

The Foreign Fighters Phenomenon in the European Union

Profiles, Threats & Policies

Prepared for the Netherlands National Coordinator for
Security and Counterterrorism on the occasion of
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Executive Summary

In the summer of 2012, first reports emerged of so-called “foreign fighters” (FF) leaving their home and residence countries to join the Syrian uprising against the Assad regime. Since then, the number of these “travellers” to the Syrian, and more recently, Iraqi battlefields has grown significantly: From September 2014 to September 2015 alone, the number of FF reportedly doubled and reached 30,000 combatants coming from 104 countries. Experts and government officials have increasingly warned of the potential security threat this phenomenon might also pose to Europe and beyond.

On the occasion of the Netherlands’ presidency of the Council of the European Union (EU) in the first half of 2016, the Netherlands National Coordinator for Security and Counterterrorism (NCTV) commissioned the International Centre for Counter-Terrorism – The Hague (ICCT) to report on the FF phenomenon in the EU. Specifically, this report aims to map the phenomenon and facts surrounding FF in the context of the conflicts in Syria and/or Iraq, as well as the threat assessments and policy responses both at the EU level and within individual EU Member States (MS). As such, this document is not an evaluation of policies, but rather is a charting of the FF situation and responses within the Union.

Utilising data received directly by MS in response to a questionnaire, as well as other public material, ICCT gathered information on the number of FF, their characteristics, MS’ threat assessments, and the policies adopted in response to the phenomenon. Supplemented by open-source data and information from expert consultations, this report provides a close look at the FF phenomenon and responses in a total of 26 MS. Nine countries were selected to be analysed in-depth, representing a mixture of transit and sending countries from across the EU, including MS with the highest absolute and per capita numbers of FF. These nine focus countries are: Austria, Belgium, Bulgaria, Denmark, France, Germany, the Netherlands, Spain, and the United Kingdom. Additionally, the report also examines developments at the EU level in response to the FF phenomenon.

Several challenges were encountered during the data collection period, especially with regards to the number of FF. First, lacking a common and agreed definition of FF, and a central repository for data collected at the MS level, some countries conflate numbers on FF and foreign *terrorist* fighters, at times adding those involved in terrorism more generally. Second, authorities themselves often lack accurate data or may not disclose their information. Open-source data seldom matches the official government numbers, and many reports use estimates instead of exact numbers, frequently leading to inflated FF numbers. The third challenge is that of the double counting of travellers, returnees, those who died abroad, residents, and citizens.

Foreign Fighter Numbers

Based on the responses to the ICCT questionnaire and available open-source information, numbers and key characteristics of EU FF were identified. The total number of FF in the 23 MS¹ that responded to the ICCT questionnaire is 3,710. When completing this data with open-source information, the EU-wide² estimate lies between 3,922 and 4,294 FF. A majority of around 2,838 FF come from just four countries: Belgium, France, Germany, and the United Kingdom, with Belgium having the highest per-capita FF contingent.

Many consider *returning* FF as a potential security threat; this research indicates that an average of 30% of FF have returned to their countries of departure.

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¹ Data collection for the questionnaires was closed at the end of October 2015.

² Note that two countries are not included in this research: Greece and Hungary for which no information could be found.

FOREIGN FIGHTERS FROM THE EU



Total Foreign Fighters: 3922 - 4294
Returned: 30%
Confirmed Dead: 14%



Gender:
 17% of foreign fighters are female.



Residence:
 90 - 100% of foreign fighters come from urban or built-up areas.



Converts:
 6 - 23% of foreign fighters are converts.

The percentage of returnees is based on data from nine MS accounting for 94% of FF.
 The percentage of confirmed dead is based on data from sixteen MS accounting for 99% of FF.
 The percentage of female FF is based on data from eleven MS accounting for 80% of FF.
 The percentage of converts is based on data from three MS accounting for 51% of FF.
 The percentage of urban residents is based on data from five MS accounting for 9% of FF. Four more countries responded to the question in the questionnaire, stating a majority originated from an urban environment. The nine countries together account for 30% of the total FF, and have at least a majority of FF originating from an urban environment.

Foreign Fighter Profiles

This report shows that there is no clear-cut profile of a European FF. Based on the responses from eleven MS, an average of 17% are female. With regard to the place of residence before travelling, the responses of several MS show that between 90% and 100% originate from large metropolitan areas or peripheral suburbs. Many FF originate from the same neighbourhood, which seems to indicate that there are pre-existing (extremist) networks operating in these areas, that a circle of friends radicalise as a group and decide to leave jointly for Syria/Iraq, or recruit each other from abroad. There is no clear pattern with regard to the nationality of FF; In some countries the majority hold a nationality other than the one of the country where they departed from, whereas in other countries the opposite trend can be observed.

The data also shows a sizeable number of converts to Islam among FF: For MS with more than five FF, between 6% and 23% of the FF are converts. Also, preliminary research indicates that the mental-health status of (potential) FF might also play a role. Regarding the radicalisation process, many MS highlighted what they saw as very short and “under the radar” radicalisation processes. Additional data on, for instance, prior criminal history and family status was inconclusive across the EU.

Threat Perceptions in the EU and the Member States

According to various official EU documents, four general aspects of the FF phenomenon were identified to pose a threat: 1) Persons travelling from the EU to Syria/Iraq seeking to become a FF; 2) the threat posed to EU countries by returned FF who had acquired basic military training and battle field experience; 3) the impact of the FF phenomenon and related terrorist activity on social cohesion within the EU; and 4) the threat posed by would-be FF, who, having been prevented from travelling to Syria/Iraq, may carry out attacks within the EU instead.

The majority of MS consider the FF phenomenon as a serious security risk to their national society. Fourteen MS make use of threat-level assessment mechanisms. Only five regard the threat level in their country to be low or below average. Eleven MS have changed their threat levels since 2011, when the Syrian conflict commenced and the issue of FF started to increasingly gain attention.

Policy Developments in the EU

The EU's CT Strategy based on the four pillars of prevent, protect, pursue, and respond, remains the primary prism through which the FF phenomenon is perceived and policy options are formulated. While the CT Strategy was set out in 2005, it was only in 2013 that the EU began to respond to the FF threat in the context of Syria/Iraq, with the EU Counter-Terrorism Coordinator outlining 22 proposals. In 2014, the Council of Justice & Home Affairs (JHA) Ministers set out four priority areas: "[1] to prevent radicalisation and extremism, [2] share information more effectively – including with relevant third countries, [3] dissuade, detect, and disrupt suspicious travel and [4] investigate and prosecute foreign fighters", which has remained the core of the EU's policy response to FF.

With reference to the first priority, the Commission released the communication, "Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's response" in 2014. Already in 2011, the Commission had launched the Radicalisation Awareness Network (RAN), in order to assist front-line practitioners through the exchange of experiences and good practices. In November 2015, the RAN Centre of Excellence was established. Given the prominence that IS places on its social media communications, the Commission financed the Syria Strategic Communications Advisory Team, whose role is to help MS develop effective counter-narratives. Additionally, efforts have been made to improve the detection and removal of extremist social media content from the Internet. In July 2015, Europol set up the Internet Referral Unit at the behest of the JHA Council.

With regard to the second priority, international cooperation has been strengthened through intensified cooperation especially with countries geographically close to Syria/Iraq. Following the decision taken by the JHA Ministers in November 2015, Europol has launched the European Counter Terrorism Centre in The Hague in January 2016, as a platform for sharing information and coordinating cross-border investigation, focusing on FF, the trafficking of illegal firearms and terrorist financing.

With regard to the third priority, in April 2013, the much-delayed, second-generation Schengen Information System went live, allowing "for an easy exchange of information between national border control authorities, customs and police authorities on persons who may have been involved in a serious crime", a crucial tool for combatting the FF phenomenon. Another important step was the creation of the Focal Point Travellers by Europol in 2013, which contributes to information sharing among MS and third countries with regards to suspected individuals.

Regarding priority number four, the EU prioritised the investigation and prosecution of FF. A key part of this has been the drive to update the EU Council Framework Decision (FD) of 2002, as was already done once before in late November 2008 through FD 2008/919/JHA, to be able to address the new legal challenges presented by the FF phenomenon. In December 2015, the European Commission agreed on a new directive replacing FDs 2002/475/JHA and 2008/919/JHA on combating terrorism. This new directive proposes to strengthen the FD by criminalising the provision of training for terrorism, the receiving of training for terrorism, and the funding of terrorism.

All in all, much progress has been made within the EU. Many of these initiatives are part of a more general evolution of EU CT policy rather than targeting FF specifically.

Policies in the Member States

Responses to the ICCT questionnaires show that every MS has developed its own national approach to terrorism, FF, and radicalisation. Some countries, including ones that have little prior history with terrorism and only a few FF, have developed elaborate, comprehensive strategies, or are currently in the process of doing so.

The general impression is that countries have a broad set of security and legislative measures at their disposal to prevent and counter the problem of FF, from informative hotlines to

deprivation of citizenship. Even though MS often refer to the issues of prevention, law enforcement and security measures are still dominant issues.

In the wake of the January 2015 terrorist attacks in Paris, MS have strengthened or announced the strengthening of their security and intelligence services, including in connection to transnational crimes. Border controls have also been stepped up and national passenger name record systems are being introduced. Moreover, the use of special investigation methods has been expanded. This Report also shows that countries recently and increasingly adopt administrative measures, even if these measures do not specifically target FF.

With regard to criminalising various terrorist acts in addition to the act of terrorism itself, in line with EU FDs 2002/475/JHA and 2008/919/JHA, all 26 MS included in this research have criminalised the financing of terrorism. Twenty-two MS have criminalised the participation in or leadership of a terrorist group. Recruitment for a terrorist cause has been made an offence in twenty MS. Twenty-three MS have criminalised incitement to and/or glorification of terrorism. Another 23 MS have criminalised the *providing* of terrorist training, whereas fourteen MS have criminalised the *receiving* of terrorist training, with two additional MS being in the process of developing legislation in this regard. Finally, only nine MS have made the travel of FF a criminal offence, and legislation is being developed in two additional MS.

Prevention and addressing the root causes of radicalisation were mentioned by some countries as the primary goal when it comes to addressing the FF phenomenon. The examples of measures mentioned varied from inter-cultural and inter-religious dialogue, engagement with the Islamic communities, and the use of counter-narratives, to the setting up of emergency phone lines. Community policing, another preventive measure whose importance was stressed after the Paris November attacks, was not often mentioned as a response. Asked about whether MS have a rehabilitation and/or reintegration programme in place for convicted and/or returning FF, a few MS responded affirmatively.

The authors note that certain particularities or emerging trends of the current FF cohort are not (yet) reflected in more targeted policies. These include the number of women, the percentage of converts, the increasing number of (very) young people, the urban-suburban origin, the potential role of mental health issues with FF, the effectiveness of social media propaganda, as well as the sometimes very short radicalisation processes. Better understanding of these trends could help inform more effective, targeted, gender-sensitive policies and actions.

Policy Options

Based on the research for this Report, a number of policy options are proposed for the EU and MS.

Recommendations to both the EU and Member States:

1. There is a clear need for an effective (and centralised) monitoring and evaluation framework to analyse impact and effectiveness of existing and future policies and practices.

Recommendations to the EU:

2. One common definition of FF is necessary to ensure coherence in policies, accuracy in data collection and greater validity when it comes to data analysis.
3. To ensure follow-up by MS of non-binding objectives and policy guidelines formulated by the EU, the Union could consider establishing an internal reporting system, which allows for a dialogue between MS and the EU on how MS are implementing various policies.

Recommendations to Member States:

4. MS that have not yet done so, are advised to draft comprehensive strategies, including prevention programmes, to address the problem of radicalisation towards violent extremism and FF in particular. Such multistakeholder and multidisciplinary strategies should encompass a suitable, proportional, context-specific and effective mix of policy responses, taken from a toolbox of security, legislative, and preventive measures.
5. Prevention can best be achieved at the local level, therefore first-line practitioners are to be supported through, for example, telephone help lines or other supporting facilities.
6. MS are also advised to learn from past experiences and good practices to develop rehabilitation and reintegration programmes to deal with convicted FF as well as other returnees, and to adapt and tailor these to national exigencies. For an effective implementation of these programmes, MS should also invest in training of, for instance, prison personnel, as well as preparing municipalities to deal with increasing numbers of returnees.
7. In order to better address the emerging trends in FF characteristics, MS are advised to constantly review and, where necessary, amend the current policies and recalibrate their early-warning mechanisms.
8. In order to address the risk to social cohesion within European societies, a shift in the framing of public debates is recommended. Communication is not merely a means to informing the general public about certain measures and policies, but can be an important instrument on its own. As such, careful consideration and crafting of messages intended for different audiences is recommended.

Preface

The Foreign Fighters Phenomenon is one of the most urgent contemporary security issues we are facing - we in the Netherlands and we in the European Union. Tackling this phenomenon needs to be based on a common understanding of the problem and can benefit from a fresh look into policies developed to address this phenomenon so far.

Therefore, I commissioned the International Centre for Counter-Terrorism – The Hague (ICCT) to provide an analysis of the phenomenon based on the input from many of our partners in the European Union and to allow us a critical glance into the mirror as far as our policy responses are concerned.

ICCT was especially established as independent think and do tank to provide multidisciplinary policy advice and to connect counterterrorism policies and practices. I believe ICCT has done a great job to inform and inspire all actors involved in the challenge posed by terrorism and want to thank everyone who contributed to this report.



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1. Introduction

In the summer of 2012, the first reports emerged of so-called “foreign fighters” (FF) leaving their country of origin or habitual residence to join the Syrian uprising against the Assad regime. Since then, the number of these “travellers” to the Syrian, and more recently, Iraqi battlefields has grown significantly: From September 2014 to September 2015 alone, the number of FF reportedly doubled and reached 30,000 combatants coming from 104 countries.³ Some countries are directly affected by the FF issue by foiled or successful attacks, others by being transit countries or departing bases for non-national fighters. While the phenomenon of FF is not new, the sheer size and widespread origins has given the phenomenon a whole new dimension.

Experts and government officials have increasingly warned of the potential security threat this phenomenon might pose to Europe and beyond. Europol, for example, cautioned that FF returning from the battlefields could use “their training, combat experience, knowledge, and contacts” to carry out terrorist acts in the EU.⁴ Academic researchers and think tanks have confirmed this security threat, and also point out the psychological and social problems that returning FF might pose to themselves and their direct environments.

The past years have seen several attacks connected to FF. These include the January 2015 attacks on the headquarters of the satirical newspaper Charlie Hebdo, and the subsequent attack on a kosher supermarket in Paris, as well as an earlier attack by a French national, who had allegedly spent several months fighting in Syria before carrying out an assault on a Jewish museum in Brussels in May 2014. But it was not until the tragic events that unfolded on the night of 13 November 2015 in the streets of Paris that fears of a large-scale attack involving groups of returnees from Syria/Iraq were painfully confirmed: At least seven of the perpetrators were alleged to have fought with the so-called “Islamic State” (IS). The most recent attacks in Brussels on 22 March 2016 only seem to underscore the deadly relevance of foreign fighters.

It is against this backdrop that the Netherlands National Coordinator for Security and Counterterrorism (NCTV) commissioned the International Centre for Counter-Terrorism – The Hague (ICCT) to report on the FF phenomenon on the occasion of the Netherlands’ Presidency of the Council of the European Union (EU) in the first half of 2016.

The aim of this report is to provide an overview of the FF phenomenon on both an EU-wide level as well as within each of the EU Member States (MS). Specifically, this report maps the facts, threat assessments, and policy responses surrounding FF. Although a mapping of policies in line with the EU’s Counter-Terrorism Strategy – which builds on four pillars, namely prevent, protect, pursue, and respond (PPPR) – would appear logical, not all MS have adopted this four-strand approach within their domestic counter-terrorism (CT) policies. Therefore, in order to

³ J. P. Carlin, “Remarks at the International Institute for Justice and the Rule of Law’s Event on More Effective Responses to the Foreign Terrorist Fighter Threat”, *US Department of Justice* (28 September 2015), <http://www.justice.gov/opa/speech/assistant-attorney-general-john-p-carlin-delivers-remarks-international-institute-justice>. The figure of FF has also been noted by the UN Monitoring Team (UN Res. 1267) in May 2015. See “Action Against Threat of Foreign Terrorist Fighters Must Be Ramped Up, Security Council Urges in High-Level Meeting”, UN Meetings Coverage and Press Releases, 29 May 2015, <http://www.un.org/press/en/2015/sc11912.doc.htm>. It is noteworthy that the phenomenon is not new, but comparable to other similar conflict scenarios in the past (e.g. 1979-1992 Afghanistan and 2003-2007 Iraq).

⁴ Europol, *TE-SAT 2013 - EU Terrorism Situation and Trend Report* (25 April 2013), p.22, <https://www.europol.europa.eu/content/te-sat-2013-eu-terrorism-situation-and-trend-report>. There were also earlier warnings by intelligence services, e.g. in the UK; see Associated Press, “UK police investigate 2 in connection to terror-group kidnapping of 2 photojournalists in Syria”, *Daily News*, 10 October 2012, <http://www.nydailynews.com/news/world/uk-probes-2-terror-group-kidnappings-syria-article-1.1179468>.

effectively categorise the different responses and facilitate cross-country comparisons, this report used the following strands to class the policies and measures adopted by MS: Security, legislative, and preventive measures. As such, this document is not an evaluation of policies, but rather a charting of the FF situation and responses within the Union.

The report consists of six chapters. Following this introduction (Chapter 1), the authors analyse how the FF threat is perceived at an EU level and which policies have been developed in response (Chapter 2). Next, each individual MS is considered, providing national information on the numbers and characteristics of FF, while also looking at domestic threat assessments (Chapter 3). Nine MS were selected as focus countries, namely Austria, Belgium, Bulgaria, Denmark, France, Germany, the Netherlands, Spain, and the United Kingdom, representing a geographical spread of countries across the EU, including transit states. These sections contain more detailed information including a summary of relevant security, legislative, and preventive measures taken in response to the phenomenon. In the subsequent chapter, the data of the previous section are analysed to detect patterns regarding the numbers, profiles, and motivations of FF as well as counter-measures and policy developments across MS (Chapter 4). Building on these findings, a number of general observations are made (Chapter 5) before outlining some policy options for EU organs and MS (Chapter 6).

The authors strive to be transparent in the methodology used to gather data: The report utilises information that was provided directly and, in instances, confidentially by MS in response to questionnaires distributed in summer/autumn 2015. This information has been supplemented by open-source information and expert interviews, to draw as complete and accurate a picture of the situation as possible. In the event that data are misrepresented or misinterpreted, we encourage MS to get in contact with ICCT so this can be updated and corrected in follow-up projects. While official data collection was completed by 31 October 2015, select information was updated where necessary, and especially following the 13 November Paris attacks (see also Annex 1 for a detailed description of the methodology, and Annex 2 for a generic version of the ICCT questionnaire).

The remaining four annexes provide additional and in-depth information on all MS (Annex 3), as well as an overview of threat assessments in MS (Annex 4), a list of abbreviations (Annex 5) and relevant literature (Annex 6).

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Finally, the authors would like to thank the reviewers of this report, Prof. em. Dr. Alex P. Schmid, Prof. Dr. Edwin Bakker, and ICCT Director Mark Singleton, as well as the NCTV, and Michael Kowalski in particular, for their support throughout the research and writing process.

2. The EU Level: Threat Analysis & Developments

This Chapter analyses the ways in which FF are perceived as a threat at the EU level as well as the responses on an EU level. It first looks at the institutional architecture and CT approach of the EU. The Chapter then examines the FF phenomenon in the context of Syria/Iraq as perceived by various EU organs and related policy responses to the issue.

EU Institutional Counter-Terrorism Architecture

Although the primary responsibility of combatting terrorism rests with the MS, the EU aims to “play a supportive role that helps respond to the cross-border nature of the threat”.⁵ Several bodies within the EU institutional landscape play a role in formulating, implementing, and monitoring EU CT policy. A central position is that of the EU CT Coordinator (CTC), responsible for recommending priority areas of action and concrete policies to the Council of the EU. Moreover, the CTC is tasked with improving communication between the EU and third countries on CT-related issues.⁶

Within the EU Commission (EC), the Directorate General (DG) Home Affairs carries out most of its CT-related policy: It facilitates exchange of information between practitioners within its Radicalisation Awareness Network (RAN), provides support for victims of terrorism, and oversees the EU-United States (US) Terrorist Finance Tracking Agreement.⁷ The EC also provides assistance to MS through targeted actions and initiatives pertaining to the EU CT Strategy (see below), as well as by approximating legal frameworks.⁸

Two EU agencies, Eurojust and Europol, assist MS in investigations and prosecutions of terrorism-related offenses. Eurojust facilitates cooperation between the competent authorities in different MS through mutual legal assistance,⁹ while Europol – the EU’s lawenforcement agency – provides intelligence exchange and support to MS.¹⁰ Lastly, the European External Action Service (EEAS) coordinates the external dimension of the EU CT Strategy through coherent outreach and capacity-building assistance to third countries by the EU and MS.¹¹

Development of the EU Counter-Terrorism Strategy

In the wake of the terrorist attacks on passenger trains in Madrid in 2004, the EU established the position of a CTC.¹² Shortly thereafter, the CTC drafted the EU CT Strategy, which was

⁵ European Council and Council of the European Union (EU), *Response to foreign terrorist fighters and recent terrorist attacks in Europe* (2015), <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/foreign-fighters/#feedback-form>.

⁶ European Council and Council of the EU, *Counter-Terrorism Coordinator* (16 December 2015), <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>.

⁷ European Commission (EC)’s Directorate General Migration and Home Affairs, *What we do* (14 August 2015), http://ec.europa.eu/dgs/home-affairs/what-we-do/index_en.htm.

⁸ EC’s Directorate General Migration and Home Affairs, *Crisis & Terrorism* (23 June 2015), http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/index_en.htm.

⁹ Eurojust, *Mission and tasks* (2015), <http://www.eurojust.europa.eu/about/background/Pages/mission-tasks.aspx>.

¹⁰ Europol, *Mandate* (2015), <https://www.europol.europa.eu/content/page/mandate-119>.

¹¹ EU External Action Service (EEAS), *Counter Terrorism* (2015), http://eeas.europa.eu/fight-against-terrorism/index_en.htm.

¹² European Council and Council of the EU, *Counter-Terrorism Coordinator*, 16 December 2015, <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>.

adopted by the European Council in 2005.¹³ This concluded an evolving but decisive trend since the beginning of the century of making CT not only a domestic, but a cross-cutting element of a common security policy.

The four main pillars of the EU CT Strategy established in 2005 are: Prevent, protect, pursue, and respond (PPPR).¹⁴ First, in order to *prevent* terrorism, the CT Strategy focuses on preventing radicalisation by tackling its root causes, and averting recruitment and access to training. Second, in order to *protect* against terrorism, the aim is to reduce the possibility of attacks and to mitigate the impact of a possible terrorist attack. Third, with *pursue*, the objective is to disrupt terrorist activity, including planning, recruiting, financing, and networks, and to pursue terrorists across borders. Fourth, the strategy emphasises the need for risk-based preparation and effective crises *response* mechanisms to terrorist attacks. This pillar also focuses on the need to assist victims and to protect EU citizens and military/civilian assets in third countries.¹⁵



Figure 1: Four Pillars of the EU CT Strategy¹⁶

The CT strategy of the EU describes terrorism as “a threat to all States and to all peoples”, including to security, democratic values, and freedom of citizens.¹⁷ When taking a closer look at the 2005 strategy document, it is notable that the threat of terrorism and radicalisation was often framed as a threat existing in fragile or autocratic states that needed the “assistance” of the EU. More recently, the EU’s perception of terrorism, as communicated in its various instruments and documents, increasingly highlights the nexus between external and internal security in the context of Europe. A report published by the CTC in January 2011 noted “a significant number of radicalised people travel from the EU to conflict areas or are attending

¹³ The issue of CT was already introduced to the EU in 2002, when the Council of the EU adopted Framework Decision (FD) 2002/475/JHA on combating terrorism (see also below). Note that the European Council and the Council of the EU are two separate institutions. Whereas the European Council decides the political direction of the EU, it does not adopt laws. The Council of the EU has the responsibility of passing laws.

¹⁴ For more information, see Presidency and CT Co-ordinator (CTC), *The European Union Counter-Terrorism Strategy*, 14469/4/05 REV 4 (30 November 2005), pp. 6-16, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>.

¹⁵ *Ibid.*, p. 16; The assistance to victims and their families has been prioritised by several initiatives of the EC (e.g. European Network of Associations of Victims of Terrorism), the Council of the EU, and the European Council (e.g. the Stockholm Programme, the Directive on compensation to crime victims and the Framework Decision on combating terrorism).

¹⁶ *Ibid.*

¹⁷ *Ibid.*, p. 6.

terrorist training camps and then returning to Europe. They pose a clear threat to internal security”.¹⁸

Foreign Fighters as a Priority Issue

In the context of the crisis in Syria/Iraq, the issue of FF was first highlighted by the CTC in early 2013.¹⁹ Since then, the CTC has regularly updated the European Council on the phenomenon of FF.²⁰ However, due to the lack of a definition of “foreign fighters”, and the obvious links with terrorism and security, it is often difficult to separate what is policy specific to FF and what is more general CT policy. The need for a common definition was reiterated in a non-binding report by Members of the European Parliament in October 2015, citing the necessity to be able to facilitate legal proceedings.²¹

The Principal Threat

In August 2014, the European Council concluded “that the creation of an Islamic Caliphate in Iraq and Syria and the Islamist-extremist export of terrorism on which it is based, is a direct threat to the security of the European countries”, adding that the “European Council strongly believes that determined action is required to stem the flow of foreign fighters”.²² However, there is also a blurring of lines between what “terrorists” and what “foreign fighters” are. EU documents appear to use the terms FF, foreign terrorist fighters (FTF), and terrorists almost inter-changeably. In practice, the FF phenomenon presents a complex set of related and interconnected threats. From the publicly available EU documents,²³ four general aspects to the threat posed by the FF phenomenon can be identified:

- Persons travelling from the EU to Syria/Iraq to become FF;
- FF returning from Syria/Iraq to the EU;
- The impact of the FF phenomenon and related terrorism on social cohesion within the EU;
- Lone-wolf terrorists who may have been inspired by FF terrorism, as well as the threat posed by would-be FF who, having been prevented from reaching Syria/Iraq, may carry out attacks within the EU instead.

The first threat relates to those who actually *travel* from Europe to be a FF in conflict zones abroad, notably Syria/Iraq. In official communications, the travel of FF to Syria/Iraq is identified as a “major security threat to the EU and its member states, as well as to the region”.²⁴ In this light, the European Parliament (EP) stresses the fact that more than 5,000 Europeans are

¹⁸ EU CTC, *EU Action Plan on combating terrorism*, 15893/1/10 REV 1, 17 January 2011, p.2, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015893%202010%20REV%201>.

¹⁹ European Council and Council of the EU, *Counter-Terrorism Coordinator* (16 December 2015); G. de Kerchove and C. Höhn, “The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU”, in A. de Guttry, F. Capone and C. Paulussen (eds.), *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague 2016.

²⁰ European Council and Council of the EU, *Counter-Terrorism Coordinator*, 16 December 2015.

²¹ “Work together to fight online radicalisation and extremism, MEPs urge EU states”, EP, JHA Press Release, 20 October 2015, <http://www.europarl.europa.eu/news/en/news-room/20151019IPR98397/Work-together-to-fight-online-radicalisation-and-extremism-MEPs-urge-EU-states>.

²² European Council, *Special meeting of the European Council – Conclusions*, 30 August 2014, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/144538.pdf.

²³ This includes reports, press releases and policy documents from EU actors including the European Council, EC, CTC, Europol and other EU Agencies that are publicly available and address the FF phenomenon.

²⁴ Council of the EU Factsheet, *The challenge of foreign fighters and the EU's response*, 9 October 2014, p. 1, http://www.consilium.europa.eu/en/policies/pdf/Factsheet_Foreign-fighters_EN.pdf/.

estimated to have joined terrorist organisations.²⁵ Europol reported that the majority of FF (from Europe) in Syria/Iraq are thought to have been an EU resident before travelling, and that the amount of European FF is growing.²⁶ Some people have travelled back and forth to the conflict zone.²⁷ Travelling to a conflict zone is believed to contribute to the radicalisation of a person and to his or her acquisition of capabilities to carry out a terrorist attack,²⁸ as well as also potentially being a factor in the prolongation of the conflict.

