall, veteran fighters were perceived as a threat and indeed acted accordingly. They were troublemakers and disrupters who had acquired military experience and skills in combat, who turned into radical militants of jihad and were well-networked internationally.[4]

Not all 'Arab Afghans' returned home. At least, not immediately. Some continued the jihad elsewhere, in Chechnya and Bosnia notably. Others were involved in international plots abroad. This was notably the case of one of the 1993 World Trade Center bombing perpetrators, Egyptian veteran fighter Mahmud Abouhalima. The failed attack killed six and injured over a thousand New Yorkers. A string of bloody attacks targeted countries such as Egypt, Saudi Arabia and Pakistan at home and abroad. Other returnees encouraged militant activities in their home countries from abroad, including violent actions, sometimes while still based in Afghanistan or Pakistan.[5] Some also reached senior positions within al-Qaeda. This is notably the case for the Egyptian Ayman al-Zawahiri, who became the leader of al-Qaeda following Osama bin Laden's death. According to some sources, it was within the Egyptian contingent of mujahedeen that the ambition of launching a global jihad to overthrow Arab

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1   A Zelin (2017), 'Fifteen Years after the Djerba Synagogue Bombing', *CTC Sentinel*, 10:4.
2   M Hafez (2008), 'Jihad after Iraq: Lessons from the Arab Afghans Phenomenon', CTC Sentinel, 1:4.
3   'Arab veterans of Afghanistan war lead new Islamic Holy War', *Compass*, 28 October 1994. Available at: https://fas.org/irp/news/1994/afghan_war_vetrans.html
4   D Byman (2015) 'The homecomings: what happens when Arab foreign fighters in Iraq and Syria return?', *Studies in Conflict and Terrorism*, 38:8, pp. 581-602.
5   'The writer traveled the Afghan-Pakistani border region to learn what Islamic radicals want and how they hope to achieve it', *Associated Press*, 20 November 1993. Available at: https://www.apnews.com/ 183bb25a227f2a416589849813eddeae

regimes emerged.[6] Even from abroad, some of these veterans remained a formidable threat to their countries of origin.

North African countries are thus well aware of the negative fallout of (returning) veteran fighters, more so than any other country. They experienced it throughout the 1990s and 2000s – Morocco perhaps less than Tunisia and Egypt. The term 'blowback' was already in use among intelligence services in the 1990s to describe this very phenomenon,[7] also referred to as the 'veteran effect' today. Following the 2003 war in Iraq and the 2011 Syrian conflict, some of these 'veteran fighters' played a significant role in recruitment, or at least as a reference point for would-be travellers.[8] This is certainly the case in Tunisia where veterans like Seifallah Ben Omar Ben Hassine, known as Abu Ayyad al-Tunisi, founded the TCG and later Ansar al-Sharia in Tunisia, two organisations that offered huge support for mobilisation and travel to jihadi theatres. In Morocco and Egypt, some individuals ensured continuity between successive mobilisations. Yet, surprisingly, in spite of their awareness and own experience with this threat, these countries have not devised specific responses to the latest wave of jihadi travels.

Why they left

Before looking into the policies for coping with returnees, it is interesting to reflect on some of the causes of the latest jihadi mobilisation. Why did an unprecedented number of Moroccans and Tunisians (and, to a lesser extent, Egyptians) decide to wage jihad in Libya, Syria and Iraq? All the countries in the region share certain demographic and socio-economic characteristics, mainly the presence of a significant youth and urban population whose social, economic or political aspirations are not met. This provides fertile ground for radicalisation and mobilisation. However, this fertile ground would not have led to a massive mobilisation if it were not for additional factors that created the conducive environment.

First, the 'Arab Spring' clearly contributed to the spreading of revolutionary ideas across North Africa. This created space for liberal movements as well as for well-organised Islamist groups. Certain movements and discourses that had been banned under authoritarian regimes and survived clandestinely could emerge into the light and become mainstream in a revolutionary environment. Furthermore, the presence of an established Islamist scene, including some veteran jihadi fighters, provided a stand-by force ready to adapt and act quickly when domestic and global contexts evolved. When the opportunity for new jihadi mobilisation presented itself in a time of domestic turmoil, these networks could quickly organise themselves.

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[6]   S Engelberg, 'One Man and a Global Web of Violence', *New York Times*, 14 January 2001. Available at: https://www.nytimes.com/2001/01/14/world/one-man-and-a-global-web-of-violence-91343441510.html

[7]   M A Weaver (1996) 'Blowback', *The Atlantic*, May Issue.

[8]   Byman, op cit.

Second, the fall of authoritarian regimes had a major impact on local mobilisation. On the one hand, large numbers of Islamist militants, including convicted terrorists, were released from jail. On the other hand, the traditionally very strong security services of these countries were deeply weakened, even disbanded in the case of Tunisia, and were therefore unable to monitor jihadi recruiters and released terrorists, let alone prevent them from travelling.

