How to handle returning foreign fighters: policies and challenges

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Madame la Présidente,
Honourable Members of the European Parliament,
Ladies and Gentlemen,

First of all, let me thank you for your invitation. I feel honoured and privileged to speak in front of this distinguished Committee. Let me also stress how important I think your work is. We are confronted to a phenomenon that is not new in itself, but has reached unprecedented scope and is spanning across many borders. This requires a mobilization of efforts at all levels, including at the European level.

I have been invited here to address the challenge of returning foreign terrorist fighters. The so-called 'returnees'[2]. This issue has attracted a lot of attention over the past years, particularly in the aftermath of the attacks in Paris (2015) and Brussels (2016), which involved a number of returning fighters.

To give you the bottom line upfront, I shall say that returning foreign fighters are a serious concern for European authorities, but not the only one. The threat should not be underestimated, but it shouldn't be overstated either. We should also recognize that a lot of efforts have been achieved to deal with this phenomenon, and that we are therefore better prepared than before. But also acknowledge that major challenges remain ahead. My presentation will address the threat, on the one hand, and the response, on the other hand, before highlighting some of the key challenges ahead.

The Threat:
Around 5,000 Europeans have joined Syria and Iraq since 2012 to fight along various groups, but primarily with the so-called Islamic State. Among them, around 1,500 have returned so far in successive waves. Most returns occurred in 2013-15, while there have been few returns since 2016. Indeed, the massive homecoming once feared did not materialise. Not yet, at least.

Early returnees, prior to the establishment of the Caliphate, counted a number of disillusioned and traumatized individuals, who had not necessarily realised what they were

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getting into. But they also included individuals who travelled back and forth multiple times to recruit among their networks. As well as a first group of attackers. The first successful attack by a returning foreign fighter was committed here in Brussels, in May 2014, almost 4 years ago, by Mehdi Nemmouche. Others before him had returned to plot attacks, but had been arrested before.[3]

A second wave of attackers travelled back to Europe from 2014 onwards, as the Islamic State developed its external operations. From Nemmouche to the Brussels attacks, including the Verviers plot here in Belgium, the Thalys attack or the Paris attacks, a number of incidents were directly perpetrated by returnees.

While very real and serious, the threat should not be overstated, however. Excessive fears obscure good policy-making:
- First, the number of returnees directly involved in attacks is relatively low, compared to the overall number of returnees and foreign fighters. The so-called 'blowback rate' is very low. Studies looking at previous conflicts suggest a similar trend. This is undoubtedly reassuring.
- Furthermore, investigations indicate that most attackers were connected, and possibly belonged to the same unit. Clear ties can be established between Nemmouche, the Verviers cell, El Khazzani, and the Paris-Brussels network. This is also reassuring: such ties can be exploited by the intelligence services to identify the most dangerous individuals.
- Thirdly, it should be noted that no successful attack was conducted by a returning foreign fighter since March 2016. As a matter of fact, over the past 2 years, authorities have been much more concerned with the threat from so-called 'Homegrown Terrorist Fighters', that is those who did not travel to Syria or Iraq.

This being said, the threat should not be underestimated either. Returnees are not only a serious threat, but also a multifaceted and long-term one that requires sustained efforts, as I will emphasize:
- While homegrown fighters can prove very effective, studies suggest that veteran fighters increase the probability of success of a plot, and its lethality. The attacks of Paris and Brussels are certainly illustrations of this.
- Moreover, it does not take a lot of returnees to significantly increase the threat level. A small group of determined returning fighters can be very dangerous.

The risk of returning foreign fighters goes beyond their direct involvement in an attack:
- Through their charisma, they can play a key role in further radicalizing or recruiting certain individuals. Returnees and homegrown fighters feed each other. They are two sides of the same coin.
- Prisons, where most returnees go once back in Europe, offer a particularly favourable environment for jihadi 'entrepreneurs' to broaden their influence and networks.

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[3] This was notably the case of Lyes Darani (arrested in October 2013) and Ibrahim Boudina (arrested in February 2014), who were both arrested in France and later convicted.

- Finally, in the long term, returnees can play a key role in perpetuating the jihadi discourse and the myth of the Caliphate until the next mobilization, and thus fostering the jihadi movement across Europe.

The Response:
How do European countries deal with these returnees? What policies have been set in place?