The second threat is linked to the *return* of FF to the EU, and the fear that such returnees present an increased security risk.²⁹ The terrorist attacks on a Jewish museum in Brussels on 24 May 2014, the Paris attacks of 13 November 2015, as well as the attempted mass shooting on the Thalys train between Brussels and Paris on 21 August 2015 all underline the security threat of returning FF to EU citizens.³⁰ FF are said to pose “an increased threat to all EU MS upon their return, even if only a small proportion may be intent on perpetrating attacks in the EU”.³¹ Upon return, FF do not only pose a risk in the sense that they may carry out terrorist attacks, but also because of the possibility that they will initiate or engage in “logistical, financial, or recruitment cells” or take up a leading position within extremist organisations in their home countries.³²

Third, the EU emphasises the negative impact that the FF phenomenon has had on the *social cohesion* of European societies. In this regard, the EC stresses that terrorist attacks carried out by Europeans on European soil can have a divisive impact on society and increase extremist views among groups within the society, which could result in “a vicious circle of radicalisation, aggression, and violent responses”.³³ Europol’s 2015 EU Terrorism Situation and Trend Report (TE-SAT) highlighted the numerous right-wing marches and the “potential to flare up into violent acts”. For example, the Patriotic Europeans Against the Islamisation of the Occident (Pegida) anti-Islam demonstrations attracted thousands of participants, especially in Germany. The EU has also seen the rise of anti-immigrant vigilante groups such as the Soldiers of Odin

²⁵ EP, *Draft report on prevention of radicalisation and recruitment of European citizens by terrorist organisations* (1 June 2015), p. 4, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARG+PE-551.967+01+DOC+PDF+V0//EN&language=EN>.

²⁶ Europol, *European Union Terrorism Situation and Trend Report 2015*, 6 July 2015, pp. 21-22, <https://www.europol.europa.eu/content/european-union-terrorism-situation-and-trend-report-2015>.

²⁷ *Ibid.*, p. 22.

²⁸ D. Weggemans, E. Bakker and P. Grol, “Who Are They and Why Do They Go? The Radicalisation and Preparatory Processes of Dutch Jihadist Foreign Fighters”, *Perspectives on Terrorism* 8, no. 4 (2014), pp. 100-110.

²⁹ EC, *Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU’s Response*, 15 January 2014, p. 12, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/crisis-and-terrorism/radicalisation/docs/communication_on_preventing_radicalisation_and_violence_promoting_extremism_201301_en.pdf.

³⁰ E. Bakker and J. de Roy van Zuijdewijn, “Jihadist Foreign Fighter Phenomenon in Western Europe: A Low-Probability, High-Impact Threat”, *The International Centre for Counter-Terrorism – The Hague* 6, no. 9 (2015), pp. 3-6, <http://icct.nl/publication/jihadist-foreign-fighter-phenomenon-in-western-europe-a-low-probability-high-impact-threat/>; “Paris attacks: Who were the attackers?”, BBC News, 19 January 2016, <http://www.bbc.com/news/world-europe-34832512>; “Brussels fatal gun attack at Jewish museum”, BBC News, 24 May 2014, <http://www.bbc.com/news/world-europe-27558918>; B. Henderson et al., “France Terror Train – as it happened, 21 August 2015”, *The Telegraph*, 22 August 2015, <http://www.telegraph.co.uk/news/worldnews/europe/france/11817944/France-Terror-Train-as-it-happened-21-August-2015.html>.

³¹ Europol, *TE-SAT – European Union Terrorism Situation and Trend Report 2014*, 28 May 2014, p. 23, <https://www.europol.europa.eu/content/te-sat-2014-european-union-terrorism-situation-and-trend-report-2014>.

³² *Ibid.*

³³ EC, *Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU’s Response* (15 January 2014), p.2, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/crisis-and-terrorism/radicalisation/docs/communication_on_preventing_radicalisation_and_violence_promoting_extremism_201301_en.pdf.

in Finland and other vigilante groups in Germany.³⁴ Furthermore, sectarian violence started to manifest itself in the EU in 2014, when Kurdish and Yazidi groups, supporters of IS, and right-wing movements clashed, such as in the Netherlands and Germany.³⁵ Additionally, Europe faces an enormous influx of refugees, many of which are fleeing the war zones in Syria/Iraq. With the increased attention on the threat of FF travelling back to Europe using the same routes as refugees, the two issues are becoming increasingly linked in public perceptions and becoming a source of polarisation in society.

Fourth, the EU perceives an increased threat of *lone wolves and sleeper networks*. As Europol's 2015 TE-SAT report notes: "[R]adicalised lone actors pose an increasing threat, exasperated by the ongoing conflict in Syria and Iraq".³⁶ The report further outlines the increased efforts of IS and al Qaeda to incite lone actor attacks. In the introduction to the report, the Director of Europol also warns that "some EU-based would-be jihadists, either unable or unwilling to travel to the conflict zones, also pose a threat".³⁷ A threat that was highlighted by the terror attack carried out by a lone actor in Canada in October 2014, when he deliberately ran over with his car two Canadian soldiers. The Canadian national had previously been arrested while attempting to fly to Turkey, but had his passport seized to prevent him from travelling.³⁸ The Director of Europol also declared the following in the wake of the terrorist attacks on the magazine *Charlie Hebdo*: "[W]hat the events in Paris [...] show is that there is also a threat, clearly, from sleeping networks, dormant networks, that suddenly can reawaken".³⁹ The EC and Europol have indicated in several documents that the threat of smaller groups and lone actors poses an increased risk.⁴⁰ Such actors may be inspired and/or incited to commit terrorist acts by the wider FF terrorism phenomenon.

Policy Developments on Foreign Fighters

In order to deal with the issue of FF, the CTC drafted a series of 22 proposals, which were endorsed by the Justice and Home Affairs (JHA) Council in June 2013.⁴¹ These 22 action points

³⁴ A. Faiola, "Soldiers of Odin: The far-right groups in Finland 'protecting women' from asylum seekers", *Independent*, 1 February 2016, <http://www.independent.co.uk/news/world/europe/soldiers-of-odin-the-far-right-groups-in-finland-protecting-women-from-asylum-seekers-a6846341.html>; L. Dearden, "Cologne sexual assaults: Vigilante gangs attack asylum seekers after vowing to 'clean up' German city", *Independent*, 12 January 2016, <http://www.independent.co.uk/news/world/europe/cologne-sexual-assaults-vigilante-gangs-attack-asylum-seekers-after-vowing-to-clean-up-german-city-a6807021.html>.

³⁵ Europol, *European Union Terrorism Situation and Trend Report 2015*, 6 July 2015, p. 23,

<https://www.europol.europa.eu/content/european-union-terrorism-situation-and-trend-report-2015>.

³⁶ *Ibid.*, p. 6.

³⁷ *Ibid.*, p. 5.

³⁸ L. Payton, "Martin Couture-Rouleau case underscores passport seizure dilemma", *CBC News*, 22 October 2014, <http://www.cbc.ca/news/politics/martin-couture-rouleau-case-underscores-passport-seizure-dilemma-1.2807239>; "Hit-and-run soldier killed in Canada had passport seized", *BBC News*, 22 October 2014, <http://www.bbc.com/news/world-us-canada-29714300>.

³⁹ UK Home Affairs Committee, "Oral evidence: Counter-terrorism in Europe, HC 933", 13 January 2015, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/counterterrorism-in-europe/oral/17575.html>.

⁴⁰ EC, *Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response*, 15 January 2014, p. 2, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/crisis-and-terrorism/radicalisation/docs/communication_on_preventing_radicalisation_and_violence_promoting_extremism_201301_en.pdf; "Strengthening the EU's response to radicalisation and violent extremism", EC Press Release, 15 January 2014, http://europa.eu/rapid/press-release_IP-14-18_en.htm; Europol, "Changes in modus operandi of Islamic State terrorist attacks", 18 January 2016, https://www.europol.europa.eu/sites/default/files/publications/changes_in_modus_operandi_of_is_in_terrorist_attacks.pdf.

⁴¹ EU CTC and EEAS, *Foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria*, 9946/13, 28 May 2013, <http://www.statewatch.org/news/2013/jul/eu-council-terror-coordinator-syria-9946-13.pdf>; see also European Council and Council of the EU, *Informal meeting of the Heads of State or Government Brussels, 12 February 2015 – Statement by the members of the European Council*, 12 February 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/02/150212-european-council-statement-fight-against-terrorism/>.

are also reflected in the legally binding United Nations (UN) Security Council (SC) Resolution 2178 (September 2014), as well as the good practices set out in the Hague/Marrakech Memorandum adopted by the Global Counterterrorism Forum (GCTF) in late 2014.⁴² It has been argued, by the EU CTC, that the EU approach, was in practice the blueprint for both.⁴³ The CTC had initially proposed six priority areas: “[B]etter understanding of the phenomenon, prevention of radicalisation, detection of suspicious travel, investigation and prosecution, returnees and cooperation with third countries”.⁴⁴ At the European Council meeting in August 2014, MS called to accelerate the implementation of the measures on FF.⁴⁵ In that same month, the Ministers of the JHA Council concluded that four priority areas are needed to “[1] prevent radicalisation and extremism, [2] share information more effectively – including with relevant third countries, [3] dissuade, detect and disrupt suspicious travel, and [4] investigate and prosecute foreign fighters”.⁴⁶

After the *Charlie Hebdo* attacks, the EU response stepped up a gear. The informal meeting of JHA Ministers in Riga in January 2015 was dedicated to the EU’s fight against terrorism, leading to the Riga Joint Statement, which noted that: “The recent terrorist-attacks in France, the counter-terrorism measures taken in Belgium and the growing threat posed by the phenomenon of FTF all over the world sends a clear and strong message that counter-terrorism efforts have to be reinforced both at national and EU level”.⁴⁷

In February 2015, the members of the European Council agreed on another statement on the fight against terrorism. It set out a broad vision, based on three pillars. First, the European Council was committed to ensuring the security of citizens, specifically emphasising the need to detect and disrupt the travel of potential FF.⁴⁸ Second, the European Council expressed the need to focus on preventing radicalisation and safeguarding values.⁴⁹ In order to realise this, the Council called for better cooperation and proposed communication strategies to address the underlying causes of radicalisation.⁵⁰ Thirdly, the statement called for better international cooperation.⁵¹ In particular cooperation with third countries, cooperation in multilateral fora, and dialogue among cultures and civilisations were highlighted.⁵² In June 2015, the renewed EU Internal Security Strategy 2015–2020, went on to highlight FTF as a priority issue.⁵³

⁴² GCTF, *The Hague – Marrakesh Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon* (2014), https://www.thegctf.org/documents/10162/140201/14Sept19_The+Hague-Marrakech+FTF+Memorandum.pdf; see also G. de Kerchove and C. Höhn, “The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU”, in A. de Guttry, F. Capone and C. Paulussen (eds.), *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague 2016.

⁴³ G. de Kerchove and C. Höhn, “The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU”, in A. de Guttry, F. Capone and C. Paulussen (eds.), *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague 2016.

⁴⁴ EU CTC, *Report on the implementation of the EU Counter-Terrorism Strategy*, 15799/14, 24 November 2014, p.6, <http://data.consilium.europa.eu/doc/document/ST-15799-2014-INIT/en/pdf>

⁴⁵ European Council, *Special meeting of the Council (30 August 2014) – Conclusions*, 30 August 2014, p.6, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/144538.pdf.

⁴⁶ Ibid.

⁴⁷ “Riga Joint Statement following the informal meeting of Justice and Home Affairs Ministers in Riga on 29 and 30 January”, https://eu2015.lv/images/Kalendars/leM/2015_01_29_jointstatement_JHA.pdf

⁴⁸ European Council and Council of the EU, *Informal meeting of the Heads of State or Government Brussels, 12 February 2015 – Statement by the members of the European Council*, 12 February 2015.

⁴⁹ Ibid. The EC adopted the European Agenda on Security on 28 April 2015, in which the issue of radicalisation and tackling the threat of foreign fighters were also prioritised.

⁵⁰ European Council and Council of the EU, *Informal meeting of the Heads of State or Government Brussels, 12 February 2015 – Statement by the members of the European Council*, 12 February 2015.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Council of the EU Presidency, *Draft Council Conclusions on the Renewed European Internal Security Strategy*, 9798/15, 10 June 2015, p. 6, <http://data.consilium.europa.eu/doc/document/ST-9798-2015-INIT/en/pdf>.

On 19 October 2015, the EP adopted a non-binding resolution underlining the necessity for a joint strategy in order to prevent radicalisation and the recruitment of FF.⁵⁴ A draft report was endorsed in this resolution, which calls on the EC to outline a global strategy on the prevention of radicalisation and recruitment of Europeans to join terrorist organisations.⁵⁵ Emphasis was placed on preventing radicalisation in prison and on the Internet.⁵⁶ The report also mentioned opportunities in preventing radicalisation through schools, education, communication, and integration.⁵⁷ Moreover, it focuses on approaches to detect and disrupt the travel of FF.⁵⁸ Although this report and the resolution endorsing it are non-binding, it does present the formal position of the EP.

In the aftermath of the terrorist attacks in Paris in November 2015, EU institutions and officials made new proposals for enhancing criminal justice responses to radicalisation leading to terrorism and violent extremism, covering 1) structure and organisation of detention regimes; 2) alternative or additional measures to prosecution and/or detention; 3) integration, rehabilitation, and reintegration; 4) training; 5) learning from monitoring and exchange of practices; 6) funding; and 7) external dimension.⁵⁹

Figure 2: Timeline of Important Policy Development Related to Foreign Fighters

Date	Event
2005	Creation of the position of EU Counter-Terrorism Coordinator (CTC).
November 2005	EU CT Strategy, adopted by the European Council in 2005.
September 2011	Creation of the Radicalisation Awareness Network (RAN).
June 2013	Justice and Home Affairs (JHA) Council endorsed the series of 22 proposals drafted by the CTC to tackle the issue of FF.
August 2014	JHA Council set out four priority areas to address FF phenomenon. “[1] to prevent radicalisation and extremism, [2] share information more effectively (including with relevant third countries), [3] dissuade, detect and disrupt suspicious travel and [4] investigate and prosecute foreign fighters”. ⁶⁰
September 2014	UN Security Council Resolution 2178 and the Hague/Marrakech Memorandum adopted by the GCTF.
January 2015	JHA Ministers informal meeting in Riga: Adoption of the Riga joint statement. Outline of the CT Strategy for Syria and Iraq with focus on FF by the General Secretariat of the Council.
February 2015	European Council agreed on another statement on the fight against terrorism. It set out a broad vision, based on three pillars: 1) Ensuring the security of citizens; 2) preventing radicalisation and safeguarding values; and 3) cooperating with international partners.
June 2015	EU Internal Security Strategy 2015–2020

⁵⁴ “Work together to fight online radicalisation and extremism, MEPs urge EU states”, EP, JHA Press Release, 20 October 2015.

⁵⁵ EP, *Draft report on prevention of radicalisation and recruitment of European citizens by terrorist organisations*, 1 June 2015, p. 5, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-551.967+01+DOC+PDF+V0//EN&language=EN>.

⁵⁶ *Ibid.*, pp. 5-6.

⁵⁷ *Ibid.*, pp. 6-7.

⁵⁸ *Ibid.*

⁵⁹ European Council and Council of the EU, *Conclusions of the Council of the European Union and of the Member States meeting within the Council on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism*, 20 November 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/11/20-conclusions-radicalisation/>.

⁶⁰ EU CTC, *Report on the implementation of the EU Counter-Terrorism Strategy*, 15799/14, 24 November 2014, <http://data.consilium.europa.eu/doc/document/ST-15799-2014-INIT/en/pdf>.

July 2015	Europol set up the Internet Referral Unit (IRU) (to be fully operational by 1 July 2016).
October 2015	European Parliament (EP) adopted a non-binding resolution underlining the necessity for a joint strategy in order to prevent radicalisation and the recruitment of FF.
November 2015	EU institutions and officials made new proposals for enhancing criminal justice responses to radicalisation leading to terrorism and violent extremism, covering 1) structure and organisation of detention regimes; 2) alternative or additional measures to prosecution and/or detention; 3) integration, rehabilitation and re-integration; 4) training; 5) learning from monitoring and exchange of practices; 6) funding; and 7) external dimension.
December 2015	RAN – Centre of Excellence established. Home Affairs Ministers approved compromise text agreed with the EP on Passenger Name Records (PNR) data directive.
January 2016	Europol opened the European Counter Terrorism Centre (ECTC) in The Hague.

The Implementation of the Strategy on Foreign Fighters

In March 2015, the EU Council's rolling check-list of commitments noted there had only been "some progress" on the specific policy area concerning "[c]ombating organised crime and terrorism".⁶¹ Nevertheless, the four priorities of countering the threat of FF that were identified by the Ministers of the JHA Council in August 2014 appear to be guiding EU policy. In January 2015, the Council of the EU provided an outline for dealing with FF in Syria/Iraq.⁶²

First, the EC contributed to implementing the policy on FF, especially on the issue of prevention through financial commitments via the Internal Security Fund.⁶³ It also allocated a budget for assisting MS in developing communication strategies that respond to the online outreach of IS.⁶⁴ Moreover, the EC released the communication, "Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response" in 2014.⁶⁵ In that document, ten areas are identified in which the EU and its MS should strengthen their response, including de-radicalisation, online engagement, and encouraging critical thinking.⁶⁶ Additionally, the EC called for the establishment of a forum of public-private partnerships in order to cooperate in the online domain.⁶⁷ Specific aims of that forum were to explore ways to develop counter-narratives and facilitate the possibility to flag online illegal content.⁶⁸

Perhaps the most concrete step taken by the EC was the launch of the RAN in September 2011, set up to assist front-line practitioners through the exchange of experiences. The RAN

⁶¹ EP, *European Council Conclusions: A Rolling Check-List of Commitments to Date*, 17 March 2015, http://www.europarl.europa.eu/EPRS/EPRS_STUD_547542_2015_march_edition_EUCO_rolling_checklist.pdf

⁶² Council of the EU, *Outline of the counter-terrorism strategy for Syria and Iraq, with particular focus on foreign fighters*, 5369/15, 16 January 2015, <http://data.consilium.europa.eu/doc/document/ST-5369-2015-INIT/en/pdf>.

⁶³ The Internal Security Fund was established in 2014 with a focus on promotion of implementation of the Internal Security Strategy, the law enforcement cooperation and the management of the EU's external borders.

⁶⁴ Council of the EU Factsheet, *The challenge of foreign fighters and the EU's response*, 9 October 2014, p. 1; EU CTC, *Report on the implementation of the EU Counter-Terrorism Strategy*, 15799/14 (24 November 2014), pp. 7-8, <http://data.consilium.europa.eu/doc/document/ST-15799-2014-INIT/en/pdf>.

⁶⁵ EC, *Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response*, 15 January 2014, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/crisis-and-terrorism/radicalisation/docs/communication_on_preventing_radicalisation_and_violence_promoting_extremism_201301_en.pdf.

⁶⁶ Ibid.

⁶⁷ Ibid., p. 8.

⁶⁸ Ibid., p. 8.

developed the “Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation, and Reintegration”, which emphasises both the role of the individual and his or her social environment.⁶⁹ Building on this work, in autumn 2015, the RAN – Centre of Excellence (CoE) was established to “act as an EU knowledge hub to consolidate expertise and foster the dissemination and exchange of experiences and cooperation on anti-radicalisation”.⁷⁰ The RAN CoE operates on a vastly expanded budget, involving a large pool of experts.

Given the prominence that IS places on its social media communications, the EU has sought to confront the group’s use of the Internet for radicalisation. The EC has financed the Syria Strategic Communications Advisory Team (SSCAT), whose role is to help MS develop effective counter-narratives to address IS messaging.⁷¹ As well as supporting the production of counter-narratives, efforts have been made to improve the detection and removal of extremist social-media content from the Internet. In July 2015, Europol set up the Internet Referral Unit (IRU) at the behest of the JHA Council, which will be fully operational by 1 July 2016.⁷²

Second, the EU aims to share information more effectively and cooperate with third countries. With that goal, cooperation takes place with third countries in the neighbourhood of Syria/Iraq, with relevant partners such as the US, and with Euro-Mediterranean Partnership countries.⁷³ Moreover, the issue of FF is discussed in multilateral fora, such as the Working Groups on FTF of both the GCTF and the anti-ISIL coalition, of which the EU is a member.⁷⁴ Finally, relevant agencies such as Frontex, Eurojust, and Europol have strengthened their cooperation with key countries.⁷⁵

To increase cooperation, security and CT experts, seconded from MS, were deployed during summer 2015 to eight key EU delegations in the Middle East and North Africa regions.⁷⁶ A top priority has been CT engagement with Lebanon and Tunisia, with EU supporting the Tunisian security sector reform. CT workshops were held in Lebanon and Turkey during 2015, and a series of capacity-building projects across the region have been approved and are in the process of being initiated.⁷⁷ Finally, the Greek Presidency organised an EU-US workshop on Countering the Financing of Terrorism in the first half of 2014, which facilitated an exchange of views and experiences, as well as the “declared intention by EU and US participants to increase their cooperation and coordination when engaging with Gulf countries”.⁷⁸

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⁶⁹ Radicalisation Awareness Network, *The RAN Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration* (2013), <http://www.icct.nl/download/file/RAN-Declaration-Good-Practices-for-Engagement-with-Foreign-Fighters.pdf>.

⁷⁰ EC, *The European Agenda on Security*, 28 April 2015, http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf.

⁷¹ G. de Kerchove and C. Höhn, “The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU”, A. de Guttry, F. Capone and C. Paulussen (eds.), *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague 2016, p. 330.

⁷² “Europol’s Internet Referral Unit to Combat Terrorist and Violent Extremist Propaganda”, Europol Press Release, 1 July 2015, <https://www.europol.europa.eu/content/europol%E2%80%99s-internet-referral-unit-combat-terrorist-and-violent-extremist-propaganda>.

⁷³ Council of the EU Factsheet, *The challenge of foreign fighters and the EU’s response* (9 October 2014), p. 3.

⁷⁴ Ibid; G. de Kerchove and C. Höhn, “The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU”, in A. de Guttry, F. Capone and C. Paulussen (eds.), *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague 2016, p. 330.

⁷⁵ Council of the EU Factsheet, *The challenge of foreign fighters and the EU’s response*, 9 October 2014,, p. 3.

⁷⁶ EU CTC, *Follow-up to the statement of the Members of the European Council of 12 February 2015 on counter-terrorism: Report on implementation of measures*, 9422/1/15 REV 1, 10 June 2015, <http://data.consilium.europa.eu/doc/document/ST-9422-2015-REV-1/en/pdf>.

⁷⁷ Ibid.

⁷⁸ EU CTC, *Report on the implementation of the EU Counter-Terrorism Strategy*, 15799/14 (24 November 2014), p.9, <http://data.consilium.europa.eu/doc/document/ST-15799-2014-INIT/en/pdf>.

In the January 2015 Riga statement, the JHA Ministers called on Europol to provide an improved environment for information exchange and data-matching.⁷⁹ Following the decision taken by the JHA Ministers in November 2015, Europol opened the European Counter Terrorism Centre (ECTC) in The Hague in January 2016.⁸⁰ As Europol notes, “[b]y serving as a centre of expertise, ECTC will focus on tackling foreign fighters, sharing intelligence and expertise on terrorism financing (TFTP and support by the FIU.net), online terrorist propaganda and extremism (Internet Referral Unit), illegal arms trafficking and international cooperation to increase effectiveness and prevention”.⁸¹

Third, the EU aims to detect and disrupt suspicious travel. In April 2013 the much-delayed second generation Schengen Information System (SIS II) went live, allowing “for an easy exchange of information between national border control authorities, customs and police authorities on persons who may have been involved in a serious crime”, a crucial tool for combatting the FF phenomenon.⁸² Another important step was the creation of the Focal Point Travellers by Europol in 2013, which contributes to information sharing among MS and third countries with regards to suspected individuals.⁸³ Furthermore, the Ministries of Interior of the MS have prioritised the need to increase border security to check persons at external borders more systematically.⁸⁴

Following the Riga statement, the European Council called for the full use of the existing Schengen framework and to “proceed without delay to systemic and coordinated checks on individuals enjoying the right of free movement against databases relevant to the fight against terrorism based on common risk indicators”.⁸⁵ Although the use of common risk indicators has now been adopted by most MS, there exists a wide disparity in the volume of checks across the EU, highlighting the importance of the proposed coordinated implementation with the help of Frontex.⁸⁶ In addition, the CTC argued in November 2015 that efforts need to be made to increase both the number of FTF entered into SIS II, and the checking of SIS II and Interpol databases on external borders.⁸⁷

The EC’s proposal on an EU Passenger Name Record (PNR) system was delivered in 2010, but was ultimately rejected by a vote in the JHA Committee in April 2013. The Council of the EU continued to argue that passenger data should be better exploited in detecting and disrupting suspicious travel, with the creation of an EU PNR as a priority.⁸⁸ In the meantime, the EC granted funding to 15 MS to set up their own Passenger Information Units in order to be able

⁷⁹ “Riga Joint Statement following the informal meeting of Justice and Home Affairs Ministers in Riga on 29 and 30 January”, https://eu2015.lv/images/Kalendars/leM/2015_01_29_jointstatement_JHA.pdf.

⁸⁰ “Ministers Commit to Reinforcing Europol’s Counter-Terrorism Capabilities”, Europol Press Release, 20 November 2015, <https://www.europol.europa.eu/content/ministers-commit-reinforcing-europol%E2%80%99s-counter-terrorism-capabilities>; “Europol’s European Counter Terrorism Centre strengthens the EU’s response to terror”, Europol Press Release, 25 January 2016, <https://www.europol.europa.eu/content/ectc>.

⁸¹ “Europol’s European Counter Terrorism Centre strengthens the EU’s response to terror”, Europol Press Release, 25 January 2016.

⁸² “Schengen Information System (SIS II) goes live”, EC Press Release, 9 April 2013, http://europa.eu/rapid/press-release_IP-13-309_en.pdf.

⁸³ Council of the EU Factsheet, *The challenge of foreign fighters and the EU’s response*, 9 October 2014, p. 2.

⁸⁴ Ibid; With that same aim, the JHA Council of the EU adopted the “Council Conclusions on Terrorism and Border Security” in June 2014, <http://www.gr2014.eu/sites/default/files/JHA%20TERRORISM%20BORDERS.pdf>.

⁸⁵ European Council and Council of the EU, *Informal meeting of the Heads of State or Government Brussels, 12 February 2015 – Statement by the members of the European Council*, 12 February 2015.

⁸⁶ Council of the EU, *Council conclusions on Terrorism and Border Security*, June 2014, p. 2; EU CTC, *Report: State of play on implementation of the statement of the Members of the European Council of 12 February 2015 on counter-terrorism*, 14734/15, 30 November 2015, pp. 8-9, <http://data.consilium.europa.eu/doc/document/ST-14734-2015-INIT/en/pdf>.

⁸⁷ EU CTC, *Report: State of play on implementation of the statement of the Members of the European Council of 12 February 2015 on counter-terrorism*, 14734/15, 30 November 2015, pp. 8-9.

⁸⁸ Council of the EU Factsheet, *The challenge of foreign fighters and the EU’s response*, 9 October 2014, p. 2.

to identify threats individually.⁸⁹ Following the Paris attacks, the EP committed itself in February 2015 to finalising an EU PNR directive by the end of the year, and on 15 July, the EP's standing Committee on Civil Liberties, Justice and Home Affairs (LIBE) approved a draft PNR directive, allowing the rapporteur to start negotiations with the EU Council of Ministers.⁹⁰

Fourth, the EU prioritised the investigation and prosecution of FF. A key part of this has been the drive to update the EU Framework Decision (FD) 2002/475/JHA on combatting terrorism, as was already done once before in 2008 with FD 2008/919/JHA, to be able to address the new legal challenges presented by the FF phenomenon.⁹¹ On 2 December 2015, the EC proposed a new directive which would strengthen FD 2002/475/JHA by criminalising the provision of training for terrorism, the receiving of training for terrorism, and the funding of terrorism.⁹²

The updating of the framework will also allow the collective implementation of UN SC Resolution 2178, which requires the criminalisation of actions connected to FTF. In this regard, the EU played an active role in the negotiations leading to the Additional Protocol to the Convention on the Prevention of Terrorism to implement UN SC Resolution 2178, having formed, in January 2015, the Committee on FTF and Related Issues to prepare a draft Additional Protocol.⁹³

Many MS have started to update their legal framework for investigating and prosecuting FF (see Chapter 3).⁹⁴ Eurojust has gathered experiences of judicial and prosecution authorities of the MS,⁹⁵ as well as analysed the adequacy of legal responses and provided recommendations on how to optimise these.⁹⁶ Additionally, in 2013 and 2014, Eurojust organised meetings on "(Aspiring) Foreign Fighters in Syria".⁹⁷ Finally, the EC is monitoring the effectiveness of the judicial responses related to the mandatory UN SC Resolution 2178.⁹⁸

Concluding Remarks

The EU's CT Strategy based on the four PPPR pillars remains the primary prism through which the FF phenomenon is perceived and policy options formulated. It was only in 2013 that the EU began to respond to the FF threat, with the CTC outlining 22 proposals. The following year the Council of JHA Ministers set out four priority areas: "[1] to prevent radicalisation and extremism, [2] share information more effectively – including with relevant third countries, [3] dissuade, detect, and disrupt suspicious travel and [4] investigate and prosecute foreign fighters", which has remained the core of the EU's policy response to FF.