Third, Morocco, Tunisia and Egypt were each members of the 'Friends of Syria Group', a diplomatic initiative designed to support the Syrian population and opposition groups. Tunisia and Morocco both hosted meetings of this group in 2012. As pointed out by the authors in this report, this diplomatic support combined with calls from prominent religious voices to support the Sunni population in Syria might have been interpreted by some youngsters as a call for action or, at least, could easily be instrumentalised by jihadi recruiters. In Tunisia, the Islamist governments between 2011-13 went even further by creating a permissive environment for jihadi ideology and discourse, which may partly explain the particularly large contingent from that country.

Finally, it is worth noting that the bulk of journeys to Syria and Iraq did not occur in the immediate aftermath of the Arab Spring. While the jihadi mobilisation started as early as 2011, most journeys occurred only from 2013 onwards. The post-revolutionary permissive environment created hopes and enthusiasm domestically, and it was only following a general disillusionment with the political transition and the ensuing crackdown on Islamist movements that jihadi travelling increased. Around 2013, the domestic space for contestation was narrowing while, at the same time, some jihadi groups were increasingly attractive due to their military and political ascendance in nearby Libya and the Levant. As the tide was turning at home, young volunteers flocked to the ranks of ISIS and al-Qaeda. The mobilisation might have been even more important in the absence of reaction from the authorities. Tunisia, for instance, claims to have prevented 27,000 citizens from travelling abroad to wage jihad, although it is unclear where this figure comes from, and what measure(s) specifically made this possible.

When they return

Returning foreign fighters pose a serious challenge to all countries. Egypt and Tunisia have both been struck by terrorist attacks either perpetrated by or involving returnees from Syria and Libya over the past few years. In this volume, Allison McManus refers to several attacks in Egypt in which some of the plotters received military training in Syria or Libya. In Tunisia, two of the deadliest attacks in the country's history (the 2015 attacks on the Bardo Museum and on a beach of Sousse, killing 22 and 38 respectively) were committed by young Tunisians trained militarily in neighbouring Libya. Strikingly, in both Egypt and Tunisia, it is not necessarily

returnees from Syria and Iraq that appear to pose the most immediate threat, but rather those who benefited from ungoverned areas in Libya or Sinai. This said, with a significant contingent of returnees, and possibly more to come following the fall of the 'Caliphate', caution is in order.

Of course, not all returnees constitute a threat. In fact, history dictates that only a fraction of them will import the jihad to their homeland. Yet the threat of returning fighters goes beyond the direct risk of attacks. As discussed above, 'veterans' can remain involved in non-violent activities for years and decades, spreading the ideology and building networks to become a destabilising force at home. They can also facilitate the next jihadi mobilisation, when the context is ripe.

The scope of the challenge varies from one country to another, as well as the capacity to tackle it effectively. Tunisia would be confronted by about 1,000 returnees (representing about a third of its FTF contingent, similar to European ratios), while Morocco would only have just over 200 returnees (about 12% of its FTF contingent). Figures for Egypt are unknown but most likely comprise between one hundred and several hundred.

North African countries have all taken some measures to deal with the increased terrorist threat. However, these responses are all mostly security-driven, thus failing to take a comprehensive approach. Morocco is the only one of the three countries studied in this report to adopt a systematic approach. 'Every ISIS returnee who sets foot in Morocco will be arrested, questioned, and sent to the courts,' said the head of Rabat's intelligence services in December 2018.[9] Indeed, according to Kathya Berrada in this volume, all returnees have been tried and now sit in jail. Morocco is by far the best-prepared country in the region. It has strong security services that were further reinforced in recent years; it has adopted new laws to ease the prosecution of foreign fighters; and it has developed prison rehabilitation programmes that are being scrutinised by other countries. Morocco is also very active in international forums such as the Global Counter-Terrorism Forum (GCTF), sharing experiences with other European, African and Asian countries. Furthermore, in contrast to most countries, including in Europe, Morocco seems sufficiently confident in its own institutions to repatriate some of its foreign fighters detained by Kurdish forces in Syria.[10]

Compared to Morocco, Tunisia and Egypt have taken a narrower and less systematic approach to dealing with returnees. In this volume, Emna Ben Arab raises doubts about the ability of the Tunisian authorities to identify, prosecute and monitor returnees. In spite of the strengthening of the security services and the adoption of

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9 'Prospect of ISIS Fighters Returning Rings Alarm Bells in Morocco', *Morocco World News*, 31 December 2018. Available at: https://www.moroccoworldnews.com/2018/12/262082/isis-fighters-morocco/