In the beginning, the response from the authorities was based on a purely criminal justice approach. After all, Europeans had left before to fight in Bosnia, Chechnya, Afghanistan or Iraq. While some of these 'old' returnees did pose a security concern, they were a manageable quantity for the security services. Things started to change when the services realised that the phenomenon was more intense than before, eventually growing out of proportion in some countries. Few measures were taken at the time, in 2013-14. It is the subsequent wave of attacks that triggered a strong political reaction. From 2015 onwards, authorities started to develop a more systematic approach, but also a more comprehensive one. Prevention policies, which had long been neglected or marginalized received more space and resources (although arguably still not enough). A lot of 'try and learn' paved the way to this more systematic and comprehensive approach. And I would say that we're still in that phase, although time is now increasingly at the evaluation of existing policies.

European member states have different counter-terrorism resources and traditions. As a result, they deal with this issue differently. However, there is a certain degree of convergence among European countries as they face the same challenges and therefore undergo similar debates. Let me offer you a succinct overview of the European response to returning fighters, based on my research:
- With regard to foreign fighters still in Syria and Iraq, there is absolutely no appetite to facilitate their return. Death or life in jail are the favoured outcome for most governments. The situation could evolve in Syria, however, as European authorities are pressured by Kurdish militias and their US ally to repatriate their fighters detained there.
- The case of children is particularly troubling. There is probably close to 1,000 European children in the area. While most governments seem to recognize that they are victims, at least under a certain age, there is no active policy to facilitate their return or ensure their well-being.
- Upon return in Europe, foreign fighters are now systematically prosecuted, based on UNSC Resolution 2178 and the EU Directive on Terrorism. Most of the time they are also placed in pre-trial detention, until their trial. Women are now equally likely to be prosecuted, which was not the case until recently in several countries, based on biased assumptions about the role of women in jihad.
- Sentences can vary in duration, but are relatively short in Belgium, Netherlands or Germany, ranging from 3 to 5 years. They are more severe in France.
- With regard to prison, all countries have debated the pros and cons of the various detention regimes. Some countries, like Belgium, have opted for a regime of dispersion, while others, like the Netherlands, have opted for a regime of concentration in high security facilities. In either case, however, tailor-made security measures are adopted and adjusted based on regular risk assessments.

- After many debates, most countries now favour disengagement programmes (seeking to address the violent behaviour of the individual) rather than deradicalization programmes (focussed on the ideology). These programmes, usually starting in prison, are still in their early days and should therefore be carefully assessed.
- The post-penitentiary transition is by far the most challenging phase of all. How do we make sure that released individuals do not go back to their jihadi life? Reinsertion in a Western society after years in a conflict zone and then in prison is far from self-evident. Disengagement programmes must therefore be complemented with reinsertion projects. That is not always the case. Traditionally, individuals will be released under probation, which allows for a close security and psycho-social monitoring in the first months following release, when the individual is most vulnerable to recidivism. Not everyone accepts or is eligible for probation, however.
- At the end of probation, or after their release, returnees continue to be monitored through different mechanisms. A key issue for success then becomes the transmission of relevant information from the penitentiary services to the security services as well as to the local authorities, with a view to ensure a proper security monitoring as well as continuity in the individual counselling outside prison.

The Challenges Ahead:
To close my testimony, let me emphasize some of the key challenges that I still see ahead:
- First, many (if not most) returnees will come out of prison in the coming couple of years. This new wave of returnees, so to speak, will be particularly delicate to handle, as the criminal justice approach must make room to a combination of socio-prevention programmes and intelligence-led surveillance. As I said earlier, the post-penitentiary phase is the most challenging one.
- Second, there is still a large contingent of European fighters in Syria and Iraq. These are mostly considered to be 'die-hards', highly dangerous individuals. Many will die fighting or be sentenced to death in Iraq. But some could still come back in the next months, not least as the Kurdish militias increase the pressure on European governments to repatriate their fighters. Others could do their homecoming several years from now – the contingent is large enough to allow all scenarios. In short, we are in for the long game. But the question is: are we committed for the long term?
- This leads me to my third and final point: The threat landscape is evolving as a result of the fall of the Caliphate, which has already led to a lowering of the threat level here in Belgium. Lower threat levels create a window of opportunity to put more efforts on prevention work and to address the conducive environment to radicalization and terrorism. However, it also entails a risk. The political support for extensive and costly counter-terrorism programmes may wane quickly in the absence of a serious threat. We have seen this before: in 2009, Gilles de Kerchove called it 'Counter-terrorism fatigue'. This would be a mistake: we have learned a lot about radicalization and terrorism over the past few years, but all this expertise and experience can be quickly lost if we do not ensure its sustainability. It is therefore critical to maintain the pressure on European governments.

I thank you for your attention.