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⁸⁹ Ibid.

⁹⁰ G. de Kerchove and C. Höhn, "The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU", in A. de Guttry, F. Capone and C. Paulussen (eds.), *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague 2016.

⁹¹ Ibid.

⁹² EC, *Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism*, 2015/0281, 2 December 2015, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-security/legislative-documents/docs/20151202_directive_on_combatting_terrorism_en.pdf.

⁹³ G. de Kerchove and C. Höhn, "The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU", A. de Guttry, F. Capone and C. Paulussen (eds.), *Foreign Fighters under International Law and Beyond*, T.M.C. Asser Press/Springer Verlag: The Hague 2016; EU CTC, *Follow-up to the statement of the Members of the European Council of 12 February 2015 on counter-terrorism: Report on implementation of measures*, 9422/1/15 REV 1, 10 June 2015, <http://data.consilium.europa.eu/doc/document/ST-9422-2015-REV-1/en/pdf>.

⁹⁴ Council of the EU Factsheet, *The challenge of foreign fighters and the EU's response*, 9 October 2014, p. 2.

⁹⁵ Ibid.

⁹⁶ Especially with regards to framework decision 2008/919/JHA and 2002/475/JHA: Eurojust, *Foreign Fighters: Eurojust's Views on the Phenomenon and the Criminal Justice Response*, Updated Report (January 2015), p. 6, <http://www.statewatch.org/news/2015/feb/eu-eurojust-foreign-fighters.pdf>.

⁹⁷ EU CTC, *Report on the implementation of the EU Counter-Terrorism Strategy*, 15799/14, 24 November 2014, p. 10, <http://data.consilium.europa.eu/doc/document/ST-15799-2014-INIT/en/pdf>.

⁹⁸ Council of the EU Factsheet, *The challenge of foreign fighters and the EU's response*, 9 October 2014, p. 2.

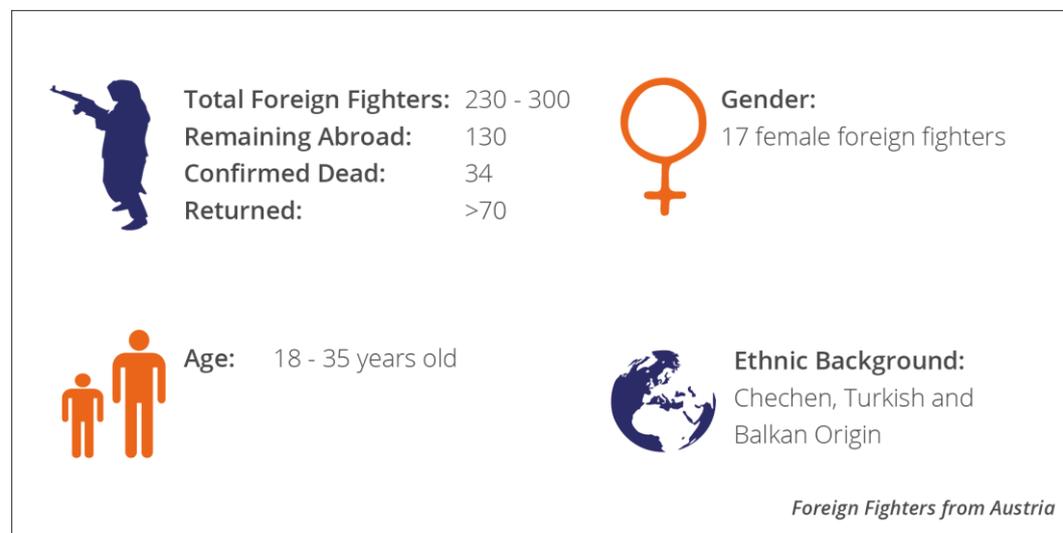
Although perhaps initially slow in responding to the FF phenomenon, the EU has achieved many concrete steps that have improved MS' ability to collectively approach this threat, including through the creation of the ECTC, RAN CoE, SSCAT, SIS II as well as the Focal Point Traveller, and good progress is being made on the PNR. In addition, the EC has made steps in improving the legal framework such as introducing a new directive to replace Council FD 2002/475/JHA and 2008/919/JHA on combating terrorism and playing a role in the introduction of the Additional Protocol to the European Convention on the Prevention of Terrorism to implement UN SC Resolution 2178. Likewise, progress has been made in increasing the EU's international outreach and cooperation with non-MS.

3. Member States: Threat Analysis & Developments

This Chapter takes a detailed look at the numbers, characteristics, and threat assessments regarding FF in all but two EU MS.⁹⁹ First, the FF phenomenon is analysed for the nine selected focus countries, including information on CT policies and (security, legislative, and preventive) measures, as well as information about profiles and motivational factors, where information was available. The focus countries are Austria, Belgium, Bulgaria, Denmark, France, Germany, the Netherlands, Spain, and United Kingdom. Subsequently, the numbers, characteristics, and threat assessments for the remaining MS are explored.

Note that this Chapter only provides an overview of the individual MS; additional information on all countries can be found in Annex 3.

Austria¹⁰⁰



Numbers and Profiles

By September 2015, 230 identified individuals had left Austria for Syria/Iraq; 130 FF were still in the conflict zone and at least 34 had deceased. More recent open-source information points to estimates of up to 300 FF from Austria.¹⁰¹ According to the Austrian Ministry of Interior (Mol), the number of returnees may exceed 70 persons.¹⁰² In the course of a parliamentary inquiry conducted in March 2015, the Mol affirmed that seventeen women had left Austria as of 9

⁹⁹ excluding Greece and Hungary, for which neither open-source nor official information on numbers could be retrieved.

¹⁰⁰ The authors received a response to the ICCT questionnaire by the Austrian Ministry for Foreign Affairs (MFA) in September 2015, which also gave permission to use and attribute the information provided. Unless otherwise stated, information is sourced from the questionnaire.

¹⁰¹ The Soufan Group, "Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq", December 2015, p. 7, http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf.

¹⁰² Austrian Ministry of the Interior, "Verfassungsschutzbericht 2014 - Bedrohung durch religiös motiviertem Extremismus", 3 July 2015, http://www.bmi.gv.at/cms/BMI_Presse/news/BMI.aspx?id=3839796E536A4D736859773D&page=13&view=1.

February 2015 for IS-controlled territory; some of whom were under eighteen at the time of their departure.¹⁰³

While the 2014 Annual Report for the Protection of the Constitution noted that the Austrian FF have no homogenous background, the US Country Reports on Terrorism (2014) point out that people departing from Austria were predominantly of Chechen, Turkish, and Balkan origin.¹⁰⁴ Austrian news agencies further noted that most Austrian FF are second-generation immigrants of Chechen origin.¹⁰⁵ The age range of FF is between 18 and 35 years.¹⁰⁶

Threat Assessment

According to the MoI, Austria is subject to a heightened but abstract danger from Islamist extremism and terrorism.¹⁰⁷ Returnees are perceived as a potential threat.

Measures in Response to the Foreign Fighter Phenomenon

Austria does not have one, overall comprehensive CT strategy, but follows “a double-track approach of law enforcement and prevention”, involving various government entities as well as civil society and academic institutions.

Security Measures

In December 2014, the Austrian government passed a series of acts, such as the Nationality Act which provides that dual nationals shall be stripped of their Austrian citizenship in case of voluntary participation in an armed group engaged in hostilities abroad. Similarly, the Passport Act prohibits the issuing, extension, and alteration of passports when there are factual indications that an individual might endanger public security as a member of a criminal organisation. These regulations also apply to identity cards. In July 2015, subsequent amendments were introduced through which the Austrian Parliament “clarifi[ed] and tighten[ed] the reasons for exclusion of asylum status as well as for the refusal of issuing travel documents to recognised refugees and other legally residing non-nationals posing a threat to public security”.

Legislative Measures

In the context of the July 2015 amendments, the provisions relating to incitement to violent extremism were broadened in the Criminal Code (CC). Moreover, the Austrian Parliament is currently debating a comprehensive Government Bill aiming at strengthening the competences and legal bases for the relevant national law enforcement agency, the Federal Office for the Protection of the Constitution and Counter-Terrorism (BVT), to investigate, among others, cases of FF. In addition, Austria has criminalised terrorist activities including terrorist association, financing of terrorism, training for terrorism, instruction to commit terrorist acts, provocation to commit terrorist acts, and approving of terrorist acts in its CC.

Preventive Measures

Austria has implemented, or is in the process of carrying out, numerous preventive measures including programmes aimed at addressing the root causes of radicalisation and extremism.

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¹⁰³ Parliamentary Inquiry, 20 March 2015, 3374/AB, p.1,

http://www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_03374/imfname_392274.pdf.

¹⁰⁴ Respectively: Federal Office for the Protection of the Constitution and Counter-Terrorism (BVT), “Verfassungsschutzbericht für das Jahr 2014” (2014),

http://www.bmi.gv.at/cms/BMI_Verfassungsschutz/Verfassungsschutzbericht_Jahr_2014.pdf and

Bureau of Counterterrorism, “US Country Reports on Terrorism 2014” (2015), p.85,

<http://www.state.gov/j/ct/rls/crt/2014/>.

¹⁰⁵ Respectively: “Jihad ist die größte Gefahr für Österreich”, *Heute*, 3 July 2015,

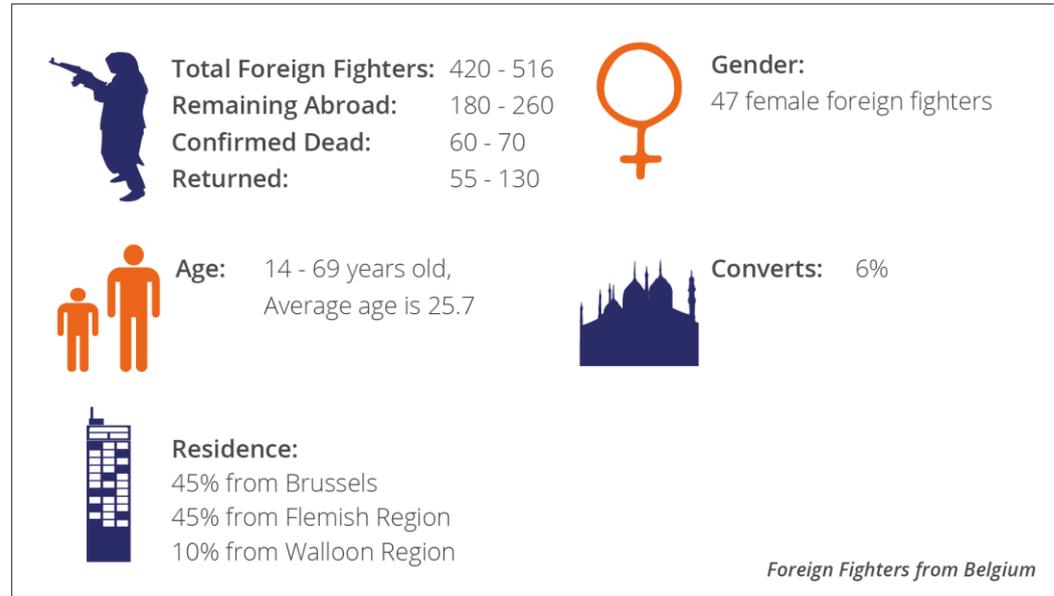
<http://www.heute.at/news/politik/art23660,1180599>; and “Wie Tschetschenen in Österreich gegen Radikalisierung kämpfen”, *Der Standard*, 5 March 2015, <http://derstandard.at/2000012495035/Wie-Tschetschenen-in-Oesterreich-gegen-Radikalisierung-kaempfen>.

¹⁰⁶ BVT, “Verfassungsschutzbericht” (2014).

¹⁰⁷ Ibid.

An important element of this is the emphasis on inter-cultural and inter-religious dialogue, as well as the engagement with Islamic communities in the country. Additionally, in 2014, the country established an Extremism Information Centre with an emergency phone line within the Federal Ministry for Families and Youth, which had received 663 calls by 24 August 2015.

Belgium¹⁰⁸



Numbers and Profiles

Most recent estimates from both official and non-government sources range between 420 to 516 individuals who have travelled to Syria/Iraq since 2011, making Belgium the EU MS with the highest number of FF per capita.¹⁰⁹ An estimated 180–260 FF remain in the conflict zone; 60 to 70 have been killed, mostly in combat.¹¹⁰ Between 55–120 individuals had returned, and 50 tried to leave but were stopped (yet, these 50 are still included in some counts).¹¹¹

Regarding the profiles and composition of the Belgian FF contingent, Peter Van Ostaeyen provides detailed numbers in October 2015, indicating that 47 of the 516 are female, around 6% are converts, the age of 202 Belgian fighters varies between 14 and 69 (with an average of

¹⁰⁸ The authors received a response to the ICCT questionnaire for Belgium in August 2015. The information in this section is comprised of a mix of open, official and expert sources.

¹⁰⁹ P. van Ostaeyen, "Belgian Fighters in Syria and Iraq – October 2015", 11 October 2015, <https://pietervanostaeyen.wordpress.com/2015/10/11/belgian-fighters-in-syria-and-iraq-october-2015/>. Cf. also G. Van Vlierden, "How Belgium Became a Top Exporter of Jihad", 29 May 2015, 13 *Terrorism Monitor* 11, http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=43966&tx_ttnews%5BbackPid%5D=7&Hash=462a3da25136ea4c02b6a99f9e5fa442#.VhOlixOqqko.

In the latest TSG report, the official count in October 2015 was 470, see The Soufan Group, "Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq", December 2015, p.7, http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf. An update by R. Coolsaet in March 2016 notes 470 FF, with 130 returned. Forty-five percent stemming from both Brussels and Flanders, and the remaining 10% from the Walloon region; see R. Coolsaet, "Facing the Fourth Foreign Fighters Wave: What Drives Europeans to Syria, and to Islamic State? Insights from the Belgian Case", Egmond Paper 81, March 2016, p. 9, http://www.egmontinstitute.be/wp-content/uploads/2016/02/egmont.papers.81_online-versie.pdf.

¹¹⁰ Lower estimates by P. van Ostaeyen, "Belgian Fighters in Syria and Iraq – October 2015", 11 October 2015, while higher numbers were provided through official sources, on file with authors.

¹¹¹ P. van Ostaeyen, "Belgian Fighters in Syria and Iraq – October 2015", 11 October 2015.

25.7), that of the 266 individuals whose origin is known, most come from Brussels (101 of whom 24 from Molenbeek), Antwerp (72), Vilvoorde (28), and Mechelen (14); that 79 individuals can be linked to the group *Sharia4Belgium*¹¹² which seems to have inspired many young Belgians to leave for the Levant; that at least five persons are fighting in pro-regime ranks, that at least 112 (but most likely more) are fighters/members of IS, and that around seventeen (but most likely many more) are fighting with Jabhat al-Nusra (JAN).¹¹³

The motivation for leaving to fight abroad is very difficult to gauge. However, Prof. Rik Coolsaet offered a few preliminary observations: “They often mention earlier personal difficulties [...] that left them feeling stifled and ill at ease. Frequently, they express feelings of exclusion and absence of belonging, as if they didn’t have a stake in society. For a significant number of them, drugs, petty crime and street violence have been part of their former life. From the sources mentioned, one gets the impression of solitary individuals, sometimes also estranged from family and friends, who at a certain point became angry as a result of their estrangement. Going to Syria is one of a number of possible outlets for their anger”.¹¹⁴

Threat Assessment

In 2006, Belgium introduced a system of four terrorism threat levels, from 1 (low) to 4 (very serious). The Coordination Unit for Threat Assessment (CUTA) advises on the threat level, which, at the time of writing, was at level 3 (high), which means that the threat against the person, group, or event that is the object of the analysis is possible and probable. The threat levels were adjusted a number of times over the past years including a raise to level 4 after the attack on the Jewish Museum in Brussels in May 2014. The terrorism threat level was also raised, this time to level 3, after a terrorist plot was thwarted in Verviers, a week after the *Charlie Hebdo* attacks of January 2015. The threat level initially applied only to police and judicial buildings, but was later extended to all of Belgium. Following the November 2015 attacks, the level was raised again, first to level 3 (initially for big events only, later for the whole country), then even – on 21 November – to level 4 (for the Brussels area).¹¹⁵ On 26 November, the level was dropped to level 3.

Measures in Response to the Foreign Fighter Phenomenon

Belgium has developed many plans and documents, covering a myriad of different actors involved in the country’s CT policy, but does not have a single national strategy (please see Annex 3 for additional information on the institutional set-up particular to Belgium).

Security Measures

In January 2015, several new security measures were adopted. More travel-related measures were announced, such as the withdrawal of Belgian citizenship, the temporary withdrawal of the identity card and the refusal to issue passports, and the withdrawal thereof. On 19 November 2015, the Prime Minister requested Parliament to approve tougher security measures, including the establishment of a dynamic register aimed at putting FF on file by preventing young people from travelling to combat areas or training camps, as well as stopping non-national returnees from re-entering the country – at this point, the Prime Minister stated

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¹¹² “A neo-radical Islamist group created in early 2010”, see R. Coolsaet, “What drives Europeans to Syria and to IS? Insights from the Belgian case”, Egmond Paper 75, June 2015, <http://www.egmontinstitute.be/wp-content/uploads/2015/03/ep75.pdf>. See Annex 3 for more information about the *Sharia4Belgium* trial.

¹¹³ P. van Ostayen, “Belgian Fighters in Syria and Iraq – October 2015”, 11 October 2015.

¹¹⁴ R. Coolsaet, “What drives Europeans to Syria and to IS? Insights from the Belgian case”, June 2015. For a detailed analysis on the process of radicalisation in Belgium, see G. Van Vlierden, “How Belgium Became a Top Exporter of Jihad?”, 29 May 2015.

¹¹⁵ “Crisiscentrum: Dreigingsniveau 4 in Brussels”, *VTM Nieuws*, 21 November 2015, <http://nieuws.vtm.be/binnenland/167518-crisiscentrum-dreigingsniveau-4-brussel>; “Brussels on highest alert level as authorities warn attack ‘imminent’”, *The Guardian*, 21 November 2015, <http://www.theguardian.com/world/2015/nov/21/brussels-put-on-high-alert-as-belgian-authorities-warn-attack-imminent>.

that as a rule, “Jihadists returning to our country belong in prison”¹¹⁶ – and by introducing a PNR to control the identity of passengers in aircraft and high-speed trains.

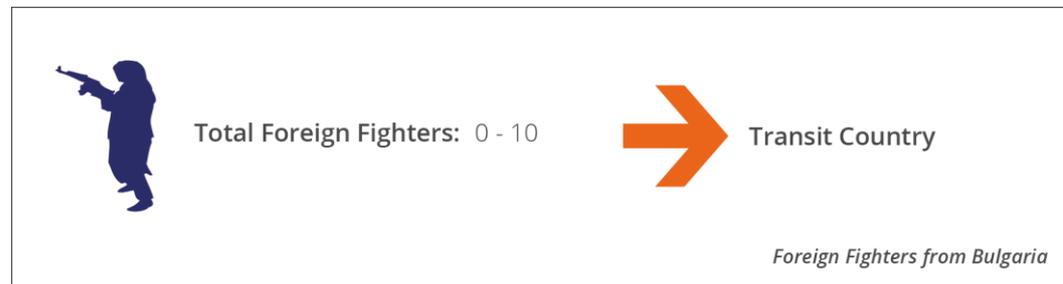
Legislative Measures

Belgium has criminalised the participation in and supporting of a terrorist group, financing, public incitement to commit a terrorist crime, recruitment to commit a terrorist crime, providing training to commit a terrorist crime, following a training to commit a terrorist crime, and travel abroad for terrorist purposes.¹¹⁷ In addition, the list of offenses leading to the use of specific research methods has been extended.¹¹⁸

Preventive Measures

After January 2015, additional preventive plans were announced, including the revision of the 2005 “R Plan”, or “Plan Radicalisme/Plan R”.¹¹⁹ This plan “provides for proactive, preventive and punitive measures to combat, inter alia, the causes of Islamic radicalism and terrorism” and has seven focal points, including radical websites, extremist imams and preachers, and prisons.¹²⁰ At this point, the Flemish Government is working on a telephone line for parents of radicalising persons. When it comes to community policing, the Community Policing Preventing Radicalisation and Terrorism (CoPPRA) project is noteworthy. This project started during the Belgian EU Presidency in 2010 and was set up to develop tools to prevent terrorist acts by the early detection of possible signs of radicalisation.¹²¹

Bulgaria¹²²



Numbers and Profiles

According to the Bulgarian Mol, “[c]urrently there is no confirmed information regarding participation of Bulgarian nationals or foreigners staying in Bulgaria in terrorist activities of armed groups in Syria and Iraq”. According to open-source information consulted by ICCT, up to ten Bulgarians are estimated to have travelled to Syria/Iraq.¹²³

¹¹⁶ Speech by the Belgian Prime Minister, 19 November 2015, <http://premier.be/en/fight-against-terrorism-measures-taken-federal-government-and-speech-prime-minister>.

¹¹⁷ Respectively: Art. 140, 140, 140bis, 140ter, 140quater, 140quinquies and 140sexies CC. Generally speaking, the relevant terrorism provisions are Art. 137-141 of the Belgian CC.

¹¹⁸ “Fight against terrorism – Measures taken by the Federal Government”, 19 November 2015, http://premier.be/sites/default/files/articles/Measures_EN_19112015.pdf. For more information, see CODEXTER, “Country Report Belgium” (2014),

https://www.coe.int/t/dlapil/codexter/Country%20Profiles/Profiles%202014%20Belgium_EN.pdf, which also includes descriptions of other criminal provisions relating to terrorism.

¹¹⁹ “Fight against terrorism” (2015).

¹²⁰ CODEXTER, “Country Report Belgium” (2014).

¹²¹ For more information, see <http://www.copptra.eu/>.

¹²² The authors received a response to the ICCT questionnaire by the Bulgarian Mol in September 2015. Unless otherwise stated, information is sourced from the questionnaire.

¹²³ “Влиза ли България в сметките на “Ислямска държава?”, *Vesti*, 3 November 2014, <http://www.vesti.bg/bulgaria/vliza-li-bylgariia-v-smetkite-na-islamaska-dyrzhava-6026439>; However, other open-source articles do not acknowledge the presence of Bulgarian FF, see e.g., “Няма данни за българи в Ислямска държава”, *Novinite*, 13 November 2014, <http://novinite.bg/articles/82314/Nyama>

Threat Assessment

There is no threat level scale for interior use.¹²⁴ The MoI stated that, while the specific threat to the country remains moderate, a growing terrorist threat has been registered in Bulgaria since 1 January 2011 due to “the increased terrorist activity worldwide, the involvement of Bulgaria in the anti-terrorist coalition, the presence in the country of possible targets of attacks and the hypothetic possibility of penetration of terrorist elements from abroad”.

Measures in Response to the Foreign Fighter Phenomenon

A Strategy for Countering Radicalisation and Terrorism was drafted in June 2015 and is currently subject to public consultation.

Security Measures

No specific security measures have so far been adopted to mitigate the flow of FF travelling from and to Syria/Iraq. Yet, in October 2015, the MoI proposed an amendment to the Law of Foreigners, which would allow visas to be refused on suspicion of terrorist activities.¹²⁵

Legislative Measures

The Bulgarian CC incriminates the act of terrorism and contains additional provisions for the prosecution of any unlawful acts related to terrorism. Gradually, following international regulations and the EU membership of Bulgaria, new amendments to the CC were initiated (2007, 2009 and 2011). The 2007 amendments incriminate the incitement to hatred and discrimination on the basis of religious or ethnic grounds (Art. 162 and 164 CC), whereas the amendments of May 2011 amended provisions related to the criminalisation of direct or indirect funding of terrorism. Likewise, a new definition was introduced relating to the recruitment and training of persons or groups of persons with the intention of committing a terrorist act.

In April 2015, the CC was amended again to implement UN SC Resolution 2178, criminalising the travel through Bulgaria for the purpose of participating in or training for terrorist activity. The amendment further criminalises the preparation and criminal association by a foreigner for crimes committed abroad, to which, up until then, the Bulgarian CC would not have applied.¹²⁶

Preventive Measures

In August 2014, the Council of Ministers created the National Counter-Terrorist Centre, including a hotline and e-mail address for citizens wanting to report information related to terrorism, extremism and violent radicalisation.¹²⁷

.....
[danni-za-balgari-v-Islyamska-darjava](http://bnt.bg/news/obshtestvo/nyama-danni-za-balgari-koito-da-se-srazhavat-za-islyamska-darjava/); “Няма данни за българи, които да се сражават за Ислямска държава”, *BNT*, 18 February 2015,

http://bnt.bg/news/obshtestvo/nyama-danni-za-balgari-koito-da-se-srazhavat-za-islyamska-darjava.

¹²⁴ “Има ли заплаха за България”, *Capital*, 20 November 2015,

http://www.capital.bg/politika_i_ikonomika/bulgaria/2015/11/20/2653553_ima_li_zaplaha_za_bulgariia/.

¹²⁵ Промени в закон въвеждат по-строги изисквания за чуждестранните търговци, които искат виза”, *dnevnik*, 12 October 2015,

http://www.dnevnik.bg/bulgaria/2015/10/12/2627182_promeni_v_zakon_vuvejdat_po-strogi_iziskvaniia_za/.

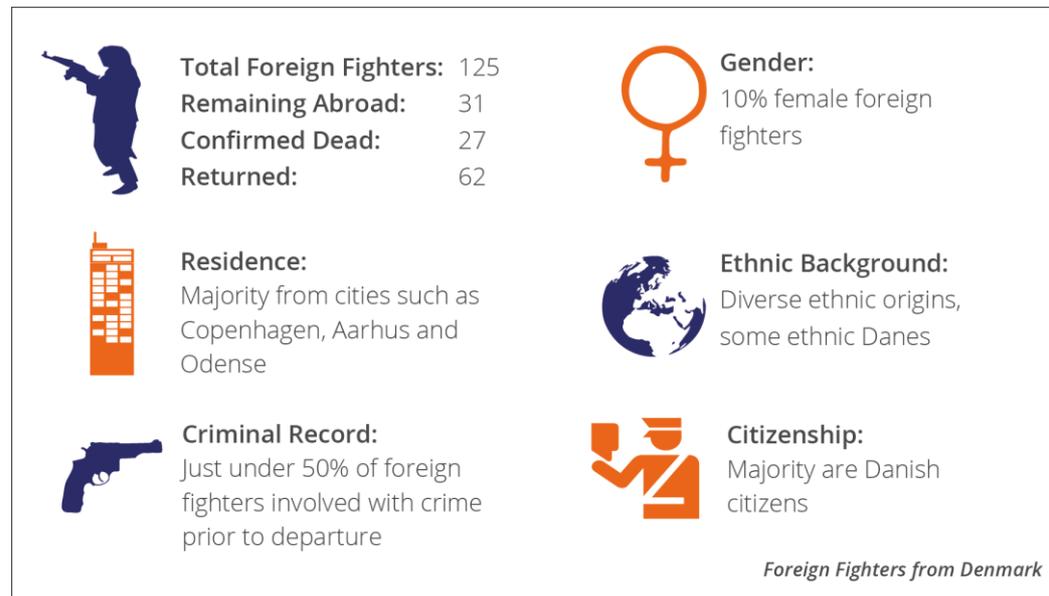
¹²⁶ Translation by ICCT of the motives underling the Draft Bill, original text available at:

https://mjs.bg/Files/proekt_motivi_635615773030646170.docx.

¹²⁷ “Откриха Национален контра терористичен център в ДАНС”, *Vesti*, 4 August 2015,

<http://www.vesti.bg/bulgaria/obshtestvo/otkriha-nacionalen-kontra-teroristichen-centyr-v-dans-6019107>.

Denmark¹²⁸



Numbers and Profiles

According to the Danish Security and Intelligence Service (PET), at least 125 people have left Denmark to travel to Syria/Iraq since January 2011, with a quarter deemed to still be in the conflict zone. At least 27 have died abroad, some while committing suicide attacks.¹²⁹ While the majority of the Danish contingent joined IS, PET estimates that “a small number, including Kurds and Shiites, has gone to the conflict zone in Syria and Iraq to fight militant Islamist groups or other armed opposition groups”.

With regards to the characteristics of the FF originating in Denmark, PET affirms that the majority are Danish citizens, but with very diverse ethnic origins, including ethnic Danes. Ministry of Justice (MoJ) officials note that “the individuals that leave Denmark to join IS are mainly young Sunni Muslim”, including “a number of converts”. Women are estimated to constitute 10% of all those who went to Syria. In its 2013 threat assessment report, PET warned that “the group that has left for Syria is younger and more varied than those who left for Afghanistan, Iraq, and Somalia”.¹³⁰

PET assesses that the individuals who have left Denmark are mainly affiliated with Islamist circles in cities such as Copenhagen, Aarhus, and Odense and half of the returnees are part of Islamist circles. Public sources point to the fact that at least 22 FF came from the port city of Aarhus and attended the Grimhojvej mosque, which has refused to denounce IS.¹³¹ Lastly, PET

¹²⁸ The authors received a response to the ICCT questionnaire by the Head of Section of the Security Division under the Police and Criminal Law section within the Danish Ministry of Justice (MoJ) in November 2015. In the same questionnaire, the data regarding the number and profiles of Denmark-originated FF were provided by the *Danish Politiets Efterretningstjeneste* (PET), i.e. the Danish Security and Intelligence Service. The authors have permission to use and attribute the information provided. Unless otherwise stated, information is sourced from the questionnaire.