10 'Morocco repatriates eight alleged jihadists from Syria', *Agence France Presse*, 10 March 2019. Available at: https://www.france24.com/en/20190310-morocco-repatriates-eight-alleged-jihadists-syria

new laws, the willingness and resources to cope with the return of more than a thousand fighters seem insufficient.[11] Security services, courts and the penitentiary administration are overwhelmed. Tunisian authorities and civil society seem to agree that the country is ill-equipped to deal with this challenge. Only a fraction of returnees were prosecuted and jailed, while most are said to be 'under house arrest' or 'monitored', if at all.[12] Prisons lack specific rehabilitation and reinsertion programmes for returnees. Due to stringent security measures by penitentiary staff, returnees have basically no access to reinsertion programmes, which therefore lowers their chances of successful reinsertion. There are also concerns with regard to the ability of the country not only to deradicalise or disengage these individuals, but more fundamentally to contain radicalisation in largely overcrowded prisons. Once the FTFs are released from prison, there do not seem to be many plans to monitor or counsel them either, while larger prevention programmes are mostly non-existent.

With regard to Egypt, Allison McManus explains in this volume that there are simply very few specific instruments or laws for coping with returnees, in spite of a realisation of the threat they pose. The penal code was adapted in 2015 but it remains insufficient. The lack of transparency on the number of FTFs and returnees is a problem in itself, as it prevents international partners (notably the EU) from offering tailored support. In the absence of transparency, it is not clear whether the security services are up to the task. But a security-only approach is sure to fail, as there do not seem to be any deradicalisation or prevention programmes in place. Prisons are overcrowded and allegedly fuelling radicalisation and therefore do not offer a sustainable solution to the challenge.

The European connection

Concerns over returning foreign fighters are not specific to the Maghreb. The fall-out of the Caliphate presents a global challenge with transnational and regional ramifications. The success or failure of North African countries to mitigate the threat from returnees over the long term will have clear effects on security in Europe. First, there is, of course, the geographic proximity. Instability on the borders of Europe is in no one's interest. The development of jihadi networks or, worse, the strengthening of a jihadi front closer to Europe is a worrying perspective. As the Caliphate has fallen, and ISIS lost its last pockets of territory, there is the possibility of a jihadi resurgence in other regions such as Libya or the Sinai. Some European FTFs could also manage to make their way into these areas from Syria, although most likely in very limited numbers.

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[11] 'Tunisia overwhelmed, divided over returning extremists', *Associated Press*, 24 February 2017. Available at: https://www.apnews.com/b9b54744173746beb1e07502904ec56f

[12] 'Tunisia overwhelmed, divided over returning extremists', op. cit.

Second, there are historical and personal ties between North Africa and diaspora communities in Europe. Many European foreign fighters who joined Syria and Iraq were of Moroccan or Tunisian descent. Many North African and European fighters fought side by side, and some were integrated in the same units.[13] Some Europeans also travelled to and stayed in North Africa before heading to Syria.[14] These ties have inevitably deepened in the Syrian context.

Such connections are not new. They have existed between jihadis from North Africa and Europe for more than two decades: groups such as the MICG or the TCG were partly rooted in Europe in the 1990s. Historically, veteran fighters from the Maghreb have been active throughout Europe. Although European authorities are undoubtedly more vigilant today than in the 1990s, this should serve as a reminder that jihadi networks easily span the Mediterranean Sea.

Last but not least, a number of European countries have stripped terrorist convicts or suspects of their European citizenship and subsequently expelled them. This approach is one of the cornerstones of Italy's counter-terrorism policy, which has expelled (with or without citizenship stripping) 362 presumed 'extremists' since 2014. The vast majority of these expulsions concerned Moroccans, Tunisians and Egyptians.[15] It has also become a systematic practice in Germany, and is used with increased frequency throughout Europe, mostly concerning binationals from North African countries.[16] While intelligence services recognise that removing highly influential individuals from their environment may have a positive impact on local radicalisation dynamics, the generalisation of this measure is not an effective long-term policy.[17] The more frequent use of expulsions will only further increase the burden on North African countries, which are already facing a higher burden than Europe.[18] Moreover, such measures risk creating a new jihadi community of the 'unwanted', which may further coalesce in prisons and socialise with local jihadi milieus. This 'community' will not only hold deeper grievances against European authorities but also rely on extensive networks in Europe, among friends and family, while being mostly out of reach of European security services.

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[13] For instance, Amine Boutahar was a Moroccan citizen who was part of ISIS counter-intelligence unit alongside several European fighters. See: 'L'histoire d'un Maroco-néerlandais, fils d'un consul du Maroc, aux services de Daech', *Yabiladi*, 26 November 2018. Available at: https://www.yabiladi.com/articles/details/71408/l-histoire-d-un-maroco-neerlandais-fils-d-un.html

[14] That was notably the case of Boubakeur el-Hakim, who travelled from France to Tunisia before going to Syria. See: M Suc (2018), *Les Espions de la Terreur*, Paris: HarperCollins, p. 103.