¹²⁹ Ibid; *Long War Journal* reports that a Danish national acted as a suicide bomber for IS; see B. Roggio, “ISIS names Danish, French suicide bombers killed in ‘Ninewa Division’”, *The Long War Journal*, 20 May 2014, http://www.longwarjournal.org/archives/2014/05/isis_names_danish_fr.php.

¹³⁰ PET, “The threat to Denmark from foreign fighters in Syria”, 4 December 2013, https://www.pet.dk/English/CenterforTerrorAnalysisCTA/~media/CTA/20131203SyrienUKLASSENGFINA_Lpdf.ashx.

¹³¹ W. Wheeler, “The Jihadist of Copenhagen”, *New Republic*, 2 August 2015, <http://www.newrepublic.com/article/122421/jihadist-copenhagen>; Counter Extremism Project, “Denmark: Extremism and Counter Extremism”, February 2015, http://www.counterextremism.com/sites/default/files/denmark_report_0215.pdf.

assesses that just under half of the individuals who have left Denmark for the conflict zone have been involved in crime.

With respect to the motivations of those willing to leave and join armed groups in the conflict zone, PET points to a wide range: “Some wish to help their fellow Muslims in Syria and do humanitarian work. Others wish to fight the Assad regime. For some the establishment of an Islamic State in Syria is a priority and they may be motivated by achieving what they regard as martyrdom. Finally, maybe there are some who go to Syria in search of excitement and adventure”.

Threat Assessment

According to Danish authorities, the terrorism threat in Denmark is “significant”. Returnees from the conflict in Syria/Iraq pose a particular terror threat to the country.

Measures in Response to the Foreign Fighter Phenomenon

The Danish CT policy is a combination of coercive measures and preventive means. Denmark is seen as a country with innovative programmes to tackle radicalisation, such as Radicalisation Targeted Intervention launched by the municipality of Aarhus in 2007, and the 2011 Back On Track programme aimed at tackling radicalisation in prisons.¹³²

Security Measures

The March 2015 Bill – the country’s latest reform of CT legislation – contains measures relating to Danish nationals, such as amendments to the Act on Passports for Danish citizens and to the Act on Aliens.

On the former, the police can now refuse to issue a passport for a Danish national, or they can revoke it, if the individual poses a risk for the country. In addition, the police can supplement such a decision with a travel ban for a specified period of time.¹³³ On the latter, the Danish immigration service can “repeal a residence permit or a right of residence if 1) an alien is staying or has stayed outside of the country and 2) there is reason to believe that the alien during the stay participates or has participated in activities that may involve or increase a danger to national security, public order or other states’ security”.

Legislative Measures

Chapter 13 of the Danish CC covers all terrorism acts that constitute crimes, including committing acts of terrorism, financing terrorism, and instructing others to commit terrorism. Likewise, the CC criminalises participation in unlawful military organisations. Persons convicted of committing an act of terrorism under Chapter 13 may lose their Danish citizenship, unless this loss would make them stateless.¹³⁴

Preventive Measures

Concerning prevention, a new Action Plan on Prevention of Radicalisation and Extremism was introduced in September 2014, involving the Danish MoJ working in close collaboration with the Ministry of Immigration, Integration and Housing, PET, and the Danish National Board on Social Services. The Plan aims to “[i]mprove the work done to prevent people from joining extremist groups; support those who are already part of these groups but want to leave; make it clear that extremist actions have consequences; and [...] minimise the influence exerted by

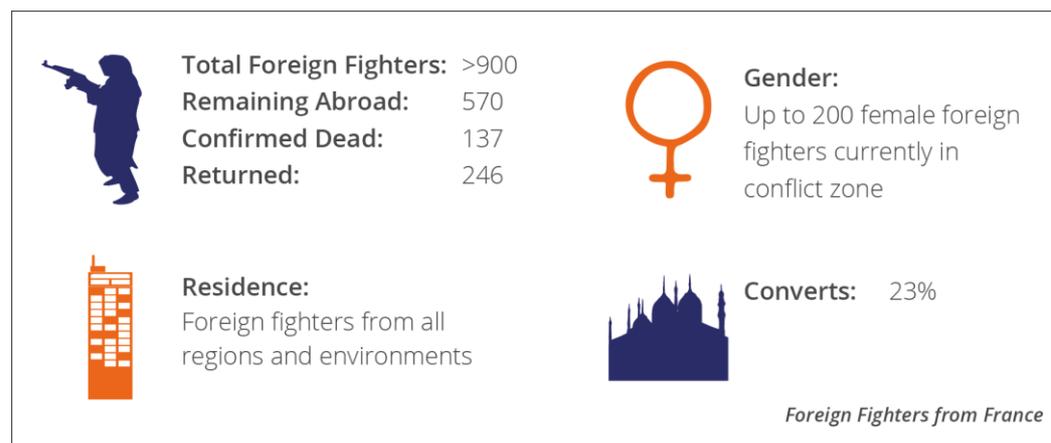
.....
¹³² Counter Extremism Project, “Denmark: Extremism and Counter Extremism”, February 2015.

¹³³ Ibid.

¹³⁴ The Criminal Code, Order No. 909 of September 27, 2005, https://www.unodc.org/tldb/pdf/Denmark_Criminal_Code_2005.pdf; The Law Library of Congress, “Treatment of Foreign Fighters in Selected Jurisdictions”, December 2014, p.15, <https://www.loc.gov/law/help/foreign-fighters/treatment-of-foreign-fighters.pdf>.

key figures involved in attempts to radicalize and recruit".¹³⁵ Although there is no national rehabilitation programme, local programmes and facilities are operational.¹³⁶

France¹³⁷



Numbers and Profiles

It is estimated that more than 900 individuals had left France for Syria/Iraq by October 2015. Overall, the number of radicalised French nationals or residents involved in jihadist networks, but not necessarily having travelled to Syria/Iraq, is estimated to be close to 2,000.¹³⁸

By November 2015, an estimated 570 FF were still in the conflict zone, of whom close to 200 were female; about 140 had died (including approximately ten in suicide attacks), and 246 had returned. In addition, it is estimated that 85 minors are involved in jihadist networks and ten are in Syria/Iraq. Regarding affiliation, it is estimated that about 75% had joined IS and 25% JAN.¹³⁹

As with other countries, there is no typical profile of a French FF. FF are known to come from all regions and socio-economic environments. While many French FF are young men with a pre-existing criminal record, there is also a growing contingent of women and even entire families who aim to settle permanently in the Caliphate.¹⁴⁰ Converts represent 23% of the French FF contingent.

¹³⁵ The Danish Government, "Prevention of Radicalisation and Extremism: Action Plan", September 2014, p. 7,

<http://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/SJ20150422125507430%20%5BDOR1545530%5D.PDF>.

¹³⁶ P. Bertelsen, "Danish Preventive Measures and De-Radicalization Strategies: The Aarhus Model", *Panorama: Insights into Asian and European Affairs*, Konrad Adenauer Stiftung, January 2015, p. 245, http://psy.au.dk/fileadmin/Psykologi/Forskning/Preben_Bertelsen/Avisartikler-radikalisering/Panorama.pdf; Counter Extremism Project, "Denmark: Extremism and Counter Extremism", February 2015.

¹³⁷ The authors received a response to the ICCT questionnaire by the French Ministries of Foreign Affairs and Interior in October 2015, which also gave permission to use and attribute the information provided. Unless otherwise stated, information is sourced from the questionnaire.

¹³⁸ Speech of B. Cazeneuve, "Ouverture de la journée de réflexion sur la prévention de la radicalisation", 12 November 2015, <http://www.interieur.gouv.fr/Le-ministre/Interventions-du-ministre/12.11.2015-Ouverture-de-la-journee-de-reflexion-sur-la-prevention-de-la-radicalisation>.

¹³⁹ Questionnaire, on file with ICCT; Speech of B. Cazeneuve, "Ouverture de la journée de réflexion sur la prévention de la radicalisation" (2015).

¹⁴⁰ S. Pietrasanta, "La déradicalisation, outil de lutte contre le terrorisme", Parliamentary Report, June 2015, at p 34, <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/154000455.pdf>.

Threat Assessment

France's national terrorist threat system, the Vigipirate Plan, has two levels and one sub-level (vigilance, reinforced vigilance, and attack alert).¹⁴¹ The response to the ICCT questionnaire – which was returned prior to the Paris attacks – stated that the main threat to France was home-grown terrorism and the phenomenon of FF as a whole. The Paris area has been on the highest level since the January 2015 attacks, with the level throughout the country being raised to the same level following the November 2015 events.

Measures in Response to the Foreign Fighter Phenomenon

In 2014, France adopted a National Action Plan against Violent Radicalisation and Jihadi Networks. It included 24 measures and identified the following priorities: Impeding travel to Syria, implementing national and local prevention and social reintegration strategies for extremists, preventing online jihadi propaganda as well as encouraging positive counter-narratives, and strengthening the judicial response to tackle jihadi networks.

Security Measures

Since November 2014, French law has provided for the revocation or confiscation of passports of potential FF,¹⁴² as well as the expulsion or entry ban of foreigners linked to terrorist activities.¹⁴³ After the November 2015 terrorist attacks in Paris, a state of emergency was declared.

Legislative Measures

Terrorist offences are provided for in the CC. The law of 2014 introduced the offences of incitement to terrorism and of public justification (*apologie*) of terrorism, imposing higher sentences when such offences are committed online. Furthermore, it criminalised the individual preparation to commit a terrorist act, as the law previously addressed preparatory acts only in relation to a group. New offences include training in the use of weapons or other forms of combat, the manufacture or use of explosives, the piloting of aircrafts, regularly consulting websites glorifying terrorism, holding documents inciting to the commission of acts of terrorism, and having been abroad in a theatre of operations of terrorist groups.¹⁴⁴

Preventive Measures

There are a number of measures aimed at preventing and countering radicalisation. In 2014, France set up the “stop jihadism” platform to prevent and counter radicalisation, and assist families of radicalised individuals. Additionally, rehabilitation programmes are being developed. In the aftermath of the November 2015 Paris attacks, France announced that it planned to open de-radicalisation centres in 2016 aimed at FF returnees who have not committed crimes, and at radicalised individuals placed under probation order.¹⁴⁵

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¹⁴¹ General Secretariat for Defence and National Security, “Partie publique du Plan Vigipirate”, 17 January 2014, http://www.sgdsn.gouv.fr/IMG/pdf/Partie_publicque_du_plan_Vigipirate_2014.pdf.

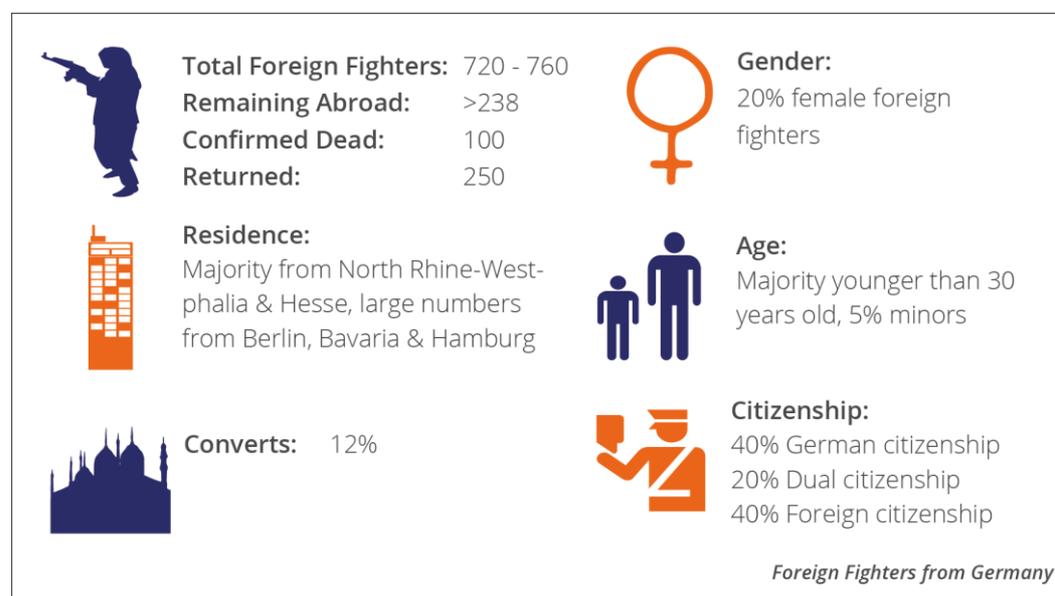
¹⁴² [Article 1](#) of Act n° 2014-1353. For instance: “Six Français voulant se rendre en Syrie se font confisquer leurs passeports”, *Le Monde*, 23 February 2015, http://www.lemonde.fr/societe/article/2015/02/23/loi-antiterroriste-six-ressortissants-francais-privés-de-leur-passeport_4581352_3224.html#tXtchCqkYbYLxRMx.99.

¹⁴³ [Article 2](#) of Act n° 2014-1353; see also [Article L521-3](#). For expulsion, see “Code de l'entrée et du séjour des étrangers et du droit d'asile”, <https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158>.

¹⁴⁴ Articles 421-2-5 and 421-2-6 CC (introduced by the Act n° 2014-1353 of 13 November 2014).

¹⁴⁵ Questionnaire on file with ICCT; F. Thomasset. “Le projet du gouvernement pour les centres de déradicalisation”, 24 November 2015, <http://www.la-croix.com/Actualite/France/Le-projet-du-gouvernement-pour-les-centres-de-deradicalisation-2015-11-24-1384405>.

Germany¹⁴⁶



Numbers and Profiles

The German MFA estimates that by July 2015, more than 720 individuals had left the country to fight for or otherwise support terrorist groups in Syria/Iraq. In October, the Federal Prosecutor General put this number at 750,¹⁴⁷ with The Soufan Group (TSG) referring to 760 German FF by November of the same year.¹⁴⁸ According to the MFA, more than 30% is believed to still be in the conflict zone, with 250 having returned.¹⁴⁹ Approximately 100 have died, including at least twenty as suicide attackers.

Regarding the profile of FF, 40% hold only German citizenship, 20% hold dual nationality (German and another), and 40% left from Germany but are not German citizens. The female proportion stands at 20%. Five percent were under the age of eighteen when they left and the majority of those who have left are younger than 30 years of age.¹⁵⁰ Twelve percent are believed to be converts to Islam. Most of those traveling come from North Rhine-Westphalia and Hesse, though a “large number of travellers also come[s] from Berlin, Bavaria and Hamburg”.¹⁵¹ Additionally, many German FF are believed to have either been unemployed or

¹⁴⁶ The authors received a response to the ICCT questionnaire by the German Federal Foreign Office, International Cooperation against Terrorism in September 2015, which also gave ICCT permission to use and attribute the information provided. Unless otherwise stated, information is sourced from the questionnaire.

¹⁴⁷ “Interview mit Generalbundesanwalt Frank. Kein Hinweis auf eingeschleuste Terroristen”, *ARD Tagesschau Online*, 30 October 2015, <https://www.tagesschau.de/inland/terror-105.html>.

¹⁴⁸ The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p.8.

¹⁴⁹ See also, “Interview mit Generalbundesanwalt Frank. Kein Hinweis auf eingeschleuste Terroristen”, *ARD Tagesschau Online*, 30 October 2015.

¹⁵⁰ In 2015 German authorities released a detailed study on the characteristics and radicalisation process of 677 FF from Germany; accordingly, the average age of FF at time of departure is 25.9 years; see Bundesamt für Verfassungsschutz (BfV), Bundeskriminalamt (BKA), Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE) “Analyse der Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischer Motivation aus Deutschland in Richtung Syrien oder Irak ausgereist sind”, 2015,

http://www.bka.de/nr_231072/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/Sonstige_Veroeffentlichungen/2015AnalyseRadikalisierungsgruendeSyrienIrakAusreisende.templateId=raw,property=publicationFile.pdf/2015AnalyseRadikalisierungsgruendeSyrienIrakAusreisende.pdf.

¹⁵¹ Ibid; Note that only around 10% are from rural areas.

in the low-paid/skilled employment sector prior to departure.¹⁵² Two-thirds were known to the police prior to departure.¹⁵³ Regarding possible motives for FF to travel abroad, the German MFA, while referring to a 2014 study on 378 radicalisation cases, noted “the interest of FF to live in a true Islamic area and to fight for this or other Islamist goals or otherwise support the Islamist cause”.¹⁵⁴ The study also noted the relative speed with which individuals radicalise, often in less than 12 months.¹⁵⁵

Threat Assessment

The MFA stated that “Germany is a declared and de facto target of Jihadist motivated violence”, and that German interests at home and abroad are at a “high abstract threat which can result in security-related incidents or even terrorist attacks and kidnappings at any time”.

Measures in Response to the Foreign Fighter Phenomenon

Germany adopted a comprehensive CT strategy, involving a wide range of federal and state authorities.¹⁵⁶

Security Measures

Authorities may deprive individuals of passports and national identification documents, issue exit bans, impose reporting obligations, consider measures to end residence, and prevent a person from entering the country. Regulations regarding the banning of travel were expanded in 2015 to prevent FF travel.¹⁵⁷

Legislative Measures¹⁵⁸

Germany’s CC criminalises incitement; offences related to support, recruitment, and membership of a terrorist organisation; as well as the preparing, encouraging, or carrying out of a “serious violent offence endangering the state”.¹⁵⁹ The latter includes the providing or receiving of terrorist training. New amendments concerning FF and expanding preparatory offences entered into force in mid-2015, criminalising the travelling abroad to receive terrorist training and introducing a separate section on the financing of terrorism.¹⁶⁰

Preventive Measures

The Framework on Prevention Regarding Salafism was adopted in 2014 and the government is currently updating the National Action Plan to Counter Racism which is to include preventive measures with regard to Islamist extremism. Various federal states offer rehabilitation

¹⁵² According to the initial 2014 study by the BfV, BKA and HKE: Bundesamt für Verfassungsschutz (BfV), Bundeskriminalamt (BKA), Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE), “Analyse der den deutschen Sicherheitsbehörden vorliegenden Informationen über die Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischen Motiven aus Deutschland in Richtung Syrien ausgereist sind”, 1 December 2014, updated version: http://www.bka.de/nn_205956/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/Sonstige/Veroeffentlichungen/2015AnalyseRadikalisierungsgruendeSyrienIrakAusreisende.html?_nnn=true.

¹⁵³ Ibid. This proportion remains the same in the 2015 study.

¹⁵⁴ Questionnaire, on file with ICCT. See also Daniel H. Heinke and Jan Raudszus, “German Foreign Fighters in Syria and Iraq”, *CTC Sentinel*, 20 January 2015, <https://www.ctc.usma.eu/posts/german-foreign-fighters-in-syria-and-iraq>.

¹⁵⁵ BfV, BKA and HKE, “Analyse der Radikalisierungshintergründe”, 2014, pp. 17-18.

¹⁵⁶ The strategy is only available in German, http://www.bmi.bund.de/DE/Themen/Sicherheit/Terrorismusbekaempfung/Terrorismus/terrorismus_no_de.html.

¹⁵⁷ Gesetz zur Änderung des Personalausweisgesetzes zur Einführung eines Ersatz-Personalausweises und zur Änderung des Passgesetzes, 20 June 2015, BGBl. I, 970.

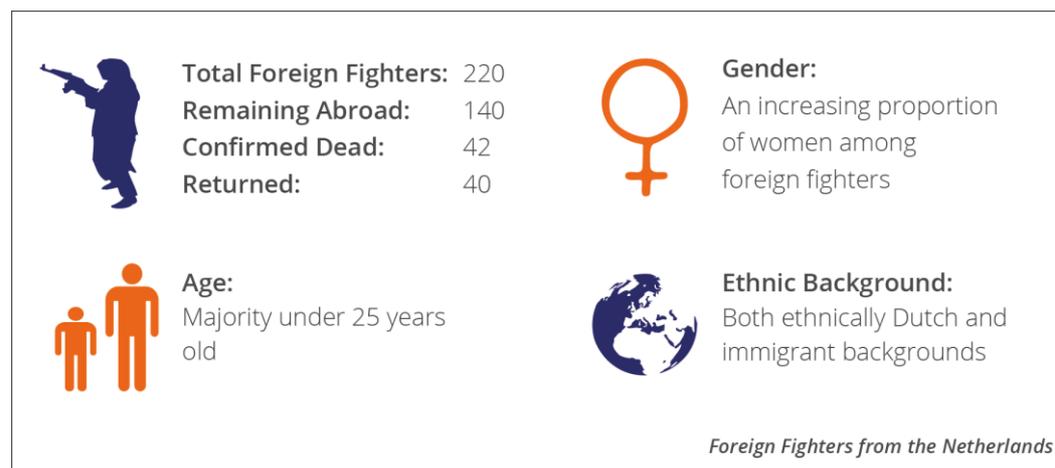
¹⁵⁸ Please see Annex 3 regarding supplementary information on legislation.

¹⁵⁹ Respectively: Sections 91(1) and 111; Sections 30(1), 129(a) and 129(b); and Sections 89(a). See also Section 89(b) making it an offence to establish contact with a terrorist organisation in Germany or abroad for in the context of a serious violent offence.

¹⁶⁰ Respectively: Sections 89(a)(2a) and 89(c) CC.

programmes for returnees, and de-radicalisation programmes in prisons.¹⁶¹ Authorities also provide support and advice to relatives and friends of radicalised/radicalising individuals.¹⁶²

The Netherlands¹⁶³



Numbers and Profiles

According to the NCTV, by 1 November 2015, around 220 individuals had left the Netherlands “for jihadist purposes”, with 40 returnees, 42 deceased and 140 remaining in Syria/Iraq.¹⁶⁴ Most of those killed were members of IS, and all of them male, resulting in a proportionate increase in the percentage of females within the whole FF contingent.

Publicly available information about the background of Dutch FF is scarce. Some initial research¹⁶⁵ indicates that the majority are male and under the age of 25. The majority have

¹⁶¹ These are usually in close cooperation between government agencies and local partners including social workers, employment agencies, educators, religious communities. Examples include the [Violence Prevention Network](#) and [Hayat-Germany](#).

¹⁶² Federal Office for Migration and Refugees (BAMF), “Advice Centre on Radicalisation”, <http://www.bamf.de/EN/DasBAMF/Beratung/beratung-node.html>.

¹⁶³ The authors received a response to the ICCT questionnaire for the Netherlands in October 2015, giving ICCT permission to use some of the information provided. The information in this section is therefore comprised of a mix of open, official and expert sources.

¹⁶⁴ The 40th edition of the Terrorist Threat Assessment for the Netherlands (DTN40), November 2015, https://english.nctv.nl/Images/summary-dtn40_tcm92-610487.pdf, pp. 1-2. In the latest (December 2015) report on by The Soufan Group, the official count in October 2015 was also 220; see The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p.9.

¹⁶⁵ These include two exploratory studies analysing five FF and six potential FF; see D. Weggemans, E. Bakker and P. Grol, “Who Are They and Why Do They Go? The Radicalisation and Preparatory Processes of Dutch Jihadist Foreign Fighters”, *Perspectives on Terrorism* 8, no. 4 (2014), <http://www.terrorismanalysts.com/pt/index.php/pot/article/download/365/718>; E. Bakker and P. Grol, “Motives and Considerations of Potential Foreign Fighters from the Netherlands”, *The International Centre for Counter-Terrorism – The Hague* 6, no. 3 (2015), <http://icct.nl/wp-content/uploads/2015/07/ICCT-Bakker-Grol-Motives-and-Considerations-of-Potential-Foreign-Fighters-from-the-Netherlands-July2015.pdf>; S. Batrawi and I. Chmoun, “Dutch Foreign Fighters Continue To Travel To Syria”, *CTC Sentinel*, July 2014, Vol. 7, Issue 7, <https://www.ctc.usma.edu/v2/wp-content/uploads/2014/07/CTCSentinel-Vol7Iss74.pdf>; M. Rademakers, “An Exploratory Research on the Motivations of Dutch Syrian Fighters”, Master Thesis, Leiden University, March 2014, https://www.academia.edu/7077831/An_Exploratory_Research_on_the_Motivations_of_Dutch_Syrian_Fighters_Master_Thesis; and R.B. de Vries, “Achtergrond, aard en dreiging van de Nederlandse Syriëgang”, *Militaire Spectator*, 29 June 2015, <http://www.militairespectator.nl/thema/artikel/achtergrond-aard-en-dreiging-van-de-nederlandse-syriëgang>.

lower or lower-middle class socio-economic backgrounds, low-to-medium levels of education and limited chances on the labour market. Dutch FF were raised in both traditional religious immigrant (Moroccan, Somali, Antillean, Turkish) families, as well as in ethnically Dutch settings. Many have been exposed to crime and drug abuse in their immediate social circle; some have had a traumatic experience in their life in the period prior to travelling to Syria/Iraq. Some are deeply frustrated about their own societal position or that of their ethnic group, feeling that they did not have a future in the Netherlands or any way to improve their position. There is a notable cluster of Dutch FF stemming from The Hague, but also other towns, such as Delft, Zoetermeer, Gouda, and Arnhem.

A final point of interest is that mental-health conditions may also play a role among the group of Dutch FF. In a study among 140 (potential) FF, whose files were cross-referenced with police databases, it appeared that “individuals with histories of behavioural problems and disorders are overrepresented”.¹⁶⁶

Threat Assessment

The Netherlands uses a four-level, threat-analysis scale: Minimal, limited, substantial and critical.¹⁶⁷ The threat level at the time of writing was “substantial” (level 3), which means that the chance of an attack is real, though there are no specific indications of an imminent terrorist attack.¹⁶⁸

Measures in Response to the Foreign Fighter Phenomenon

The current Dutch CT strategy spans the years 2011 to 2015 and is thus currently being evaluated.¹⁶⁹ It consists of five strands, namely Procure, Prevent, Protect, Prepare, and Prosecute. On 29 August 2014, the MoJ, the NCTV, and the Ministry of Social Affairs and Employment presented a Comprehensive Action Programme to Combat Jihadism.¹⁷⁰ This programme aims at combatting “both the hard core of jihadists and the dissemination of their violent ideas, both by means of penal and administrative measures”.¹⁷¹ Prevention is also considered as essential, as “[i]n combatting the jihadist movement, it is important to prevent the growth of new adherents by countering radicalisation and by diminishing the breeding ground”.¹⁷²

¹⁶⁶ It is believed that within certain sections of the Dutch foreign fighter contingent, up to 60% have prior indication of mental illness, see A. Weenink, “Behavioral Problems and Disorders among Radicals in Police Files”, *Perspectives on Terrorism* 9, no. 2 (2015). This tendency was confirmed in the “Context Case” in the Netherlands where those under investigation were apparently cross-referenced in national mental health databases. Note, however, that this link has also been heavily debated and criticised (see e.g., J. Barbier and M. Keulemans, “Heeft Merendeel Jihadisten Psychische Problemen?”, *De Volkskrant*, 11 June 2015, <http://www.volkskrant.nl/wetenschap/heeft-merendeel-jihadisten-psychische-problemen~a4070300/>); and that the T.M.C. Asser Instituut and ICCT will conduct research on this link in 2016, and publish findings on their public websites.

¹⁶⁷ For more information, see

https://english.nctv.nl/themes_en/Counterterrorism/terrorist_threat_assessment_netherlands/composition/ and here for an overview of all the threat levels since May 2005 (DTN1): https://english.nctv.nl/themes_en/Counterterrorism/terrorist_threat_assessment_netherlands/current_threat_level/.

¹⁶⁸ The Netherlands National Coordinator on Security and Counterterrorism, *Summary of the 40th edition of the Terrorist Threat Assessment for the Netherlands (DTN40)*, November 2015, p. 1,

https://english.nctv.nl/Images/summary-dtn40_tcm92-610487.pdf.

¹⁶⁹ “National counterterrorism strategy 2011-2015”, January 2011,

https://english.nctv.nl/Images/nationale-ct-strategie-2011-2015-uk_tcm92-369807.pdf.

¹⁷⁰ The Ministry of Security and Justice, NCTV and the Ministry of Social Affairs and Employment, “The Netherlands comprehensive action programme to combat jihadism: Overview of measures and actions”, 29 August 2014, http://english.nctv.nl/Images/def-a5-nctvjihadismuk-03-lr_tcm92-562673.pdf.

¹⁷¹ *Ibid.*, p. 2.

¹⁷² *Ibid.*

Security Measures

A proposal for an amendment to the Netherlands Nationality Act has been submitted, which would allow the Dutch nationality to be stripped from convicted FF who join terrorist militias. The amendment further proposes that those with a non-EU nationality would be declared undesirable foreign nationals (for the Schengen area), and that if there are sufficient grounds to assume that a FF has joined a terrorist militia, his or her Dutch travel documents are refused or declared invalid.¹⁷³ As regards travel interventions, if “there are sufficient grounds to assume departure, the travel documents are refused or declared invalid (including identity documents)”.¹⁷⁴

Legislative Measures

The Dutch CC addresses criminal acts conducted with a terrorist purpose, the preparation to commit a serious offence, membership of a terrorist organisation, receiving or providing terrorist training, terrorist financing, recruitment for a terrorist purpose, and incitement to terrorism.¹⁷⁵

Preventive Measures

The Comprehensive Action Programme comprises various actions, including periodic consultations with imams addressing themes such as countering radicalisation and opposing discrimination, as well as the establishment of a rehabilitation or exit facility.¹⁷⁶ Other measures include the strengthening of existing networks of local and national key figures, the establishment of a national radicalisation contact point, and a support facility for those close to radicalised/radicalising individuals, as well as the creation of a facility “to stimulate alternative and oppositional views and narratives and to enhance the resilience of the rule of law”.¹⁷⁷ Moreover, a new hotline will be created by the Dutch government to report jihadist (terrorist, hatred-inciting and violence-glorifying) content on the Internet and social media.¹⁷⁸

¹⁷³ Ibid.

¹⁷⁴ Ibid.

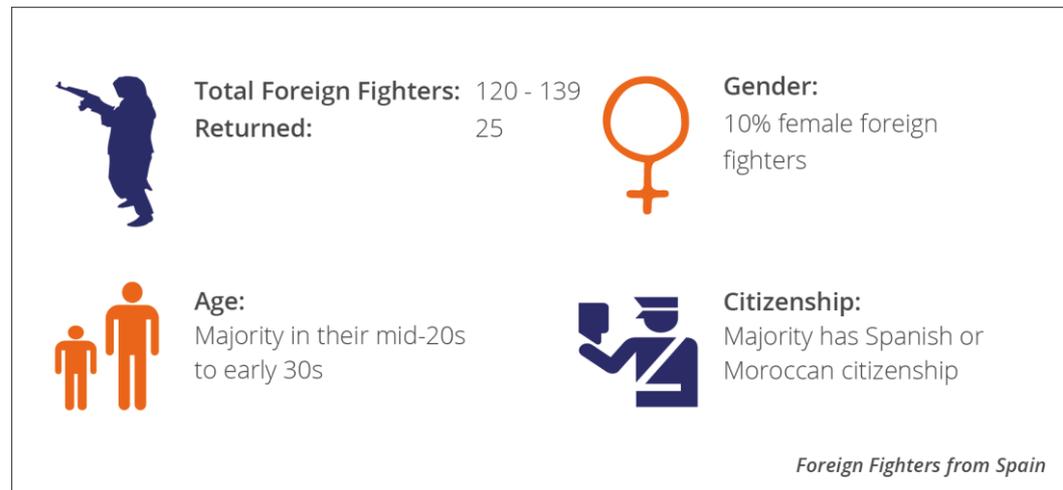
¹⁷⁵ The Dutch CC, subsequently articles 83a, 46, 140a 134a, 421, 205 and 131,

http://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht_ENG_PV.pdf.

¹⁷⁶ Questionnaire, on file with ICCT. See also “The Netherlands comprehensive action programme to combat jihadism”, p. 17.

¹⁷⁷ Ibid.

¹⁷⁸ The Ministry of Security and Justice, NCTV and the Ministry of Social Affairs and Employment, “The Netherlands comprehensive action programme to combat jihadism: Overview of measures and actions”, 29 August 2014, p. 23, http://english.nctv.nl/Images/def-a5-nctvjihadismuk-03-lr_tcm92-562673.pdf.

Spain¹⁷⁹**Numbers and Profiles**

The Spanish Mol reported in November 2015 that 139 FF had left Spain, and 25 individuals had returned.¹⁸⁰ According to a report published in the same month by Fernando Reinares and Carola Garcia Calvo, there are an estimated 120 Spain-linked FF.¹⁸¹ Ten percent of those who went to Syria from Spain were female.¹⁸²

Reinares and Calvo¹⁸³ also reconstructed the profiles of twenty Spanish residents that had travelled to fight with jihadist groups in Syria before 2014. Eleven of the twenty are Spanish citizens, while the remaining nine are Moroccan nationals living in Spain; most lived in the Spanish enclave Ceuta in North Africa, but also in Girona and Malaga. The majority are between their mid 20s and early 30s; they were mostly married and with children; and were low-skilled, (un)employed workers as well as students at the time of their departure. Several were already known to the police (especially in Ceuta) and implicated in drug trafficking. Out of the 20, at least three young Muslim Spanish nationals residing in Ceuta became suicide bombers.

¹⁷⁹ The authors received a response to the ICCT questionnaire for Spain in October 2015. The information provided in the questionnaire is confidential and is therefore not utilised in this section. Instead, open and expert sources are used.

¹⁸⁰ Ministry of Interior, "The State Pact against international terrorism has allowed us to increase citizen security", says Jorge Fernández Díaz", 18 November 2015,

<http://www.lamoncloa.gob.es/lang/en/gobierno/news/Paginas/2015/20151118-fernandezdiaz.aspx>.

¹⁸¹ F. Reinares and C. Garcia-Calvo, "Terroristas, redes y organizaciones: facetas de la actual movilización yihadista en España", *Real Instituto Elcano*, 16 November 2015, p. 3,

<http://www.realinstitutoelcano.org/wps/wcm/connect/d4164c804a9125f4813f8f207bacc4c/DT17-2015-Reinares-GarciaCalvo-Terroristas-redes-organizaciones-facetas-actual-movilizacion-yihadista-Espana.pdf?MOD=AJPERES&CACHEID=1447668810772>.

¹⁸² C. Garcia-Calvo, "Las mujeres del Estado Islámico", *Real Instituto Elcano*, 26 March 2015,

http://www.realinstitutoelcano.org/wps/portal/web/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/terrorismo+internacional/comentario-garcia-calvo-las-mujeres-del-estado-islamico.

¹⁸³ The information in this paragraph is largely based on: F. Reinares and C. Garcia-Calvo, "The Spanish Foreign Fighter Contingent in Syria", *CTC Sentinel*, Vol. 7, Issue 1, January 2014, pp. 12-14, <https://www.ctc.usma.edu/posts/the-spanish-foreign-fighter-contingent-in-syria>. The authors also note that 25 additional Spanish residents were identified as having joined the FSA.

Threat Assessment

Spain's current threat level is four ("high") on a scale from one ("low") to five ("very high"). It was raised to four after the terrorist attacks in Tunisia, Kuwait, and France on 26 June 2015.¹⁸⁴ According to the Spanish government, the FF phenomenon is one of the "greatest threat[s] to the security of the whole international community and of the European Union in particular, since they travel to get training in handling weapons and explosives and be under the command of terrorist groups".¹⁸⁵

Measures in Response to the Foreign Fighter Phenomenon

In January 2015, the new Strategic National Action Plan against Violent Radicalisation within the framework of the 2012 comprehensive strategy (a classified document) was passed by the Council of Ministers. The strategy established a national, inter-agency, inter-ministerial course of action, coordinated by the MoI.¹⁸⁶

Legislative Measures

Terrorism offenses are defined in the CC. The 2/2015 Organic Law of March 2015 modified the 10/1995 Organic Law of the CC with regard to terrorism-related offences. Spanish legislation criminalises the financing of, participation in, incitement of, recruitment and training for a terrorist organisation. Art. 575 of the 2015 law in particular addresses the phenomenon of FF as it criminalises the travelling to a foreign country with the purpose of joining a terrorist group or committing a terrorist act.

Preventive Measures

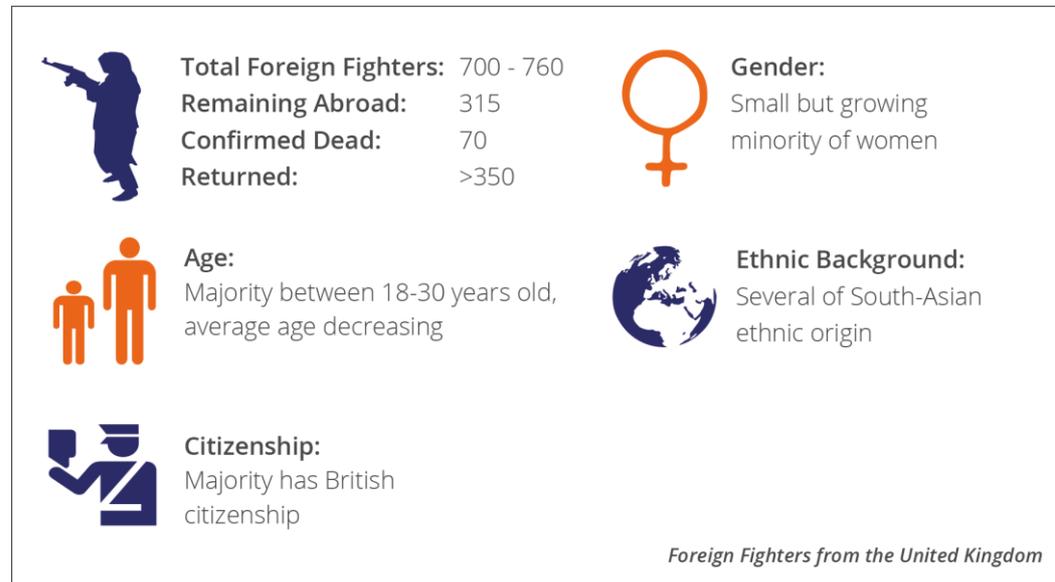
Although in the past years the focus had mainly been on law-enforcement and protection-based measures, 2015 marked a significant shift in Spain's CT approach with the country announcing the formation of a new prevention programme.

¹⁸⁴ Ministry of Interior, "Nivel de alerta antiterrorista", <http://www.interior.gob.es/prensa/nivel-alerta-antiterrorista>.

¹⁸⁵ R. Minder, "Scrutiny falls on a Spanish mosque after foiled train attack", *New York Times*, 27 August 2015, <http://www.nytimes.com/2015/08/28/world/europe/renewed-scrutiny-for-mosque-in-spain-after-foiled-train-attack.html?ref=world>.

¹⁸⁶ Ministry of Interior, "Plan estratégico nacional de lucha contra la radicalización violenta" (2015), the full text of the plan is available at: http://www.lamoncloa.gob.es/consejodeministros/referencias/documents/2015/refc20150130e_1.pdf.

United Kingdom¹⁸⁷



Numbers and Profiles

According to the UK Office for Security and Counter-Terrorism (OSCT), approximately 700 individuals had left for Syria/Iraq since January 2011, of whom 315 are currently in the conflict area, over half returned, and approximately 70 died. The total number is below the latest TSG estimate which indicates 760 FF as an official count in November 2015.¹⁸⁸ The OSCT further reported that the majority of UK FF have joined IS, and that a majority holds British citizenship. Most FF are between 18 and 30 years of age, although the average age is reducing. Almost all are Muslim.

The OSCT stated that it is not possible to deduce one unifying motivation for all FF, and that multiple underlying factors play a role, mostly related to a weak social status that makes individuals vulnerable to IS' message(s), including through the Internet and social media. Yet, in 2013, Maher concluded that "many of those travelling to Syria as foreign fighters are male; in their twenties, of South-Asian ethnic origin, with recent connections to higher education, and with links to individuals or groups who have international connections".¹⁸⁹

Threat Assessment

The UK uses a five-point scale to measure the terrorist threat level.¹⁹⁰ The OSCT indicated that the country's "threat level for international terrorism (which is set by the Joint Terrorism Analysis Centre (JTAC)) is 'SEVERE' (level 4), meaning an attack in the UK is highly likely. The principal threat continues to come from militant Islamist terrorists, notably in Syria and Iraq".

¹⁸⁷ The authors received a response to the ICCT questionnaire by the UK Office for Security and Counter-Terrorism on behalf of the Director-General in September 2015, which also gave permission to use and attribute the information provided. Unless otherwise stated, information is sourced from the questionnaire.

¹⁸⁸ The Soufan Group, "Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq", December 2015, p. 10.

¹⁸⁹ S. Maher, 'British Foreign Fighters in Syria', *ICSR Insight*, 15 October 2013, <http://icsr.info/2013/10/british-foreign-fighters-in-syria/>.

¹⁹⁰ The threat levels are: Low, moderate, substantial, severe, and critical. See <https://www.mi5.gov.uk/home/the-threats/terrorism/threat-levels.html>.

Measures in Response to the Foreign Fighter Phenomenon

The third version of the UK's CT strategy, CONTEST, was published in July 2011.¹⁹¹ The strategy's aim is to reduce the risk from terrorism to the UK and its interests overseas. It covers all forms of terrorism and is organised around four work streams: Pursue, Prevent, Protect, and Prepare. In October 2015, the UK Counter Extremism Strategy was presented to Parliament, which also consists of four strands: Countering extremist ideology, building a partnership with all those opposed to extremism, disrupting extremists, and building more cohesive communities.¹⁹²

Security Measures

The protect and prepare strands of the strategy provide the framework for the security responses. Terrorism Prevention and Investigation Measures (TPIMs)¹⁹³ can be used to ban overseas travel and hold travel documents.

The Royal Prerogative, a discretionary power of the executive, not typically subject to judicial review,¹⁹⁴ can be exercised "against British passport holders to refuse to issue or cancel a British passport on public interest grounds. It can be used to disrupt individuals who seek to travel on a British passport to engage in, for example, fighting, extremist activity or terrorist training overseas and then return to the UK with enhanced capabilities". The Counter-Terrorism and Security Act 2015 also "enables police officers to seize and temporarily retain travel documents at ports to disrupt immediate travel where there is reasonable suspicion that a person intends to travel to engage in terrorism related activity outside the UK".

Legislative Measures

The Terrorism Act 2000 and the Terrorism Act 2006 provide for a variety of criminal-law provisions that enable the prosecution of (potential) FF, such as terrorist financing, participation in and/or leadership of a terrorist group, incitement to terrorism, and travel to join a terrorist organisation.¹⁹⁵ The OSCT noted in response to the ICCT questionnaire that the UK had recently strengthened its CT legislation in order to deal with the threat posed by FF, by amending the Terrorism Act 2000 to criminalise the payment of ransoms to terrorist organisations. In March 2015, the UK also passed the Serious Crime Act 2015.¹⁹⁶ Section 81 of this Act extends UK territorial jurisdiction over Sections 5 and Section 6 of the Terrorism Act 2006. This enables the prosecution of UK-linked individuals and those who seek to harm the UK, who have prepared or trained for terrorism overseas.¹⁹⁷

¹⁹¹ Home Office, "CONTEST. The United Kingdom's Strategy for Countering Terrorism", July 2011, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97995/strategy-contest.pdf. More information about CONTEST can be found at

<https://www.gov.uk/government/publications/contest-uk-strategy-for-countering-terrorism-annual-report-for-2014>.

¹⁹² Counter-Extremism Directorate UK Home Office, "Counter-Extremism Strategy", 19 October 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470088/51859_Cm9148_Accessible.pdf.

¹⁹³ Ibid. As of 30 November 2015, only two TPIM notices are in force, against two British citizens. See Lord Bates, Terrorism Prevention and Investigation Measures (1 September 2015 to 30 November 2015) : Written statement - HLWS377, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-12-10/HLWS377/>. For criticism of TPIMs, see National Council of Civil Liberties, "TPIMs", <https://www.liberty-human-rights.org.uk/human-rights/countering-terrorism/tpims>.

¹⁹⁴ Questionnaire, on file with ICCT. In his 2015 report "Returning Foreign Fighters: Criminalization or Reintegration?", Charles Lister, referring to a speech of Home Secretary May on 24 November 2014, wrote that "[s]ince the dramatic escalation of FF flows into Syria from 2013, the Royal Prerogative has been used 29 times." C. Lister, "Returning Foreign Fighters: Criminalization or Reintegration?", Policy Brief, *Brookings Institution*, 2015, <http://www.brookings.edu/~media/research/files/papers/2015/08/13-foreign-fighters-lister/en-fighters-web.pdf>.

¹⁹⁵ "Terrorism Act 2000", <http://www.legislation.gov.uk/ukpga/2000/11/contents>; "Terrorism Act 2006", <http://www.legislation.gov.uk/ukpga/2006/11/contents>.

¹⁹⁶ "Serious Crime Act 2015", <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>.

¹⁹⁷ The measure came into force on 3 March 2015. Questionnaire, on file with ICCT.

Preventive Measures

Since April 2012, prevention measures are organised through CHANNEL, a multi-agency voluntary programme that works with vulnerable people who are drawn to terrorism. Its objective is to intervene in an early stage before individuals get involved in potential criminal activities.

With respect to an emergency number for relatives or friends, the OSCT stated that the “UK has a Police non-emergency number, 101. The Metropolitan Police operate an Anti-Terrorist Hotline for members of the public to report suspicious behaviour”.¹⁹⁸

For counter-messaging, the UK supports the work of civil society groups to challenge extremist messages offline and online and to distribute credible testimonials and formulate alternative, positive narratives.¹⁹⁹

Non-Focus Countries

Croatia²⁰⁰

Numbers and Profiles

Open sources point to only one known instance of a FF originating from Croatia; a 27-year-old Croatian woman who allegedly converted to Islam in Britain two years prior to her departure to Syria, and travelled to the war zone with her husband. US-led air strikes near the Syrian town of Raqqa allegedly wounded her and killed her Bosnian companion.²⁰¹

Without indicating concrete numbers, the US Department of State Bureau of Diplomatic Security (OSAC) reports that cases of Croatians travelling abroad to conflict zones in the Middle East involve only non-fighting partners of Bosnian FF, who first moved to Salafist centres in neighbouring countries – particularly to Gornji Maoca in Bosnia – and then went to the conflict zone.²⁰²

Threat Assessment

According OSAC, Croatia is not considered a major country of origin of FF, but instead is likely to be a transit country.²⁰³

Cyprus²⁰⁴

Numbers and Profiles

No information could be found on the number of FF from Cyprus, their profiles or backgrounds. In September 2014, police authorities in Cyprus investigated five people for

¹⁹⁸ Ibid. The form is available at <https://secure.met.police.uk/athotline/>.

¹⁹⁹ Ibid.

²⁰⁰ The authors did not receive a response to the ICCT questionnaire for Croatia.

²⁰¹ Croatian “Jihadist Bride” wounded in Syria air strike”, *Independent*, 2 October 2014, <http://www.independent.mk/articles/9937/Croatian+Jihadist+Bride+Wounded+in+Syria+Air+Strike>; K. Orton, “The Balkan Front of the jihad in the Fertile Crescent”, *The Syrian Intifada*, 14 October 2014, <https://kyleorton1991.wordpress.com/tag/dora-bilic/>.

²⁰² US Department of State, Bureau of Diplomatic Security, “Croatia 2015 Crime and Security Report”, 20 May 2015, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17687>.

²⁰³ Ibid.

²⁰⁴ The authors received a response to the ICCT questionnaire by the Government of Cyprus in September 2015. The information provided in response to the questionnaire is partly confidential and the information used in this report is therefore limited to publicly known data. Open-source and expert interviews are used as sources, where applicable.

possible facilitation of travel to conflict areas abroad, but no incriminating evidence was found.²⁰⁵ Nevertheless, there have been reports of Cyprus functioning as a transit country: At least a dozen British FF, and some Dutch FF were reported to have travelled to Syria/Iraq via Cyprus.²⁰⁶

Threat Assessment

In April 2015, the threat level was raised from low to medium on a scale of five levels due to, among other things, the FF phenomenon.²⁰⁷

Czech Republic²⁰⁸

Numbers and Profiles

The Mol reported that “there ha[d] not yet been a single case of a Czech citizen travelling to conflict zones in Syria/Iraq in order to join terrorist organisations”.²⁰⁹

Threat Assessment

The Czech Republic does not have an official security or terrorism threat-level indicator. Czech Mol officials pointed out that terrorism and FF/returnees represent a potential threat.²¹⁰

Estonia²¹¹

Numbers and Profiles

According to public sources, there are only two known FF from Estonia: The first one allegedly joined IS and the second is fighting with the Kurdish forces against Islamist factions.²¹² This number was also confirmed in the answer to the ICCT questionnaire.²¹³ One FF is believed to remain in the conflict zone and allegedly does not plan to return.²¹⁴

Threat Assessment

According to the 2014 annual report prepared by the Estonian CT body – the Estonian Internal Security Service (EISS/KaPo) – the terrorist threat level is relatively low and “the relevant countermeasures are not a matter of urgency”.²¹⁵

²⁰⁵ Bureau of Counterterrorism, “US Country Reports on Terrorism 2014” (2015), p. 98.

²⁰⁶ Meik Amit Intelligence and Terrorism Information Center, “Foreign Fighters in Syria”, 207/13, December 2013, p. 33, http://www.terrorism-info.org.il/Data/articles/Art_20607/E_207_13_1157524947.pdf; “ISIS fighters using Cyprus to reach Syria”, *Cyprus Mail*, 26 October 2015, <http://cyprus-mail.com/2015/10/26/isis-fighters-using-cyprus-to-reach-syria-daily-mirror/>.

²⁰⁷ Questionnaire on file with ICCT.

²⁰⁸ The authors received a response to the ICCT questionnaire by the Security Policy and Crime Prevention Department of the Czech Mol in September 2015, which also gave permission to use and attribute the information provided.

²⁰⁹ Questionnaire, on file with ICCT.

²¹⁰ Ibid.

²¹¹ The authors received a response to the ICCT questionnaire for Estonia in September 2015. The information in this section is comprised of a mix of open, official and expert sources

²¹² Estonian Internal Security Service (EISS/KaPo), “Yearbook 2014”, April 2015, pp. 21-22, <https://www.kapo.ee/cms-data/text/138/124/files/kapo-aastaraamat-2014-en.pdf>.

²¹³ Questionnaire, on file with ICCT.

²¹⁴ Ibid.

²¹⁵ Estonian Internal Security Service (EISS/KaPo), “Yearbook 2014”, April 2015, p. 21.

Finland²¹⁶

Numbers and Profiles

Finnish researcher Juha Saarinen pointed out that the year 2012 is considered to be the starting point of the mobilization to Syria/Iraq, but it was only by summer 2013 that the vast majority of individuals were seeking to join jihadist groups in the conflict zone, with only a small number fighting alongside opposition forces.

By August 2015, at least 70 individuals from Finland had travelled to Syria/Iraq, with approximately one dozen having died abroad and around 35 believed to still be in the conflict zone. The Finnish “contingent” is mainly in their late teens and mid-twenties, but with around a third believed to be above 30 and up to 50 years of age. Around 20% is believed to be female. At least nineteen different ethnic backgrounds are represented. The majority of individuals identified by government authorities are “home-grown”, and they are either born in Finland or have lived there since childhood. Lastly, most FF originate from larger cities and suburban areas in southern and western Finland, mainly the Helsinki metropolitan region and Turku.²¹⁷

Threat Assessment

According to Finnish authorities, “Finland does not have pre-set threat levels [...]; Finland is not a primary target for violent radical Islamists or other terrorist organisations. Thus, the direct threat of organised terrorism against Finland or its population remains low”.²¹⁸ In June 2014, the Finnish Security Intelligence Service (SUPO) raised, for the first time, its terrorism threat assessment, mainly due to the situation in Syria.²¹⁹

Ireland²²⁰

Numbers and Profiles

In January 2015, the Irish Police (An Garda Síochána) estimated that 30 individuals had left the country to travel to Syria/Iraq.²²¹

Threat Assessment

In June 2015, the Minister of Foreign Affairs stated that “[w]hile an attack on Ireland is possible it is not assessed as likely and there is no specific information in relation to a threat to Ireland”. In the same speech, the Minister pointed out that there is nevertheless “little doubt” of IS’ “ambitions to export its violence and terror to Europe”. Therefore Ireland is continuously reviewing the terrorism threat level and closely monitoring extremists through the police force.²²²

²¹⁶ The authors received a response to the ICCT questionnaire for Finland in September 2015, giving permission to use and attribute a part of, but not all, the information provided. The information in this section is comprised of a mix of open, official and expert sources.

²¹⁷ Information for this section originates from J. Saarinen, “The Finnish foreign fighter contingent in Syria and Iraq”, *Terrorism Monitor*, Vol. XIII, Issue 18, 4 September 2015, pp. 3-6, http://www.jamestown.org/uploads/media/TerrorismMonitorVol13Issue18_01.pdf.

²¹⁸ Questionnaire, on file with ICCT.

²¹⁹ Finnish Security Intelligence Service (SUPO), “Annual Report 2014”, p. 4, https://www.poliisi.fi/instancedata/prime_product_julkaisu/intermin/embeds/poliisiwwwstructure/27358_2014-Supo_Annual_Report_web.pdf?2efdfbae6d9dd288.

²²⁰ The authors did not receive a response to the ICCT questionnaire for Ireland.

²²¹ C. O’Keeffe, “30 Irish gone to Syria and Iraq wars”, *Irish Examiner*, 9 January 2015, <http://www.irishexaminer.com/ireland/30-irish-gone-to-syria-and-iraq-wars-305939.html>.

²²² Department of Foreign Affairs and Trade, “Minister Flanagan addresses Seanad on Ireland’s response to ISIS Threat”, 11 June 2015, <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2015/june/irelands-response-to-isis-threat/>.

Italy²²³

Numbers and Profiles

According to the Italian Mol, 87 FF departed from Italy between 1 January 2011 and late October 2015. Fifty-seven are allegedly in the conflict zone and eighteen have died. The response of the government also indicated that fifteen FF had joined IS, two had joined JAN, and seven had joined other opposition forces including the FSA.²²⁴ The Italian Defence Minister noted that only twelve FF had Italian passports, with six also holding another (dual) nationality.²²⁵

Threat Assessment

Italy has a threat-level system ranking from 0 (negligible threat) to 3 (terrorist attack ongoing or already occurred).²²⁶ After the attacks in Paris in November 2015, the threat level was raised to level 2.²²⁷ FF and returnees are seen as a threat to national security.²²⁸

Latvia²²⁹

Numbers and Profiles

At least two residents of Latvia have travelled to Syria/Iraq to fight with IS. One was identified in news reports as having met a Finnish convert online while playing video games; subsequently they travelled to Syria together.

Threat Assessment

Late December 2015, the terrorism threat level in Latvia was assessed as low. According to the 2014 Report of the Latvian Security Police, FF and returnees in the context of Syria pose the “most significant terrorism risk factor” to the country.²³⁰

Lithuania²³¹

Numbers and Profiles

According to Lithuanian government, the country has not been confronted with cases of FF so far. Therefore, no information is available regarding numbers and profiles of FF in Lithuania.²³²

Threat Assessment

.....
²²³ The authors received a response to the ICCT questionnaire by the Public Security Department of the Italian Mol in October 2015, which also gave permission to use and attribute a part of, but not all, the information provided. The information in this section is therefore comprised of a mix of open, official and expert sources.

²²⁴ Questionnaire, on file with ICCT.

²²⁵ “Siria, il ministro Pinotti: ‘Nelle file dell’Is combattono 87 persone passate dall’Italia’”, *Repubblica*, 20 September 2015,

http://www.repubblica.it/esteri/2015/09/20/news/siria_ministro_pinotti_87_italiani_nelle_file_dell_is-123291547/.

²²⁶ Questionnaire, on file with ICCT.

²²⁷ A. Custodero, “Strage di Parigi: elevata al secondo livello l'emergenza”, *La Repubblica*, 14 November 2015, http://www.repubblica.it/politica/2015/11/14/news/copasir_non_possiamo_escludere_attacchi_in_italia_-127336737/. According to the response to the ICCT questionnaire, level 2 refers to a “probable or imminent terrorist attack”.

²²⁸ Questionnaire, on file with ICCT.

²²⁹ The authors received a response to the ICCT questionnaire for Latvia in August 2015. The information in this section is comprised of a mix of open, official and expert sources.

²³⁰ Website of the Latvian Security Police (DP), <http://dp.gov.lv/en/areas-of-activity/counterterrorism/>; ‘Annual report about the activities of the Security Police in 2014’, <http://www.dp.gov.lv/en/?rt=documents&ac=download&id=5>.

²³¹ The authors received partial responses to the ICCT questionnaire by the Lithuanian Criminal Police Bureau and by the Lithuanian MFA in August 2015, which also gave permission to use and attribute the information provided.

²³² Questionnaire, on file with ICCT.