[15] M Olimpio, 'The measure of expulsions for extremism', Commentary, Milan: Italian Institute for International Political Studies (ISPI), 14 December 2018.

[16] C Paulussen, 'Countering Terrorism Through the Stripping of Citizenship: Ineffective and Counterproductive', Perspective, The Hague: ICCT, 17 October 2018; G Chazan, 'Germany to strip dual-nationals who fight for Isis of citizenship', *Financial Times*, 4 March 2019. Available at: https://www.ft.com/content/1c929f90-3e6b-11e9-9bee-efab61506f44

[17] C Paulussen, op. cit.

[18] K Cragin, 'Foreign Fighter "Hot Potato"', *Lawfare*, 26 November 2017.

The way forward

Based on the findings of this report, it is evident that there is a need and space to develop better policies to deal with returnees. In their efforts, North African countries can take inspiration notably from the United Nations' Counter-Terrorism Committee (UN CTC) 'Madrid Guiding Principles', which make very specific recommendations for coping with FTFs and returnees.[19]

In line with these principles, this report concludes that a more systematic and comprehensive approach is needed to deal with returning fighters and their families. Security measures are important to identify, monitor and prosecute returnees properly. However, policies based exclusively on security measures will inevitably fail.

The penitentiary approach to returnees should be reconsidered. Firstly, radicalisation in prison is a major challenge in many countries, but it seems particularly acute in some of the countries studied in this report. Returnees will only add pressure to this existing challenge. It is therefore crucial to develop policies that respond effectively to the problem.

Second, jailing terrorists might be the end of the judicial cycle but it is only the beginning of the rehabilitation and reintegration process. Such programmes started recently in Morocco but are still absent in Egypt and Tunisia. Incarceration may effectively 'freeze' the problem stemming from returnees for several years, but it will not help in the longer term as terrorists will be released sooner or later. Some returnees are already exiting prisons in the Maghreb. An effective approach to returnees should therefore aim at lowering the chances of re-offending upon release by increasing the chances of a successful reinsertion.

This requires tailored programmes in prison but also more continuity between detention and post-detention measures and administrations. Extensive cooperation must be encouraged between security and social services – a process that is far from evident in Europe and does not seem to be envisaged yet in North Africa.

More broadly, it is accepted that there is a need to broaden the counter-terrorism spectrum, to invest more in community-based prevention programmes and in tackling the environment that is conducive to radicalisation. Indeed, as foreign fighters return into society, the risk of them re-engaging in jihadi activities is high if the primary causes of their radicalisation are not addressed. So far, however, it is not clear how much effort has been invested in such prevention programmes. The answer is clearly not enough.

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19   *Madrid Guiding Principles: A practical tool for Member States to stem the flow of foreign terrorist fighters*, UN Counter-Terrorism Committee, S/2015/939, December 2015; *2018 Addendum to the 2015 Madrid Guiding Principles*, UN Counter-Terrorism Committee, S/2018/1177, December 2018.

Europe is willing to share its own expertise and offer support to North African countries, as emphasised by the EU Counter-Terrorism Coordinator in the foreword to this report. This cooperation can be articulated specifically around counter-terrorism issues. In this regard, more cooperation between judiciary and security services can be beneficial to both European and North African countries. Coopera-tion between Moroccan and European intelligence services has increased, for instance, as well as cooperation among prosecutors, notably in the context of the quartet between Moroccan, Belgian, French and Spanish prosecutors' offices. Capacity-building programmes, such as the ones in Tunisia, should also be continued.

Furthermore, European authorities can share their experience with the development of a comprehensive approach to violent extremism, ranging from a robust 'preven-tion' pillar to rehabilitation and reinsertion programmes for terrorist convicts. While European countries are still learning by doing, some lessons can already be drawn from the past six years of experiments. In return, Europeans could also learn from regional initiatives, notably from Morocco's deradicalisation programmes in prison.

Finally, at a broader level, Europeans should encourage and support initiatives that aim to tackle the North African environment that has proved conducive to radicalisa-tion. Supporting socio-economic development, education, rule of law, good govern-ance and, most importantly, inclusive policies or regional integration could all serve narrower counter-terrorism efforts.

In short, to conclude, there is still work ahead. The foreign fighters' challenge will not go away with the fall of the Caliphate. In fact, it may even increase with the return or migration of a number of 'Syrian veterans'. Historical precedents dictate tackling this issue seriously and proactively. It is, of course, primarily each country's responsibility to deal with its own returnees. Since radicalisation and mobilisation dynamics are rooted locally and differ across countries, there cannot be a one-size-fits-all approach. However, in light of the scope of this challenge, and of its global dimen-sion, international cooperation is highly desirable. Every country would gain from an open discussion of this challenge and the sharing of good practices. If jihadis of the world can unite, so should we.