At the end of December 2015, the terrorism threat level in Lithuania was assessed as low. Lithuania perceives the threat of FF as mostly external and indirect. Notably, returning FF transitioning through Lithuania are perceived as a threat.²³³

Luxembourg²³⁴

Numbers and Profiles

Luxembourg's High Commission for National Protection (HCPN) reported that six individuals had left the country to fight in Syria/Iraq, including one couple. Five were not Luxembourg citizens but had lived in the country before departure, and all had previous links with Islamic circles.²³⁵

Threat Assessment

The current threat level in Luxembourg is 2 (medium), on a four-point scale. While "tak[ing] the threat seriously and act[ing] accordingly by implementing the necessary policies and measures", the HCPN notes that the FF phenomenon is "less acute than in other EU countries".²³⁶

Malta²³⁷

Numbers and Profiles

ICCT was unable to locate publicly available information regarding numbers and profiles of FF in Malta. Several official sources confirmed that there are no indications of FF from Malta.²³⁸

Threat Assessment

The terrorism threat in Malta is evaluated as low.²³⁹

Poland²⁴⁰

Numbers and Profiles

Between 20 to 40 Polish nationals are believed to have travelled to Syria/Iraq, most of them residing at the time of departure not in Poland itself but in other European countries.²⁴¹ Amongst them was an individual who had carried out a suicide attack on a refinery in Iraq in June 2015 together with three other FF.

²³³ Ibid.; National Security Strategy, Point 15.4.2,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=433830&p_tr2=2.

²³⁴ The authors received a response to the ICCT questionnaire by Luxembourg's High Commission for National Protection in August 2015, which also gave permission to use and attribute the information provided.

²³⁵ Questionnaire, on file with ICCT.

²³⁶ Ibid.

²³⁷ The authors received a response to the ICCT questionnaire for Malta in August 2015. The information in this section is comprised of a mix of open, official and expert sources.

²³⁸ Information on file with the authors.

²³⁹ E.g. UK Foreign travel advice: <https://www.gov.uk/foreign-travel-advice/malta/terrorism>.

²⁴⁰ The authors received a response to the ICCT questionnaire for Poland in October 2015. The information provided in the questionnaire is confidential and is therefore not utilised in this section. Instead, open-source and expert interviews are used as sources, where applicable.

²⁴¹ Information on file with ICCT.

Threat Assessment

Poland has a terrorism threat scale with four levels, as well as a “zero” level. The current terrorism threat level in Poland is assessed as low (“zero”).²⁴²

Portugal²⁴³

Numbers and Profiles

It is estimated that about a dozen Portuguese nationals or residents have left for Syria/Iraq since January 2011, five of which have reportedly died: two in a US air strike in Kobane, one while committing a suicide attack against an Iraqi military post, and a father and son who died in combat.²⁴⁴ Reportedly, the majority had converted to Islam within a few years to months before traveling to the conflict zone.²⁴⁵ Many have origins in former Portuguese colonies or have long lived abroad. Some resided in other European countries (France, Luxembourg, the Netherlands, the UK) for longer than they had lived in Portugal, and many also hold dual nationalities from other European countries. Five of them are known to have lived and met in Leyton, London.²⁴⁶ One is identified as a Portuguese-Dutch woman who resided in the Netherlands and left to Syria to marry a Portuguese FF.

Threat Assessment

Portugal perceives the threat of terrorism and FF lower than other European countries.²⁴⁷

Romania²⁴⁸

Numbers and Profiles

According to Romanian authorities, by October 2015 Romania had not registered a single FF from the country.²⁴⁹ However, TSG, referring to March 2015 numbers, mentions that one or more FF from Romania could be in Syria/Iraq.²⁵⁰

²⁴² National Counter-Terrorism Programme (2014),

<http://www.monitorpolski.gov.pl/mp/2014/1218/M2014000121801.pdf>.

²⁴³ The authors received a response to the ICCT questionnaire for Portugal in October 2015. The information provided in the questionnaire is confidential and is therefore not utilised in this section. Instead, open-source and expert interviews are used as sources, where applicable.

²⁴⁴ N. Ribeiro, “Doze jihadistas de origem portuguesa combatem na Síria e no Iraque” *Publico*, 2 September 2014, <http://www.publico.pt/politica/noticia/doze-jihadistas-de-origem-portuguesa-combatem-na-siria-e-no-iraque-1668361>; N. Ribeiro, “Jihadistas portugueses com mandados de captura”, *Publico*, 3 April 2015, <http://www.publico.pt/politica/noticia/jihadistas-portugueses-com-mandados-de-captura-1691190>; S. Kern, “Portugal’s Jihadists”, 14 September 2014, <http://www.gatestoneinstitute.org/4697/portugal-jihadists>; The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p. 9 and “Jihadistas portugueses. Três mortos anunciados, mas nunca confirmados”, *Expresso*, 24 January 2015, <http://expresso.sapo.pt/sociedade/jihadistas-portugueses-tres-mortos-anunciados-mas-nunca-confirmados=f907841>.

²⁴⁵ J. Rodrigues, “Interpol ignora jihadistas”, *Correio*, 20 April 2015,

http://www.cmjornal.xl.pt/nacional/portugal/detalhe/jihadistas_lusos_fora_da_lista.html.

²⁴⁶ H. Franco and R. Moleiro, *Os Jihadistas Portugueses* (Alfragide: Lua de Papel, 2015), pp 13.

²⁴⁷ Secretary of State João de Almeida was cited as saying: “Naquilo que é possível dizer-se, não estamos no grupo de países europeus com o nível mais elevado.”, in: R. Lira and A. Costa, “Não temos o nível mais elevado de alerta terrorista”, *Economico*, 6 April 2015, http://economico.sapo.pt/noticias/nao-temos-o-nivel-mais-elevado-de-alerta-terrorista_215352.html.

²⁴⁸ The authors received a response to the ICCT questionnaire for Romania in October 2015, giving permission to use the information provided.

²⁴⁹ Questionnaire, on file with ICCT.

²⁵⁰ The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p. 9.

Threat Assessment

Romania has a terrorism-threat scale with five levels. At the time of writing, the threat level was assessed as “cautious” (level 2, level 1 being the lowest). Romanian authorities note that Romania can be a transit country for FF.²⁵¹

Slovakia²⁵²

Numbers and Profiles

The number of Slovak nationals or residents who became FF is estimated at six, three of whom are allegedly dead. The majority of the small Slovak FF contingent are believed to be above 30 years of age.²⁵³

Threat Assessment

In its 2014 Annual Report, the Slovak Information Service “recorded no specific security threats to Slovakia or involvement of Slovak citizens in terrorist activities abroad”.²⁵⁴

Slovenia²⁵⁵

Numbers and Profiles

Slovenian government officials reported that three male nationals had left for Syria/Iraq to join IS. They were converts and had no previous links with extremist circles; one was killed.

Threat Assessment

There is no official threat scale in Slovenia, but authorities assess the threat as low.

Sweden²⁵⁶

Numbers and Profiles

It is estimated that about 300 Swedish nationals or residents have travelled to Syria/Iraq. A sizeable portion appears to come from the area of Gothenburg.²⁵⁷

Threat Assessment

Sweden has a terrorism-threat scale with five levels. At the end of 2015 and following a suspected terrorism plot, the terrorism-threat level was raised to level 4, indicating a “high” threat.²⁵⁸ In its CT strategy, the country refers to the increase in FF-travel and returnees as a potential threat.²⁵⁹

²⁵¹ Questionnaire, on file with ICCT.

²⁵² The authors received a response to the ICCT questionnaire for Slovakia in October 2015. The information in this section is comprised of a mix of open, official and expert sources.

²⁵³ Information on file with the authors.

²⁵⁴ Slovak Information Service (SIS), “SIS 2014 Annual Report”, June 2015, <http://www.sis.gov.sk/for-you/sis-annual-report.html>.

²⁵⁵ The authors received a response to the ICCT questionnaire for Slovenia in October 2015, giving permission to use the information provided.

²⁵⁶ The authors did not receive a response to the ICCT questionnaire for Sweden. Therefore, information in this section is based on open and expert sources.

²⁵⁷ The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015; M. Ranstorp, L. Gustafsson and P. Hyllengren, “From the Welfare State to the Caliphate”, *Foreign Policy*, 23 February 2015, <http://foreignpolicy.com/2015/02/23/from-the-welfare-state-to-the-caliphate-sweden-islamic-state-syria-iraq-foreign-fighters/>.

²⁵⁸ J. Plucinska, “Sweden’s Terror Threat Level Has Been Upped to Its Highest Point Ever”, *Time*, 18 November 2015, <http://time.com/4119734/terror-threat-sweden-raised-terrorism/>.

²⁵⁹ Ministry of Justice, “Prevent, preempt and protect – the Swedish counter-terrorism strategy”, 2015, p.4, <http://www.government.se/legal-documents/2015/09/skr.-201415146/>.

4. Analysis

Numbers, Profiles & Motivations

This chapter identifies the main features of the FF in EU MS, based on the responses to the ICCT questionnaire received from 23 MS, as well as accessible, open-source information, including academic literature. Additionally, this chapter is supplemented with and compared with academic and other sources in order to provide a more comprehensive overview.

2011–2015: Numbers

Based on the responses to the ICCT questionnaire, up until October 2015 a total of 3,710 FF had left the EU since January 2011. When complementing this data with the most recent, publicly available information, numbers for 26 EU MS can be retrieved. Adding up all most recent *minimum* estimates per MS, the EU-wide number stands at 3,922 FF; adding up all *maximum* estimates, we arrive at a number of 4,294 FF. Out of these, at least 580 are confirmed dead.

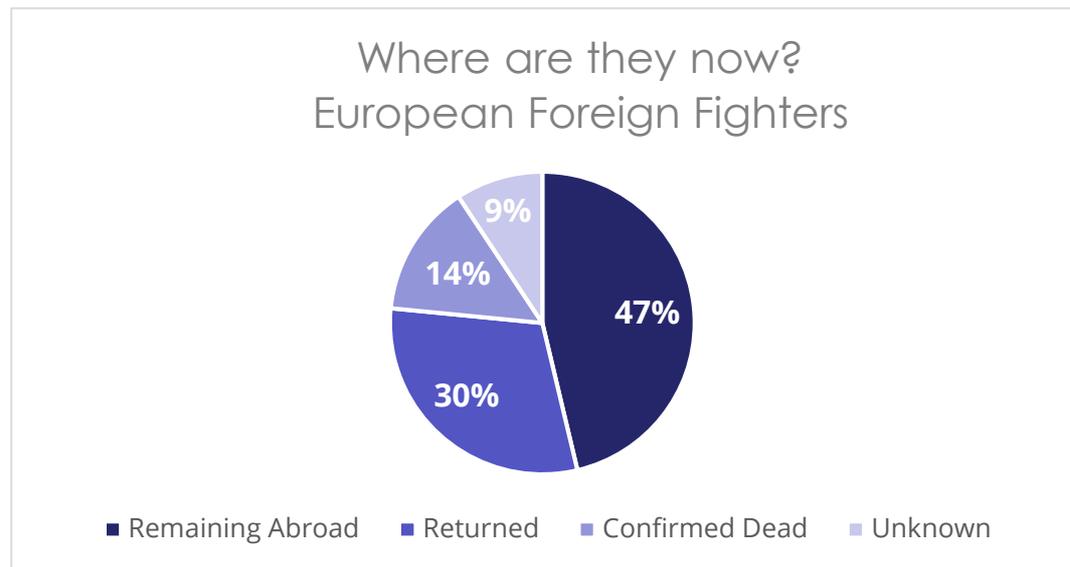


Figure 3: *Where are they now? European Foreign Fighters*²⁶⁰

Almost all EU MS have been confronted with the FF phenomenon. Only a few countries (the Czech Republic, Lithuania, Malta, Romania²⁶¹) have not had any individual depart for Syria/Iraq. However, it is also clear that not every MS is experiencing the same magnitude of the problem: A striking majority of around 2,838 FF come from just four countries: Belgium, France, Germany, and the United Kingdom (UK), with Northern (especially Scandinavian) and Western European countries accounting for 66.1% of the total number of FF.²⁶² Very few FF originate from Eastern Europe, with no country from that region reporting more than 50 FF.

²⁶⁰ This represents the cumulative number of departed FF from 26 MS (excluding Greece and Hungary, where neither open-source nor official information on numbers could be retrieved). The percentage was calculated by averaging the minimum and maximum numbers.

²⁶¹ Czech Republic, Lithuania, Romania questionnaires. As for Malta, open-source research did not reveal any known case.

²⁶² This number is the average of both open-source and official information. Based on the information taken *only* from the questionnaires, this number is 2780.

Of the nine focus countries in this report, at least 125 people left Denmark, 230–300 people left Austria, while Germany and the UK each witnessed more than 700 and up to 760 FF departures between 2011 and 2015. Belgium has between 420 and 516 FF, while France has more than 900 citizens who left to join terrorist groups, the highest amount of FF among European countries. In contrast, Bulgaria declared not to have any FF, although open-source information indicates that up to ten individuals may have left the country. For the Netherlands, the number revolves around 220 FF.

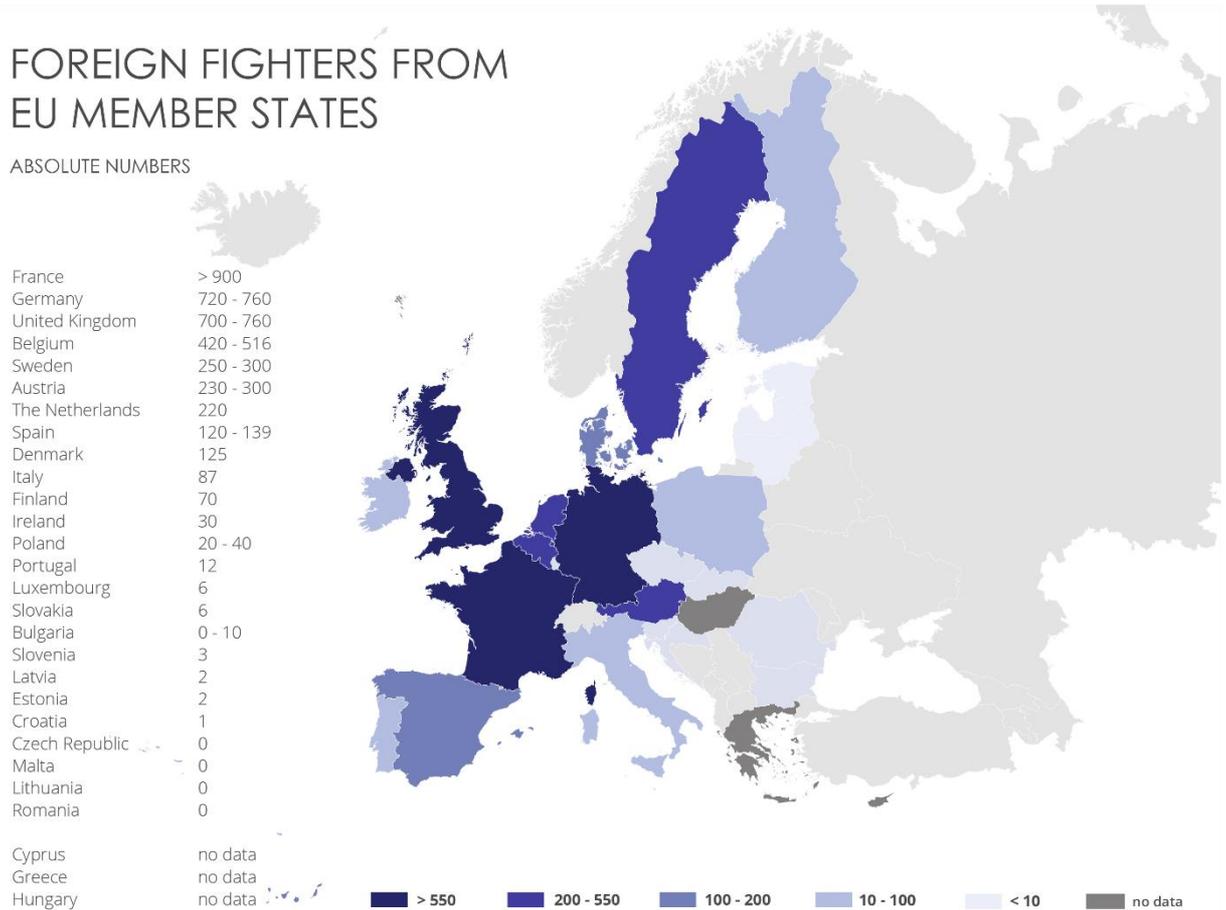


Figure 4: Foreign Fighters from EU Member States: Absolute Numbers

In terms of FF per capita, a slightly different picture emerges: For instance, Spain has between 120 and 139 FF but this figure is quite small when compared to the total population of the country; whereas Luxembourg, with only six FF, has a relatively high per-capita rate. From a regional perspective, the per-capita data shows similar features to the absolute numbers: MS in South and especially Eastern Europe have comparatively lower numbers of FF (less than five and two FF per million capita, respectively), with Scandinavian (Sweden, Denmark, and Finland) and Western (France, Belgium, Luxembourg, and the Netherlands) countries including the UK all having more than nine FF per million inhabitants. Belgium has the highest number per capita, with 41 per million inhabitants.

FOREIGN FIGHTERS FROM EU MEMBER STATES

PER CAPITA PER MILLION

Belgium	41
Austria	31
Sweden	28
Denmark	22
France	14
Finland	13
The Netherlands	13
Luxembourg	11
United Kingdom	11
Germany	9
Ireland	6
Spain	3
Estonia	2
Slovenia	2
Italy	1
Latvia	1
Poland	1
Portugal	1
Slovakia	1
Bulgaria	0
Croatia	0
Czech Republic	0
Malta	0
Lithuania	0
Romania	0
Cyprus	no data
Greece	no data
Hungary	no data

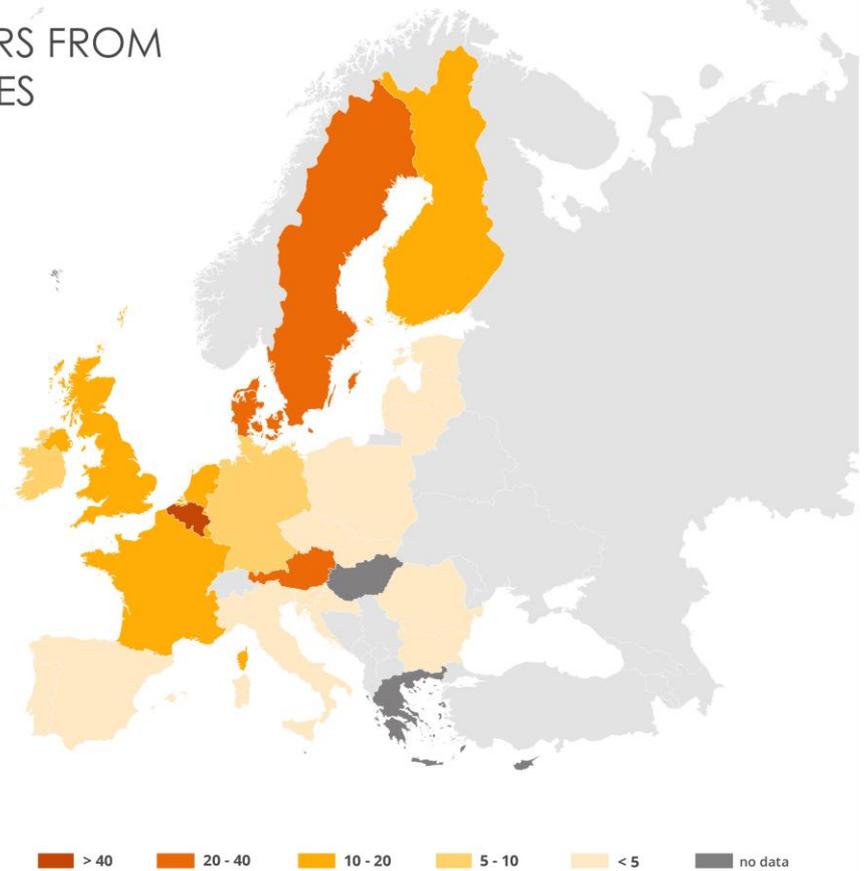


Figure 5: Foreign Fighters from EU Member States: Per Capita per Million.

Key Characteristics of European Foreign Fighters

Although there is not one typical profile of a European FF, some key characteristics can be identified. Based on this research, FF today are mostly young men between the ages of eighteen and mid-to-late twenties, with some countries reporting that between 4% and 10% of FF are under eighteen,²⁶³ whereas in four countries in Eastern and Southern Europe, the FF contingent is older, with more than 50% being over 30. The proportion of females in the total FF contingent varies between 6% and 30%,²⁶⁴ with some countries indicating that the number has grown in recent months.

Little data could be found on the marital status of all (i.e. male and female) departed FF. However, information from five countries indicates that around half are married, whereas one Southern European country had a majority of unmarried FF.

GENDER

17%

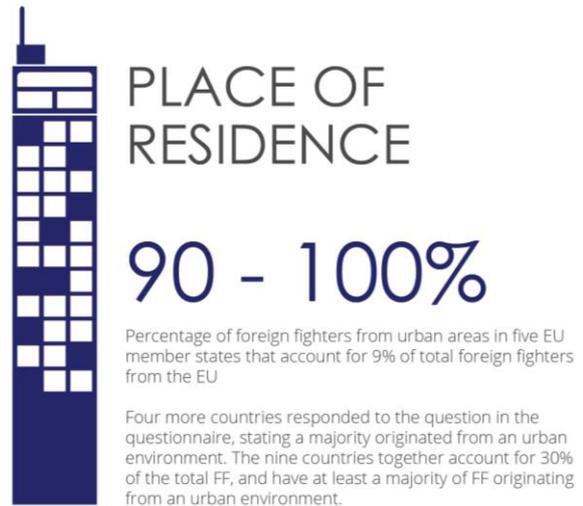


Average percentage of women among foreign fighters from 11 EU Member States that account for 80% of total foreign fighters from the EU

²⁶³ This range is based on data collected in the questionnaires from MS that specified the amount of minors within the total number of FF (this includes for example 3.7% in Belgium, 5% in Germany, 9.5% in France).

²⁶⁴ Note that the average percentage is 17% with a mode of 20%.

On the basis of the data available for nine countries accounting for over 30% of the total contingent, most FF originate from large metropolitan areas or peripheral suburbs. The majority of German FF come from cities, for instance from Berlin and Hamburg. It is notable that many FF originate from the same urban neighbourhood. This is the case for example in Aarhus, Copenhagen, and Odense in Denmark, as well as Gothenburg in Sweden, and Brussels or Antwerp in Belgium, or Delft, Zoetermeer, Arnhem, and The Hague in the Netherlands. This seems to indicate that there are already-existing (extremist) networks in these areas, that a circle of friends radicalises as a group and decides to leave together, or recruits those friends remaining at home while already in the conflict zones.



The number of converts to Islam among FF is significant. In the case of two Eastern European countries, this percentage reaches 100% (note, however, that the total number of FF in each of these countries is below five). For MS with higher numbers of FF, the research illustrates that between 6% and 23% of FF are converts; 12% in the case of the German FF contingent. Another example of the importance of converts is the composition of a group behind a foiled terrorist attack in Barcelona in June 2015, where five out of the eleven captured IS sympathisers had converted to Islam from either atheism or Christianity.²⁶⁵

RELIGIOUS CONVERSION



6 - 23%

Percentage of converts among foreign fighters from three EU Member States that account for 51% of total foreign fighters from the EU

Other data was less conclusive. For example, there is a significant variation when it comes to the national background of departees. In two Western European countries, the majority hold a nationality other than the one of the country where they departed from; whereas in another Western European country the inverse trend can be observed, with the majority of FF holding at least the citizenship of the country of departure (or dual nationality).

In certain cases, strong links to previous criminal activities were found, for instance, in the case of France, Austria, and Slovenia. While, for two countries, none of the FF had a prior criminal record, for five others, between 24% and a “majority” had been convicted for criminal offenses. It should also be noted that in some EU

countries, persons who left for Syria/Iraq were linked to pre-existing Islamist circles back home. For instance, in the case of Denmark, some FF “are affiliated with known Islamist circles [...] in

²⁶⁵ S. Atran, “Here’s What the Social Sciences Says About Countering Violent Extremism”, *The Huffington Post*, 25 April 2015, http://www.huffingtonpost.com/scott-atran/violent-extremism-social-science_b_7142604.html.

Copenhagen and other major cities”.²⁶⁶ In the case of Luxembourg, all those who left had previous links to Islamist networks. In one Northern European country, the percentage of those linked to Islamist circles reached 85%.

Lastly, ICCT also aimed to find out whether FF (have) had mental-health problems. From the data provided by only three MS, between 0 and up to 20% of FF fall within this category.²⁶⁷

From Activism to Violent Action: The Wide-Range of Motivations of Foreign Fighters

Based on the information collected through the ICCT questionnaire, FF motivations to depart include a wide variety of push and pull factors: Solidarity with other “fellow Muslims” abroad (in Syria mostly, and especially during the early stages of FF travel), the fight against the Alawite Assad regime in Syria, the desire to live in a territory ruled by Islamic law, alienation and social exclusion felt in Europe, as well as the desire to conduct jihad. For some, the search for excitement and adventure play a role, as does peer pressure and the prospects of life in the caliphate, such as marriage and housing. At least one response to the ICCT questionnaire mentioned the relative ease of travel to Syria/Iraq by land as a motivating/facilitating factor to undertake the journey to the conflict zone.²⁶⁸ Other sources indicate that FF’ motives could also relate to more politically-oriented factors, such as EU MS’ foreign policy (past or current military engagement against armed groups close or affiliated to IS or al Qaeda) or EU national integration policies allegedly alienating Muslim groups.²⁶⁹

Both the data gathered for this study and academic literature emphasise a new generation of foreign combatants, different from the Afghan “Holy warriors” and “hardened jihadists”, “galvanized by hateful religious and political ideologies [... and] determined to turn the global tide against the ‘infidel’ regimes”.²⁷⁰ The three previous generations of FF show differences with this generation in terms of socio-economic and educational background, battlefield experience, age range and motivational factors. This so-called fourth generation of FF, can,

²⁶⁶ Danish questionnaire, on file with ICCT.

²⁶⁷ Radicalisation Awareness Network (RAN), “RAN Cities Conference Foreign Fighters”, RAN Conference Paper, 30 January 2014, p. 5,

http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/cities-conference/docs/conference_paper_cities_conference_en.pdf; E. Bakker, “Meeting at NATO’s COE-DAT on Foreign Fighters: push and pull factors”, Leiden Safety and Security Blog, *Universiteit Leiden*, 22 June 2015, <http://leidensafetyandsecurityblog.nl/articles/meeting-at-natos-coe-dat-on-foreign-fighters-push-and-pull-factors>; E. Entenmann et al., “Rehabilitation for Foreign Fighters? Relevance, Challenges and Opportunities for the Criminal Justice Sector”, *The International Centre for Counter-Terrorism – The Hague* 6, no. 5 (2015), <http://icct.nl/publication/rehabilitation-for-foreign-fighters-relevance-challenges-and-opportunities-for-the-criminal-justice-sector/>; S. Julie, “Complexities in Profiling Western Foreign Fighters”, Counter Extremism Project, 31 March 2015, <http://www.counterextremism.com/blog/complexities-profiling-western-foreign-fighters>; See also Dutch country report, Chapter 3.

²⁶⁸ In comparison to e.g. Mali. For a discussion on the geographic proximity factor, see F. J. Cilluffo, J. B. Frank and M. Ranstorp, “Foreign Fighters: Trends, Trajectories & Conflict Zones”, *The George Washington University Homeland Security Policy Institute*, 1 October 2010, pp.19-20, https://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/HSPI_Report_16.pdf.

²⁶⁹ See for instance the website <http://heavy.com/news/2015/11/new-isis-islamic-state-news-pictures-propaganda-videos-threats-directed-at-paris-france-threatened-europe-united-states-terrorism-full-uncensored-youtube-english-translations/> for an overview of IS Fighters declarations against French policy; On the ‘integration policy’ factor and the role of urban ghettoization in youth radicalisation, see G. Packer, “The Other France. Are the Suburbs of Paris Incubators of Terrorism?”, *The New Yorker*, 31 August 2015, <http://www.newyorker.com/magazine/2015/08/31/the-other-france>.

²⁷⁰ E. Kohlmann, *Al-Qaida’s Jihad in Europe: The Afghan-Bosnian Network*, Berg Publishers: Oxford, 2004, p. 8 and pp.18-19. See also e.g., M. Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century*, University of Pennsylvania, 2008; J. Burke, *Al-Qaeda: The True Story of Radical Islam*, Penguin, 2007; L. Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11*, First Vintage Book edition: New York, 2007. For a comparative overview of the FF phenomenon and profiles, see the J. De Roy Van Zuijdewijn, and E. Bakker, “Returning Western Foreign Fighters: The Case of Afghanistan, Bosnia and Somalia”, *ICCT Background Note*, June 2014.

according to Coolsaet,²⁷¹ be split up in two main groups: The first group builds on pre-existing social relations and their travel is “another form of deviant behaviour, next to membership of street gangs, rioting, drug trafficking and juvenile delinquency”. Joining IS then offers a “thrilling, larger-than-life dimension to their way of life”. The second group, however, showed no previous deviant behaviour, or specific distinction from their peers. Key features of this group is the absence of a future and feelings of exclusion, and their “search for belonging and a cause to embrace”. This difference is largely related to the different role religion seems to play as a motivational factor for EU FF compared to previous generations.

Contrary to previous waves of FF who departed for Afghanistan, Iraq, or Somalia, today's cohort appears to be younger and less educated in Islam²⁷² and, in the words of Oliver Roy, “more radicals than Islamists”.²⁷³ As pointed out in a recent paper, most young Sunni Muslims became susceptible to fundamentalist interpretations of militant Islam after they found it difficult to integrate into European societies due to cultural, religious and social differences.²⁷⁴ The psychology literature on the FF phenomenon confirms this assessment: “The perception of grievance drives the search for a violence-justifying ideology, not the other way around”.²⁷⁵ The language of jihad then only legitimates the grievance, offering a designated culprit and a direct justification to fight the wrong, whether that is poor integration, real or perceived marginalisation, relative deprivation, or discrimination.²⁷⁶ As such, the decision to make *hijra* “to the land of Islam”²⁷⁷ may be less of a religious obligation than an emotional response to a feeling of injustice in their home societies, or what French novelist Erick Orsenna calls “the breeding ground of hopelessness” following the *Charlie Hebdo* attacks.²⁷⁸ Although much is still unknown about the underlying grievances of radicalisation and the trigger that pushes people over the edge to the extent that they support the violent cause of organisations such as IS or JAN, it is important to stress that evidence so far does not seem to support the notion that religious conviction is the initial push factor in most cases, even though it does play a role as a pull factor exploited by recruiters, and as a legitimisation of the violence later on in the process of radicalisation.

Patterns of Radicalisation: Individual Jihadi and *ad hoc* Radicalisation

This research, through questionnaires and open-source material, disclosed a wide variety of radicalisation patterns with radicalisation taking place in various environments, such as within the family, within friendship groups, and in mosque or prison communities. In a study on AQI, Felter and Fishman indicated that FF overwhelmingly joined the jihad via sympathisers networks (33.5%) and personal social networks (29%).²⁷⁹ The role of social media was also

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²⁷¹ R. Coolsaet, “Facing the fourth foreign fighters wave: What drives Europeans to Syria, and to Islamic State? Insights from the Belgium Case”, *Egmont Paper 81*, March 2016.

²⁷² According to Alan Travis, “Far from being religious zealots, a large number of those involved in terrorism do not practice their faith regularly. Many lacks religious literacy and could be regarded as religious novices”, in A. Travis, “MI5 Report Challenges Views on Terrorism in Britain,” *The Guardian*, 20 August 2008, <http://www.theguardian.com/uk/2008/aug/20/uksecurity.terrorism1>.

²⁷³ See O. Roy, ‘Le djihadisme est une révolte générationnelle et nihiliste’, *Le Monde*, 24 November 2015, http://www.lemonde.fr/idees/article/2015/11/24/le-djihadisme-une-revolte-generationnelle-et-nihiliste_4815992_3232.html (accessed 30 November 2015).

²⁷⁴ Cf. A. P. Schmid and J. Tinnes, “Foreign (Terrorist) Fighters with IS: a European Perspective”, “Foreign (Terrorist) Fighters with IS: A European Perspective”, *The International Centre for Counter-Terrorism – The Hague* 6, no. 8 (2015), <http://icct.nl/wp-content/uploads/2015/12/ICCT-Schmid-Foreign-Terrorist-Fighters-with-IS-A-European-Perspective-December2015.pdf>; see also R. Coolsaet, *Facing the Fourth Foreign Fighter Wave* (2016), p. 26.

²⁷⁵ ‘From Jordan to Jihad: The Lure of Syria’s Violent Extremist group’, MercyCorps Policy Brief, <https://www.mercycorps.org/research-resources/jordan-jihad-lure-syrias-violent-extremist-groups>.

²⁷⁶ A. Kruglanski, D. Webber, *et alii*, “The psychology of Radicalization and Deradicalization: How Significance Quests Impacts Violent Extremism”, *Advances in Political Psychology* 35, Suppl. 1, 2014.

²⁷⁷ Abu Bakr al-Baghdadi, Statement July 2014.

²⁷⁸ See R. Coolsaet, “Will the Foreign Fighters Issue Ever End?”, 19 April 2015, <http://www.europeangeostrategy.org/2015/04/will-the-foreign-fighters-issue-ever-end/>.

²⁷⁹ J. Felter and B. Fishman, “Al-Qa’ida’s Foreign Fighters in Iraq: A First Look at the Sinjar Records”, *Combating Terrorism Center* (2007), <http://tarpley.net/docs/CTCForeignFighter.19.Dec07.pdf>.

noted as significant in several responses to the ICCT questionnaire. With approximately 46,000 Twitter accounts operating on behalf of IS,²⁸⁰ social media represents a powerful instrument in IS propaganda. Online extremism expert J. M. Berger notes that “many, perhaps most, potential recruits first learn about ISIS from the media, only then seeking it out on social media”.²⁸¹ The radicalisation process appears to be the result of a combination of individual and context-related factors. Notwithstanding the heterogeneity of EU FF’ backgrounds, various analyses and reports emphasise socially vulnerable profiles, mainly composed of marginalised and single individual or cliques, youth in transitional stages of their lives, who discreetly radicalise, “under the radar”, and in a relatively short period of time.²⁸² The youngest perpetrator of the Paris attacks, for instance, allegedly went from smoking and using drugs to radicalisation and leaving for Syria in just one month. German authorities also emphasise this new tendency of accelerated radicalisation, with many FF radicalising in a matter of months.²⁸³

Based on the data acquired through the ICCT questionnaires, once radicalised in Europe, the vast majority of European FF joined IS in Syria/Iraq. Very few joined JAN or other opposition forces.²⁸⁴ This concurs with a 2014 ICSR report, stating that IS is “very willing” to take in FF, even those who do not speak Arabic or those who did not receive any specific military training, whereas JAN is more reluctant to integrate unknown recruits.²⁸⁵

Threat to European Union Member States

Even though EU MS are not all equally affected by FF, all countries generally perceive the FF phenomenon as posing a serious threat to society, either in the form of further radicalisation of home-grown networks²⁸⁶ or the potential of terror attacks involving returnees.²⁸⁷ As pointed out by Barak Mendelsohn, EU FF “are regarded by IS as more beneficial when used outside the arena, mostly for terrorist attacks in their home countries. These fighters are especially valued for their ability to travel and enter Western countries with relative ease”.²⁸⁸ Even countries which have not (yet) experienced any problems are aware that the FF phenomenon represents a potential threat.²⁸⁹

²⁸⁰ R. Gladstone and V. Goel, “ISIS Is Adept on Twitter, Study Finds”, *New York Times*, 5 March 2015, <http://www.nytimes.com/2015/03/06/world/middleeast/isis-is-skilled-on-twitter-using-thousands-of-accounts-study-says.html>.

²⁸¹ J. M. Berger, “How terrorists recruit online (and how to stop it)”, *Brookings*, 9 November 2015, <http://www.brookings.edu/blogs/markaz/posts/2015/11/09-countering-violent-extremism-online-berger>.

²⁸⁴ See also Pr. Scott Atran, Address to the United Nations Security Council, 23 April 2015, <http://blogs.plos.org/neuroanthropology/2015/04/25/scott-atran-on-youth-violent-extremism-and-promoting-peace/>; “Recalibrating the Terror Threat Radar”, The Soufan Group IntelBrief, 7 December 2015, <http://soufangroup.com/tsg-intelbrief-recalibrating-the-terror-threat-radar/>.

²⁸³ BfV, BKA and HKE, „Analyse der Radikalisierungshintergründe“, 2014, pp. 17-18.

²⁸⁴ When asked about the groups, 9 countries (out of 18 countries with FF) have indicated that the majority of their FF join the Islamic State, while only 1 country reported the case of FF joining Jabhat al-Nusra and 2 countries fleshed out the case of people joining the Kurdish factions. 5 countries also signaled the presence of FF within the rank-and-files of other opposition forces, including the Free Syrian Army (FSA). According to Alex P. Schmid, “it is now estimated that up to 80 percent of foreign fighters are part of ISIS after ISIS moved from Iraq into Syria in May 2013”, in A. P. Schmid, “Foreign (Terrorist) Fighter Estimates: Conceptual and Data Issues”, *The International Centre for Counter-Terrorism – The Hague*, Policy Brief (October 2015), p.2, <http://icct.nl/publication/foreign-terrorist-fighter-estimates-conceptual-and-data-issues/>.

²⁸⁵ J. A. Carter, S. Maher and P. R. Neumann, “#Greenbirds: Measuring Importance and Influence in Syrian Foreign Fighter Networks”, *The International Centre for the Study of Radicalisation and Political Violence* (April 2014), <http://icsr.info/wp-content/uploads/2014/04/ICSR-Report-Greenbirds-Measuring-Importance-and-Influence-in-Syrian-Foreign-Fighter-Networks.pdf>.

²⁸⁶ E.g. Finland, France and Spain.

²⁸⁷ E.g. Austria, Belgium, Bulgaria, the Czech Republic, Denmark and France.

²⁸⁸ B. Mendelsohn, “Foreign Fighters—Recent Trends”, *Foreign Policy Research Institute*, August 2012, <http://www.fpri.org/article/2012/08/foreign-fighters-recent-trends/>.

²⁸⁹ E.g. the Czech Republic.

Europe has witnessed tragic incidents recently, triggering an increase in threat levels, enhanced security measures, and even, in the aftermath of the 13 November 2015 Paris attacks, to the French government declaring a state of emergency. The majority of MS consider the FF phenomenon as a serious threat to their national societies. Fourteen MS make use of threat level assessment mechanism (see Annex 5). Only five of these assess the threat level in their country to be low or below average. Eleven MS have increased their threat levels since 2011, when the Syrian conflict commenced and the issue of FF became more pertinent (see Annex 4 for an overview of threat levels across the EU).

Incidents such as those in Paris also typically led to proposals for new policies, laws and measures, ranging from more resources for the security apparatus,²⁹⁰ to the tracking and if possible, closing down of websites, the enactment of new criminal law provisions, and criminalising conduct for offenses committed abroad (extra-territorial jurisdiction)²⁹¹ and public apology of terrorism.²⁹²

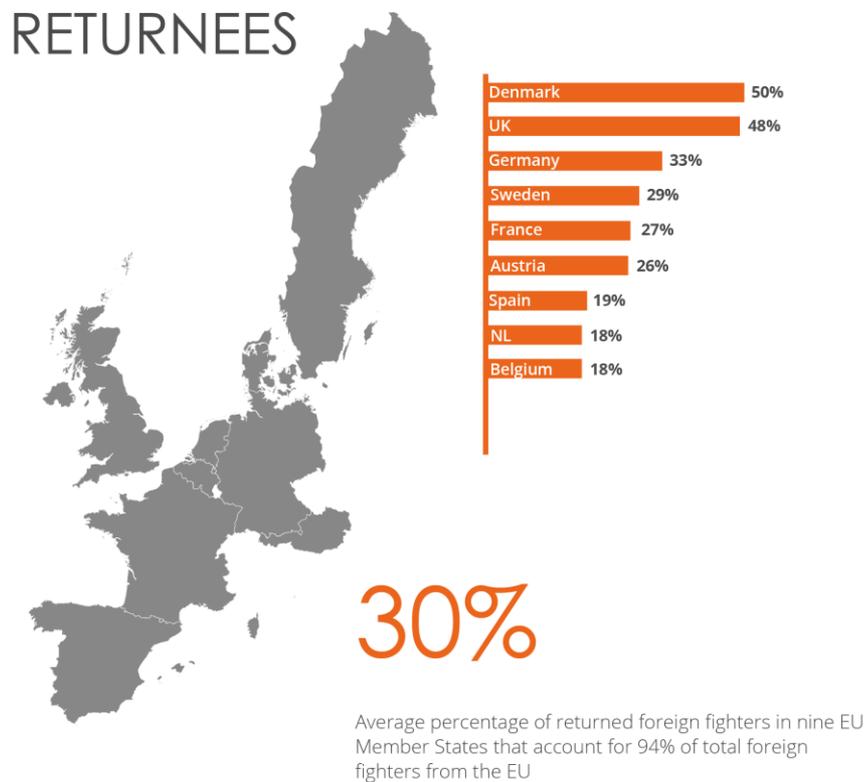


Figure 6: Percentage of Foreign Fighter Returnees.²⁹³

According to this research, the returnee figure reaches 30% in the case of nine EU MS that account for 94% of total FF from the EU.²⁹⁴ For example, the UK has seen more than 350 people

²⁹⁰ E.g. Austria and Belgium.

²⁹¹ E.g. Bulgaria, France and the UK.

²⁹² E.g. France and Portugal.

²⁹³ The numbers in this figure are based on information provided by MS which have authorised ICCT to publicly share their data. In countries where ICCT did not receive permission to share or attribute data, open-source information forms the basis for the numbers. Open sources are also used to complement potentially outdated information provided by Member States before October 2015.

²⁹⁴ Since the questionnaire did not specifically ask for the number of returnees, this figure stems from a combination of public sources and the questionnaires.

return from Syria; France approximately 250; Germany 250, and Belgium 120. This percentage is at the high end of estimates by TSG, which puts the average return rate of all *Western* FF from Iraq/Syria at around 20–30%.²⁹⁵

Not all FF are terrorists, and not all terrorists are FF. Thus, not all returnees systematically present a danger to the societies to which they return. This was at least true for past FF cohorts who returned from previous jihadi conflict theatres or those who returned from the Syria/Iraq conflict in the early years of the conflict. In a 2014 study that did not specifically address the Syria/Iraq cases, Thomas Hegghammer stated that only one out of every fifteen or twenty returnees might be interested in terrorist activities in their home countries.²⁹⁶ The situation might be different with the IS-affiliated FF, especially because “the blowback case varies enormously between conflicts, so we cannot extrapolate averages to individual conflicts like Syria”.²⁹⁷

Since few of the FF are arrested upon return and a sizeable number are still abroad or have died²⁹⁸ in the course of terrorist and CT operations, it is difficult to understand the motivations behind their return. One study by the Dutch Security and Intelligence Service (AIVD) offered various different reasons for returning: being disillusioned, being traumatised, (feelings of) betrayal, realisation of the atrocities, and regret, as well as having plans to recruit others or commit attacks in their countries of departure. The latter category – upon return to their country of departure – will put them in the position to import their violent ideology and techniques.²⁹⁹ Other returnees emphasised intra-Muslim fighting to justify their desire to leave IS (“Muslims are fighting Muslims – I didn’t come for that”).³⁰⁰

Policies in Response to the Foreign Fighter Phenomenon

In the following paragraphs, some salient findings about the policy (measures) adopted by EU MS are presented. Although the emphasis is on the nine selected focus countries, occasional references to non-focus countries are also made. The findings are based on both responses to the ICCT questionnaire and open-source information.

Definitions

As has been the case with approaches to terrorism in general, MS tend to apply different definitions on FF and/or interpret the FF phenomenon differently. For instance, when asked “How many people usually residing in your country or having your nationality have left the country to fight in Syria and/or Iraq since 1 January 2011?” the Czech Republic’s response to

²⁹⁵ “The Murky Challenge of Returning Foreign Fighters”, The Soufan Group IntelBrief, 9 December 2015, <http://soufangroup.com/tsg-intelbrief-the-murky-challenge-of-returning-foreign-fighters/>.

²⁹⁶ T. Hegghammer, “Will ISIS ‘weaponize’ Foreign Fighters?”, CNN Opinion, 17 October 2014, <http://edition.cnn.com/2014/10/16/opinion/hegghammer-isis-foreign-fighters/>. See also T. Sinkkonen, ‘War on Two Fronts. The EU Perspective on the Foreign Terrorist Fighters of ISIL’, The Finnish Institute of International Affairs, Briefing Paper 166, January 2015.

²⁹⁷ T. Hegghammer and P. Nesser, “Assessing Islamic State’s Commitment to Attacking the West”, *Perspectives on Terrorism*, Vol. 9, no. 4, 2015, <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/440/html>.

²⁹⁸ For those fourteen MS for which data could be found, an average of 24% had died since departing their home countries, or a total of 14% of the total number of European FF in the 26 MS analysed in this report.

²⁹⁹ See for instance the report by the General Intelligence and Security Service of the Ministry of the Interior and Kingdom Relations, “Life with ISIS: the Myth Unravelling”, 18 January 2016, <https://english.aivd.nl/publications/publications/2016/01/15/publication-life-with-isis-the-myth-unravelling>.

³⁰⁰ G. Witte, “Westerners fighting in Syria disillusioned with Islamic State but can’t go home,” *The Washington Post*, 12 September 2014, https://www.washingtonpost.com/world/europe/westerners-fighting-in-syria-disillusioned-with-islamic-state-but-cant-go-home/2014/09/11/cdad12c-2c27-47c4-8258-b053e45c0852_story.html.

the questionnaire was that “[t]here are no known cases of Czech nationals joining terrorist organisations in the conflict areas of Syria and Iraq”, thus answering the question only from a CT perspective (FTF). Also the Slovenian response sometimes referred to “foreign terrorist fighters” when answering questions, which used the term “foreign fighters” as such. This is by no means an isolated problem confined to a number of countries, but can be observed in numerous government, media and independent reports.

Moreover, within MS, different agencies tend to perceive threats posed by FF in a different way. For instance, according to the official response of the Austrian MFA, “there is no home-grown terrorism in Austria”. However, at the same time, the threat assessment provided by the Austrian Mol affirms that a home-grown terrorism scene has been developing since 2000. In line with this, the Austrian BVT referred to home-grown networks.

Strategies

Certain countries use one comprehensive strategy to deal with terrorism, radicalisation and the issue of FF.³⁰¹ Luxembourg even adopted a new CT policy in March 2015 “exclusively due to the FTF phenomenon and the terrorist attacks in France in January 2015”. Comprehensive strategies are even created by countries which are currently not that directly affected by the FF phenomenon, and which may not have a recent domestic history with terrorism, such as Bulgaria, the Czech Republic, and Slovenia.

Following the Examples from the European and International Level

Where a general CT strategy is used to respond to the FF phenomenon, the EU PPPR model is sometimes explicitly copied.³⁰² However, usually no clear link is made to the EU CT Strategy, even though most MS have taken measures in the areas covered by the four pillars. Sometimes, MS indicate that the measures may not deal specifically with FF, but with CT more generally.³⁰³ When new rules are designed (for instance to better target the FF phenomenon), some states look at the international level for inspiration. Countries are for instance discussing the implementation of UN SC Resolution 2178,³⁰⁴ have stated their willingness to implement the resolution,³⁰⁵ have started adopting,³⁰⁶ or have already adopted provisions implementing the resolutions’ obligations.³⁰⁷ However, some countries indicated that they already have complied with this resolution without need for further implementation of new measures.³⁰⁸ Also, the EU FDs have been largely implemented, and the new Additional Protocol to the European Convention on the Prevention of Terrorism has been referred to; some countries, including Slovenia, are currently amending their CC, notably to implement this Additional Protocol.

Security Measures

Some MS have recently strengthened or announced the strengthening of their security and intelligence services,³⁰⁹ including in connection to transnational crimes such as arms trafficking.³¹⁰ Border controls have been strengthened³¹¹ and national PNRs are being introduced.³¹² Moreover, the use of special investigation methods has been expanded.³¹³ At

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³⁰¹ E.g. Estonia, Germany, the Netherlands, Portugal, Slovakia, Spain, Sweden and the UK. Not (seemingly) having one overall CT strategy are e.g. Austria and Belgium.

³⁰² Cf. e.g. Cyprus and Portugal and the (slightly different) strategy from the UK.

³⁰³ E.g. the Czech Republic and Finland.

³⁰⁴ E.g. Finland.

³⁰⁵ E.g. Austria.

³⁰⁶ E.g. Cyprus, Luxembourg and Sweden.

³⁰⁷ E.g. Bulgaria and Cyprus.

³⁰⁸ E.g. Germany and the Netherlands.

³⁰⁹ E.g. Austria.

³¹⁰ E.g. Belgium.

³¹¹ E.g. Austria, Germany, Luxembourg, Slovenia and the UK.

³¹² E.g. Belgium and Slovenia.

³¹³ E.g. Belgium.

the international level, cross-border intelligence and police cooperation are being reinforced.³¹⁴ For instance, in March 2015, Bulgaria and the US announced the exchange of travellers' information, in order to screen for potential terrorists and FF.

Moreover, the research in this report has shown that more and more MS are adopting administrative measures,³¹⁵ even if these measures do not specifically target FF.³¹⁶ Examples are the stripping of citizenship,³¹⁷ tougher regulations and laws regarding the issuance of passports and identity cards,³¹⁸ travel bans,³¹⁹ expulsion of foreigners,³²⁰ residence-rights restrictions,³²¹ fewer possibilities to gain asylum status³²² and stricter visa regulations,³²³ or measures to prevent foreigners from entering.³²⁴ Asset freezing³²⁵ and the refusal of services and social benefits have also been employed.³²⁶

Legislative Measures

With regard to criminalising various terrorist acts in addition to the act of terrorism itself, in line with EU FD 2002/475/JHA and 2008/919/JHA, all 26 MS included in this research have criminalised the financing of terrorism. Twenty-two MS have criminalised the participation in or leadership of a terrorist group. Recruitment for a terrorist cause has been made an offence in twenty MS. Twenty-three MS have criminalised incitement to and/or glorification of terrorism. Another set of 23 MS have criminalised the *providing* of terrorist training, whereas fourteen MS have made the *receiving* of terrorist training an offence, with two additional MS being in the process of developing legislation in this regard. Finally, only nine MS have criminalised the travel of FF, and legislation is being developed in two additional MS.

It must be noted that several CT laws and provisions were already enacted before 2012/2013, when the attention for the FF phenomenon started to grow.³²⁷ However, ever since the FF phenomenon became more pertinent, many more laws have been introduced.³²⁸

Please see figure 7 on the next page for an overview of the legislative developments in all MS.

³¹⁴ E.g. Austria, Bulgaria, Germany, and the Netherlands.

³¹⁵ E.g. the proposals in the Netherlands and the measures in the UK, including the TPIMs.

³¹⁶ E.g. Cyprus.

³¹⁷ E.g. Austria, Belgium, Denmark, France, the Netherlands and the UK.

³¹⁸ E.g. Austria, Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, Slovenia and the UK.

³¹⁹ E.g. Denmark, France, Germany and the UK.

³²⁰ E.g. France and Italy.

³²¹ E.g. Denmark, Germany and Portugal.

³²² E.g. Austria.

³²³ E.g. Bulgaria and Portugal.

³²⁴ E.g. France and Germany.

³²⁵ E.g. the Netherlands

³²⁶ E.g. the Netherlands.

³²⁷ Sometimes, these laws were enacted to implement EU Council Framework Decisions, or the European Convention on the Prevention of Terrorism. An example is Art. 134a Dutch CC, which implements Art. 7 of the European Convention on the Prevention of Terrorism and which came into force already on 1 April 2010.

³²⁸ E.g. Luxembourg, Belgium, France, Bulgaria (exchange of travelers' information with US), Germany, Malta, Spain and UK.

Figure 7: Criminal Law Provisions Addressing Terrorism in EU MS.

CRIMINAL LAW PROVISIONS ADDRESSING TERRORISM

	financing	participation and/or leadership of group	incitement and/or glorification	recruitment	training (providing)	training (receiving)	travel
Austria	Section 278d Criminal Code	Section 278b Criminal Code	Sections 278f and 282a Criminal Code		Section 278e(1) Criminal Code	Section 278e(2) Criminal Code	
Belgium	Article 140 Criminal Code	Article 140 Criminal Code	Article 140 bis Criminal Code	Article 140 ter Criminal Code	Article 140 quater Criminal Code	Article 140 quinquies Criminal Code	Article 140 sexies Criminal Code
Bulgaria	Article 108a(2) Criminal Code		Article 108 Criminal Code	Article 108a(3) Criminal Code	Article 108a(3) Criminal Code	Article 108a(4) Criminal Code	Article 108a(6) Criminal Code
Croatia	Article 98 Criminal Code	Article 102 Criminal Code	Article 99 Criminal Code	Article 100 Criminal Code	Article 101 Criminal Code		
Cyprus	Article 8(1) CT Act 110(I)/2010	Articles 7 and 11 CT Act 110(I)/2010	Article 13(1) CT Act 110(I)/2010		Article 8(2) CT Act 110(I)/2010		
Czech Republic	Section 311(2) Act 40/2009 (Criminal Code)		Section 311(2) Act 40/2009 (Criminal Code)				
Denmark	Section 114b Criminal Code	Section 114f and g Criminal Code		Section 114c Criminal Code	Section 114d Criminal Code	Section 114d(3) Criminal Code	
Estonia	Section 237 ³ Criminal Code	Section 237 ¹ Criminal Code	Section 237 ² Criminal Code	Section 237 ² Criminal Code	Section 237 ² Criminal Code		
Finland	Sections 5 and 5(a) of Chapter 34(a)	Section 3 of Chapter 34(a) Criminal Code		Section 4(c) of Chapter 34(a) Criminal Code	Section 4(a) of Chapter 34(a) Criminal Code	Section 4(b) of Chapter 34(a) Criminal Code	
France	Article 421-2-2 Criminal Code	Articles 421-2-1 and 421-5 Criminal Code	Article 421-2-5 Criminal Code	Article 421-2-4 Criminal Code		Article 421-2-6 Criminal Code	Article 421-2-6 Criminal Code
Germany	Section 89c Criminal Code	Sections 129a and 129b Criminal Code	Section 111 Criminal Code	Section 129a(5) Criminal Code	Section 89a Criminal Code	Section 89a Criminal Code	Section 89a (2a) Criminal Code
Ireland	Section 13 CJ (TO) Act 2005	Sections 2 and 6 OAS Amdt Act 1998	Section 4 CJ (TO) Amdt Act 2015	Section 5 CJ (TO) Amdt Act 2015	Section 6 CJ (TO) Amdt Act 2015		
Italy	Article 270 bis Criminal Code	Article 270 bis Criminal Code		Article 270 quarter Criminal Code	Article 270 quinquies Criminal Code	Article 270 quinquies Criminal Code	

	financing	participation and/or leadership of group	incitement and/or glorification	recruitment	training (providing)	training (receiving)	travel
Latvia	Section 88 ¹ Criminal Code	Section 89 ¹ Criminal Code	Section 88 ² Criminal Code	Section 88 ³ Criminal Code	Section 88 ³ Criminal Code		
Lithuania	Article 250 ⁴ Criminal Code		Article 250 ¹ Criminal Code	Article 250 ² Criminal Code	Article 250 ⁵ Criminal Code		
Luxembourg	Article 135-5 Criminal Code	Article 135-4 Criminal Code	Article 135-11 Criminal Code	Article 135-12 Criminal Code	Article 135-13 Criminal Code	Project of Article 135-13 Criminal Code	Project of Article 135-16 Criminal Code
Malta	Article 328F Criminal Code	Article 328B Criminal Code	Article 328C(2)(a) and (f) Criminal Code	Article 328C(2)(b) Criminal Code	Article 328C(2)(c) Criminal Code	Article 328C(2)(d) Criminal Code	Article 328C(2)(d) Criminal Code
Netherlands	Article 421 Criminal Code	Article 140a Criminal Code	Articles 131 and 132 Criminal Code	Article 205 Criminal Code	Article 134a Criminal Code	Article 134a Criminal Code	
Poland	Article 165a Criminal Code	Article 258 Criminal Code	Article 255a Criminal Code				
Portugal	Article 5a Law No 52/2003 as amended	Article 2 Law No 52/2003 as amended	Article 4(3) and (8) Law No 52/2003 as	Article 4(6) Law No 52/2003 as amended	Article 4(7) Law No 52/2003 as amended	Article 4 (10) Law No 52/2003 as amended	Article 4 (11) Law No 52/2003 as amended
Romania	Article 36 Law 535/2004	Article 35 Law 535/2004	Article 33(1)(e) Law 535/2004	Article 33(1)(b) and (c) Law 535/2004	Article 33(1)(b) and (c) Law 535/2004		
Slovakia	Section 419(2)(a) Act 300/2005 (Criminal Code)	Section 297 Act 300/2005 (Criminal Code)	Section 419(2)(d) Act 300/2005 (Criminal Code)		Section 419(2)(c) Act 300/2005 (Criminal Code)	Section 419a Act 300/2005 (Criminal Code)	Section 419a Act 300/2005 (Criminal Code)
Slovenia	Article 109 Criminal Code	Articles 294 and 297 Criminal Code	Article 110 Criminal Code	Article 111 Criminal Code	Article 111 Criminal Code		
Spain	Article 576 Criminal Code	Article 572 Criminal Code	Article 578 Criminal Code	Article 577(2) Criminal Code	Article 577(2) Criminal Code	Article 575 Criminal Code	Article 575 Criminal Code
Sweden	Section 3 Act 2002:444		Section 3 Act 2010:299	Section 4 Act 2010:299	Section 5 Act 2010:299	Project of Section 5a Act 2010:299	Project of Section 5b Act 2010:299
United Kingdom	Section 11 Terrorism Act 2000	Sections 11 and 56 Terrorism Act 2000	Section 1 Terrorism Act 2006		Section 6(1) Terrorism Act 2006	Section 6(2) Terrorism Act 2006	Section 8 Terrorism Act 2006

The grey boxes refer to draft legislation

Abbreviations: Cyprus: CT Act 110(I)/2010: Combating Terrorism Act of 2010 (Number 110(I)/2010). Ireland: OAS Amdt Act 1998: Offences Against the State (Amendment) Act, 1998; CL (TO) Act 2005: Criminal Justice (Terrorist Offences) Act 2005; CL (TO) Amdt Act 2015: Criminal Justice (Terrorist Offences) Amendment Act 2015

The research team did its best efforts in compiling this table, but acknowledges the possibility that some provisions could be missing or misstated. The lack of a specific provision does not necessarily mean that the offence cannot be prosecuted under other non CT specific provisions.

As to criminal procedures, it appears that prosecutors are testing the new laws and provisions. Some acquittals have been identified,³²⁹ but prosecutors do not seem to have insurmountable problems in prosecuting conduct related to the FF phenomenon. Whereas regular criminal-law provisions have been used to convict (potential) travelers as well,³³⁰ it seems that prosecutors are increasingly using terrorism-related provisions, such as membership of a terrorist organisation,³³¹ and preparation for terrorist acts.³³² Many more terrorism – though not necessarily FF – investigations/arrests/prosecutions can be identified than in the past.³³³ In addition, travelling abroad for terrorist purposes is inserted in CCs.³³⁴ Furthermore, provisions implementing the European Convention on the Prevention of Terrorism are being used.³³⁵ However, this does not mean that countries have necessarily adopted legislation specifically developed for FF.³³⁶ Finally, it is notable that sometimes, a certain prosecutorial approach is taken that mostly avoids dealing with the difficult evidentiary problems that are caused by the chaotic situation in the conflict areas.³³⁷ In such cases, prosecutors opt for the prosecution of preparatory acts,³³⁸ or through the simple fact that one has joined a terrorist organisation as such (regardless of his/her specific acts within that group).³³⁹

Preventive Measures

Prevention and addressing the root causes of radicalisation have been mentioned by many – but not all – countries as an element of their approach to the FF phenomenon, with some MS labeling prevention as the primary goal of their policies.³⁴⁰ Examples of measures in this context are inter-cultural and inter-religious dialogue,³⁴¹ engagement with the Islamic communities,³⁴² and the use of counter-narratives/messages,³⁴³ even if these are not specifically developed for FF.³⁴⁴ In addition, information centres³⁴⁵ and emergency lines (see below) have been established. Also, the need to coordinate Countering Violent Extremism (CVE) efforts across the region has been stressed.³⁴⁶ Interestingly, while community policing as an important preventive measure was stressed straight after the November Paris attacks, it hardly features in the country reports.³⁴⁷

This research shows that when suspects are convicted, usually tough sentences are handed down.³⁴⁸ The perpetrator of the attacks in Copenhagen on 14 and 15 February 2015 was in prison until just two weeks before the shootings. One of the *Charlie Hebdo* attackers, as well as the alleged organiser of the November 2015 Paris attacks, were also reportedly radicalised in prison. In view of mounting evidence of the risk of further radicalisation in prisons, more

³²⁹ E.g. Belgium and the Netherlands.

³³⁰ E.g. the Netherlands.

³³¹ E.g. Austria, Belgium, Germany, and the Netherlands.

³³² E.g. the United Kingdom.

³³³ E.g. the numbers from the United Kingdom.

³³⁴ E.g. Belgium and Bulgaria.

³³⁵ E.g. Denmark and the Netherlands.

³³⁶ E.g. Cyprus, the Czech Republic and Finland.

³³⁷ E.g. Denmark.

³³⁸ E.g. Germany.

³³⁹ E.g. the Netherlands.

³⁴⁰ E.g. Austria and Sweden.

³⁴¹ E.g. Austria.

³⁴² E.g. Austria.

³⁴³ E.g. Austria, the Belgian-led EU SSCAT project, France, Germany, the Netherlands and the United Kingdom.

³⁴⁴ E.g. Cyprus.

³⁴⁵ E.g. Austria and Germany.

³⁴⁶ E.g. Denmark.

³⁴⁷ Examples of MS where this measure has been referred to are Belgium, Cyprus, the Netherlands and Sweden.

³⁴⁸ E.g. Belgium, the Netherlands and Sweden.

attention for reintegration of convicts into society³⁴⁹ and adequate training of prison staff is merited.³⁵⁰ The country reports show that, so far, only a few countries have reintegration programmes in place,³⁵¹ although others are preparing them.³⁵²

When considering the issue of rehabilitation of FF more generally (not necessarily linked to the prison system), the country reports show that only Germany seems to have established rehabilitation programmes, whereas the Netherlands and France are currently developing these. Several countries do not (yet) have specific rehabilitation programmes for returning FF,³⁵³ though this obviously does not rule out the option of rehabilitation altogether.³⁵⁴

Finally, some countries have an CT phone line for people to report suspicious behaviour.³⁵⁵ However, these lines appear to be more of a tool to assist the law enforcement agencies in their investigations. Phone lines that parents (who are concerned about their radicalising children and are in need of more information) can reach have been set up in Austria, France, and the Netherlands and are in development in Denmark and Belgium.

Evaluations

The research underlying the country reports has shown that some governments can be very swift in announcing and/or adopting new measures and even establishing entire institutions, especially after concrete terrorist incidents.³⁵⁶ In other cases, existing strategies, policies and measures have been evaluated. For instance, in Bulgaria, an inter-agency working group was set up in December 2014 to assess and propose changes to the legislation. In Cyprus, the government has begun an inter-agency review of its legal framework for addressing FF, including a review of its 2010 CT law to begin to implement UN SC Resolution 2178. Also, Denmark has conducted assessments to see whether it is in compliance with the obligations under this resolution, with the result that it is. Moreover, in Finland, the National Action Plan for Preventing Violent Extremism is being reviewed, and the Dutch CT strategy is, at the time of this writing, in the process of being evaluated as well. Thus far no further information on the outcomes of these evaluations on policymaking has been made available.

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³⁴⁹ E.g. Belgium and Denmark; A. Higgings, "Belgium Confronts the Jihadist Danger Within", *The New York Times*, 24 January 2015, http://www.nytimes.com/2015/01/25/world/europe/belgium-confronts-the-jihadist-danger-within.html?_r=0.

³⁵⁰ E.g. Austria.

³⁵¹ E.g. Austria and Germany.

³⁵² E.g. Belgium, Denmark and Luxembourg.

³⁵³ E.g. Belgium, Denmark, Italy, Lithuania, Luxembourg and the United Kingdom.

³⁵⁴ E.g. the responses from Luxembourg and the United Kingdom.

³⁵⁵ E.g. Bulgaria, Romania and the United Kingdom.

³⁵⁶ For the quick adoption of measures see e.g. the Belgian measures announced in January and November 2015. See e.g. Germany for the establishment of a new CT unit.

5. Observations

A number of observations can be made building on the following factors: the analysis of the policies developed by the EU; the research into the numbers and profiles of FF; the policies of the EU MS, and the FF phenomenon itself.

The FF phenomenon should not be viewed as a new and separate threat to security, but rather as a feature of the continuously changing nature of the terrorism threat in general. Over the years this threat, and the EU MS' perception (including in terms of definition) of it, has constantly evolved in terms of *modus operandi*, underlying factors, organisational aspects, as well as with regard to the processes of radicalisation, to name a few. Similarly, the FF threat, too, is a dynamic phenomenon: Since it first came to prominence, the nature of the threat has changed significantly and continues to do so, and the motivations, profiles, and objectives of the early phases of these FF departing in 2012 and 2013 is considerably different to those departing to Syria/Iraq now.

Examining the current manifestation of the FF phenomenon, this research confirms previous conceptions such as the lack of one single, generic profile for FF. In addition, our data has echoed the, at times, anecdotal evidence highlighted in earlier research, especially regarding the nature of the "new" FF cohorts. We have observed certain salient characteristics that merit special consideration when designing policy responses. These characteristics include the number of women, the percentage of converts, the increasing number of (very) young people involved in the travel to Syria/Iraq, the potential role of mental health issues with FF, the effectiveness of social media propaganda on the most vulnerable individuals, as well as the sometimes very short radicalisation processes involved. In addition, this report shows that most FF originate from urban neighbourhoods where many FF apparently grew up together, suggesting that offline, face-to-face contact is still very important, at least in the final stages of the radicalisation process towards violent extremism and recruitment for the violent jihad. Keeping track and improving our understanding of the evolving nature of the threat, monitoring it closely, and tailoring responses accordingly, is imperative if the threat is to be addressed effectively. This calls for applying a gender-sensitive lens, and recalibrating the risk assessment and early-warning mechanisms.

The data on FF posed a number of challenges. First, in the absence of a common and agreed definition of FF and a central repository for data collected at MS level, the authors notice that some EU MS have tended to conflate data on FF and FTF, at times adding those involved in terrorism more generally. Second, gathering and comparing accurate numbers remains challenging, since authorities themselves may lack accurate data or may not wish to disclose their data. Referencing open-source data instead does not solve this dilemma, either because it seldom matches with the official numbers, or because many reports use estimates instead of exact numbers, often leading to inflated FF numbers. Given that few studies provide information on the methodologies underlying their data collection, comparison across countries is further hindered. The third challenge is that of double counting of travellers, deaths, returnees, residents, and nationals.

Based on the responses to the ICCT questionnaire received from 23 MS before the end of October 2015 and available open-source information for the remaining MS, we identified numbers and key characteristics of FF in the EU. The total number of FF in the 23 MS that responded to the questionnaire was 3,710. When completing this data with open-source information for these 23 MS, plus the three countries for which we found open-source data, we arrived at an EU-wide estimate of between 3,922 and 4,294 FF. These numbers are considerably lower than the often-cited 5,000 FF from the EU.

The EU CT Strategy, still the backbone of the EU policies, including those targeting the issue of FF, categorises the various measures needed for a comprehensive strategy into the four PPPR pillars. The EU Strategy is ten years old, however, and the ever-changing nature of terrorism requires adaptive and innovative policies. Given the transnational nature of the FF

phenomenon, EU-driven initiatives to bring more uniformity to certain aspects of the policy responses is important. This is particularly the case for border-control issues and the sharing of information. Such policies and measures are *grosso modo* in place and adjusted on a regular basis, but not necessarily targeted at FF specifically.

The authors also observe that the EU measures emphasising the need for improved prevention are rather fragmented, and often lack clear follow-up procedures to oversee the implementation by MS of prevention measures. Whilst the RAN has been instrumental in gathering good practices and raising awareness among practitioners from MS, its influence at the policy level has been piecemeal.

Responses to the ICCT questionnaires show that every MS has developed its own national approach to terrorism, FF, and radicalisation. Some countries (and certainly not all), including ones that have little prior history with terrorism and only a few FF, have developed elaborate, comprehensive strategies against terrorism, or are currently in the process of doing so. The general impression is that countries have a broad set of security and legislative measures at their disposal to address the FF issue. Even though MS often refer to the issues of prevention, law enforcement and security measures are still dominant. In order to better assist MS, a more comprehensive approach to the FF phenomenon at the EU level, bringing together and building on the best practices of the MS, is useful. Having an agreed definition of FF as well as a deeper understanding of the threat posed and the underlying factors, would be beneficial.

With regard to the various measures adopted by MS, we observe the following:

On *security*, in addition to the measures that target FF travel, many states have expanded the power of their security forces and intelligence services, provoking potentially disproportionate responses to the problem. The declaration of a state of emergency in mid-November 2015 in France is a clear example. We also observed an increase in administrative measures that MS adopted to address acute security risks. While administrative measures (especially concerning minors) are a valuable part of a comprehensive approach, the principles of subsidiarity and proportionality must be fully respected, particularly with respect to due-process principles of potential suspects that are targeted by the administrative measures.

There are differences in how states are incorporating terrorist crimes into their *legislation*. Some have incorporated them as separate crimes, others have added an aggravating factor when a terrorist intent can be proven. A third group encompasses states that have not changed their existing legislation and leave it to the judiciary to decide on harsher punishments on a case-by-case basis. Other differences relate to whether or not travel to a jihadist conflict zone is forbidden, or if incitement to, or glorification of terrorism is prohibited.

With regard to *adjudication*, it appears that in situations where FF-related cases were brought forward, prosecutors and courts are thus far succeeding in prosecuting and convicting individuals. The authors observe, however, that tough sentences have been handed out in many MS, while not always having rehabilitation programmes in place to address reintegration problems of convicted FF who will enter back into society at some point.

For the near future, we anticipate a steep increase in FF-related court cases. For MS to ensure that the extra workload can be handled without jeopardising fair trial rights, this might require more investments in terms of capacity and resources.

In general, the authors argue that societies in stressful circumstances (such as post-terrorist attack situations) often do not make the most optimal decisions when it comes to taking action, adopting policies, and/or introducing new legislation. It is therefore commendable that some MS have conducted, or are in the process of conducting, an evaluation of the policies.

A final observation relates to the risk to social cohesion within European societies as a result of the interconnectedness between the FF phenomenon, the increase in asylum-seekers entering the EU, and the responses of the general public that sometimes protest loudly against the policies adopted. Considering that many terrorist organisations aim to undermine tolerant and pluriform, rule-of-law based societies, this risk should not be ignored. However, recognition of this risk and proper policies to counter it seem to be lacking in the policies of both the EU and the MS.

6. Policy Options

Given the number of FF and returnees, as well as the potential security threat for the EU and MS, the main concerns are whether we fully comprehend the FF phenomenon, understand the underlying factors and the whole motivation spectrum of FF, and understand how we can control or reduce the threat. Moreover, based on our research, some observations were made relating to continuing changing character of the problem, the specific features of the FF phenomenon, the quantity and quality of data available, and the adopted policies in MS and on the EU level. This leads us to propose the following policy options for the EU and MS together, as well as to the EU and the MS separately.

Recommendations to both the EU and Member States:

1. The incremental changing nature of terrorism, with its current feature related to FF, calls for ongoing research and analysis of the problem. There is a clear need for an effective (and centralised) monitoring and evaluation framework to analyse the impact and effectiveness of existing and future policies and practices. Developing a standard for monitoring and evaluation is urgently needed.

Recommendations to the EU:

2. To ensure coherence in policies, accuracy in data collection, and greater validity when it comes to the analysis of data, there is a need for one common definition of FF.
3. To ensure follow-up by MS of non-binding objectives and policy guidelines related to comprehensive and prevention strategies, as formulated by the EU, the EU could consider establishing an internal reporting system similar to the model used in the UN human-rights system, or by the UN SC's Counterterrorism Executive Directorate (CTED), which allows for a dialogue between a MS and the EU on how the MS is implementing, for instance, prevention strategies.

Recommendations to Member States:

4. MS that have not yet done so are advised to draft comprehensive strategies to address the problem of radicalisation towards violent extremism and FF in particular. Such strategies should encompass a suitable, proportional, and effective mix of policy responses, taken from a toolbox consisting of security, legislative and preventive measures in order to devise responses that fit the way the issue manifests itself in a particular region, or a particular phase in a radicalisation process. These strategies should involve multiple stakeholders, be multi-disciplinary in nature, and be tailored to and influenced by the local contexts. It should be noted that this call for comprehensive strategies does not mean there is a need for uniformity in all strategies, as that would refute the need for context-specific responses.
MS that have thus far not (seriously) been affected by these threats, are reminded that radicalisation as such could emerge quickly. Although examples from other countries can be used for inspiration, MS should keep in mind that there is not one single profile of FF, and equally that there is not a one-size-fits-all solution. Context-specific research is needed to inform the design of tailor-made strategies.
5. Prevention can best be achieved at the local level, by connecting national policies to local needs and by ensuring an exchange of information between national and local level stakeholders. At the local level this would implicate the involvement of community police officers, and/or community policing programmes that, for instance, work with key figures in society, such as social youth workers, moderate imams, teachers, and friends and families of vulnerable youth. These first-line practitioners are to be supported, and thus telephone help lines and supporting facilities for concerned parents, teachers, civil servants, and police officers should be encouraged. The national

government should support the empowerment of local actors with resources, capacity, and expertise.

6. Specific reintegration and rehabilitation programmes to deal with convicted FF as well as other returnees are absent in most MS. MS are therefore advised to learn from past experiences and good practices, such as the exit/support facilities as currently being developed or already operating in the Netherlands, Denmark, Finland, and Sweden,³⁵⁷ and to adapt these to national exigencies. These programmes need to be tailor-made for convicted FF and other returnees. For an effective implementation of these programmes, MS should also invest in training of, for instance, prison personnel (including at the intelligence level to allow them to report any radical shifts among prisoners), as well as preparing municipalities to deal with increasing numbers of returnees, including traumatised minors, in need of assistance to reintegrate into society.
7. In order to better address the emerging trends of sometimes very rapid radicalisation processes, the number of recent converts to Islamism – young girls and very young would-be FF – MS are advised to constantly review and where necessary amend the current policies and recalibrate their early-warning mechanisms.
8. In order to face the risk to social cohesion within European societies, a shift in the way the public debate is framed is recommended. Communication is not merely a means to inform the general public about the measures taken and policies adopted, but is an instrument on its own to help counter polarisation in society. Communication as an instrument provides opportunities to reach out to different audiences, and careful consideration of the message to be conveyed to different audiences is therefore recommended to promote inclusiveness.

³⁵⁷ Note that the city of Aarhus is well known for its rehabilitation programme, but that Denmark in general does not have a specific rehabilitation programme for returning foreign fighters.

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Annex 1: Methodology

Country Selection

This report was written on the occasion of the Netherlands' Presidency of the Council of the EU in the first half of 2016 in order to provide an overview of the FF phenomenon for all 28 EU MS.¹

In addition, nine MS were selected to be analysed in-depth, with more expansive background research conducted, and information on policies and (security, legislative, and preventative) counter-measures included. These countries are Austria, Belgium, Bulgaria, Denmark, France, Germany, the Netherlands, Spain, and United Kingdom. The selection presents a mixture of transit and sending countries, as well as countries with the highest absolute and per-capita numbers of FF, and represents a geographical spread with countries from all parts of the EU.

Research Sources

Questionnaires

ICCT devised a questionnaire (a generic version of which is added in Annex 2) enquiring about the numbers and profiles of FF, relevant CT policies, and terrorism threat perceptions. Questionnaires were emailed on 31 July and 3 August 2015 to identified contact points within various ministries and security services in all MS, and where necessary, resent in subsequent weeks. Fully or partially completed questionnaires were returned by 23 MS. The questionnaires were responded to by representatives working with the MS' Ministries of Foreign Affairs, Ministries of Interior, Intelligence, and Security Services, law enforcement, as well as other government agencies.

Anonymity Clause

Respondents were given the opportunity to tick an anonymity box in the questionnaire, which would guarantee that the source of information would not be revealed. Fourteen MS opted for full or partial anonymity in their responses. Where possible, ICCT found publicly available sources to substantiate the information provided anonymously through desk research or expert interviews (see below). In cases where information was not available in the public domain or through interviews, the confidential answers were not included in the individual country profiles, although they have been taken into account for the overall analysis, FF count, and the observations and policy options. In order to preserve the anonymity of respondents, both information provided in answer to questionnaires and through expert interviews (below) are referenced as "information on file with ICCT".

Desk Research

In addition to the questionnaires, ICCT conducted open-source desk research on the numbers, profiles, motivations, threat perceptions, policies and security, legislative, and preventative measures related to the FF phenomenon by consulting official government websites and statements, court documents, publications by institutes, research organisations and academic institutions, as well as news sources and scientific journals.

Expert Interviews

Lastly, government officials and independent experts were consulted in person, via phone, or through email to provide additional information and insights on various MS, especially for those countries where no (complete) questionnaires were returned, or where it was necessary to corroborate information provided in questionnaires returned (under the condition of full anonymity).

¹ Due to time constraints and language barriers, no information was obtained for Greece and Hungary.

Data Collection Period

Data collection commenced on 15 July 2015 and was completed on 31 October 2015. However, information was updated where necessary as it became available to ICCT. For example, following the attacks of 13 November 2015 in Paris and subsequent developments in both France and Belgium, as well as landmark judgments in court cases in, for example, Sweden and the Netherlands,² the relevant country profiles were selectively updated even after formal completion of the data collection period on 31 October 2015. Simultaneously, the latest open-source updates on FF numbers up to 15 December 2015 were added to the existing research as they became available in order to ascertain that information would be relevant and up-to-date at the time of publication.

Definitional and Methodological Challenges³

Definitions

Various definitions of FF are used by governments, regional and international organisations, institutes, and experts to depict the phenomenon of people leaving their countries of origin or habitual residence to join a party to an armed conflict abroad.⁴ At times, these organisations utilise the broad term “foreign fighters”; On other occasions, the problem is viewed from a CT perspective only and thus the qualifier “terrorist” is added.⁵ Some countries only count those who participate in combat activities, others count anyone who had travelled to Syria/Iraq; yet other sources include those who *attempted* to travel abroad, or who are members of networks that are known to be operating in a conflict abroad.

This Report focusses on the broad term of FF as all those who leave their countries of origin or habitual residence to join a party to an armed conflict abroad. Accordingly, the ICCT questionnaire enquired about individuals joining various groups in Syria/Iraq, including various Islamist factions, JAN, Kurdish fighters, government factions, and opposition forces. Nevertheless, it became clear that in many responses, MS implicitly or explicitly focussed only on FF that joined IS in Syria and, more marginally, Iraq. On the other hand, a small number of countries also included individuals who participated in other conflicts such as Mali, Somalia, Ukraine, and Libya. The authors verified information using multiple sources and aimed to ensure that the numbers used in this report refer to a broad definition of FF. However, potential inconsistencies may nevertheless have entered the report, which can make direct (numeric) comparisons between countries problematic.

² “Sweden ‘terror crimes’: Pair jailed for life over Syria murders”, *BBC News* (14 December 2015), <http://www.bbc.com/news/world-europe-35092014>; and Rechtbank Den Haag, *Uitspraak* (10 December 2015),

<http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2015:14365>. For an English summary, see J. de Roy van Zuijdewijn and E. Bakker, “Verdict in the “jihad court case”: up to 6 years in prison”, *Leiden Safety and Security Blog* (11 December 2015), <http://leidensafetyandsecurityblog.nl/articles/verdict-in-the-jihad-court-case-up-to-6-years-in-prison>.

³ ICCT would like to apologise for any errors in advance, and would, in addition, like to ask the different MS which feel certain information is not correctly presented or missing, to contact the researchers. Such feedback will enable us to update and upgrade this document which will help all stakeholders involved to base their policies on solid data.

⁴ For various definitions of the term, see e.g. A. de Guttry, F. Capone and Ch. Paulussen (eds.), *Foreign Fighters Under International Law* (2016), who define FF as “individuals, driven mainly by ideology, religion and/or kinship, who leave their country of origin or their country of habitual residence to join a party engaged in an armed conflict”. See also S. Krähenmann, “Foreign Fighters under International”, Geneva Academy of International Humanitarian Law and Human Rights, *Briefing 7* (October 2014),

<http://www.geneva-academy.ch/docs/publications/Briefings%20and%20In%20breifs/Foreign%20Fighters%20Under%20International%20Law%20Briefing%20no7.pdf>.

⁵ A term used by both the UN since SC Resolution 2178 (2014) and the GCTF. The UN term refers to “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict”. The GCTF definition of foreign terrorist fighters is slightly different and refers to “individuals who travel abroad to a State other than their States of residence or nationality to engage in, undertake, plan, prepare, carry out or otherwise support terrorist activity or to provide or receive training to do so (often labeled as ‘terrorist training’)”.

For the sub-sections, “Measures in Response to the Foreign-Fighter Phenomenon”, ICCT divided available information into three categories: security, legislative, and preventive measures,⁶ while referring to any information on overarching CT strategies at the beginning of each sub-section. For the first category (security), only information relating to citizenship and travel was included, such as the possibility of a government to revoke travel documents of (suspected) FF. Categorised as legislative measures is any (terrorism) legislation, mainly in domestic criminal codes, that may be applicable for FF as well as relevant court cases. Preventative measures are those non-legislative measures that are broadly aimed at preventing FF travel, focussed on government(-funded), national measures. There is inevitably some overlap between the three categories, and the categorisation was made on the basis of consensus among the members of the research team.

Availability of Information

The (non-)availability of certain types of information was an additional challenge, particularly for countries who did not complete the questionnaire and where only limited open-source information was available in a language spoken by members of the research team. It was also challenging where the authors were unable to find multiple sources to verify information and relied, for example, only on the information provided in questionnaires. Therefore, the information provided in this report cannot claim to be complete, and may even include occasional inaccuracies (to the extent that we could not cross-check certain questionnaire responses).

Even for countries whose questionnaires were returned, these were often incomplete with only some fragmentary information provided. For instance, regarding the mental health record, educational background, and prior criminal history categories, very few respondents were in a position to provide detailed data, therefore making it difficult to provide a comparative analysis of these variables. The analytical sections in Chapter 5 make explicit mention when only limited data was available.

Numerical Data and Graphs

The numbers in the analysis section and various graphs are based on information provided by those MS that authorised ICCT to publicly share their data. Regarding countries where ICCT did not receive permission to share or attribute data, open-source information was utilised. Public sources are also used to complement potentially outdated information provided by MS before October 2015. In cases where ICCT had access to non-attributable information, up-to-date data could not be corroborated by open-source information. These numbers were utilised only in calculating aggregate numbers, such as the total number of departed FF.

Due to the variety of different sources consulted and the lack of accurate numbers provided (see previous section), a number or percentage *range* of FF-related data was found for many countries. To facilitate comparative analysis for aggregate data, including the per capita numbers, the average of the most recent minimum and maximum estimates were utilised.

It should be noted that the US Central Intelligence Agency’s World Factbook was consulted in December 2015 to determine the per-capita population of FF per MS. The geographical division into Eastern, Western, Southern, and Northern Europe in the analysis section (Chapter 4) is based on the classification of the UN Statistics Division.⁷

⁶ Even though the ICCT questionnaire enquiring about measures as categorised by the EU CT Strategy (Prevent, Protect, Pursue and Respond), is three-tiered classification provides for the most effective and valuable comparison of the gathered information.

⁷ UN Statistics Division. Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings, <http://unstats.un.org/unsd/methods/m49/m49regin.htm>.

Annex 2: ICCT Questionnaire

Foreign Fighters Phenomenon & Policies

Thank you for participating in this survey, which is conducted by the International Centre for Counter-Terrorism – The Hague (ICCT) as part of a Kingdom of the Netherlands-funded project in preparation of the Dutch Presidency of the European Union. Please provide as much information as possible, and use estimates where no accurate information is available to you.

Please return the completed survey before **[insert date]** to [insert ICCT contact person] by email ([name]@icct.nl). Thank you in advance for your participation.

Preliminary Information about the Respondent

- a. Please indicate the country you work for: _____
- b. Please indicate the organizational department you work for: _____
- c. Please indicate your function: _____
- d. Please indicate if we can or cannot connect statements that you might make below to your ministry and/or country. Note that we will never mention your name, let alone your e-mail address, in our published findings. Please indicate the correct answer:

-You **can** connect statements I might make below to the information from section 2. Example of a sentence that could find its way into the final report: “a policy maker from the UK Ministry of Justice noted that...”

-You **cannot** connect statements I might make below to the information from section 2. Example of a sentence that could find its way into the final report: “a policy maker noted that...”

1. Numbers

- a. How many people usually residing in your country or having your nationality have left the country to fight in Syria and/or Iraq since 1 January 2011? Please provide accurate numbers or estimates of these so-called foreign fighters (FFs).

- b. How many are currently in the conflict zone (Iraq/Syria)?

- c. How many have died?

- i. How many have died while committing (suicide) attacks in Syria/Iraq?

- d. How many have joined
- i. "Islamic State"/ISIS/ISIL?

 - ii. The Islamic Front, excl. those who joined Al-Nusra Front?

 - iii. Al-Nusra Front?

 - iv. Kurdish (-allied) fighters?

 - v. Syrian government (-allied) forces?

 - vi. Opposition forces excl. those mentioned above, e.g. the Free Syrian Army?

2. What is the typical profile of FFs that stem from your country?

- a. Nationality: How many/What percentage hold
 - i. Only the citizenship of your country?

 - ii. Dual nationality?

 - iii. Not the citizenship of your country, but lived in your country before departure?

- b. Gender: How many/what percentage is female?

- c. Age: How many/what percentage is
 - i. Younger than 18 years?

 - ii. Between 18 - 30 years?

 - iii. Above 30 years?

- d. Family Status: How many/what percentage is
 - i. Married?

ii. Single?

e. Religious Affiliation: How many/what percentage is

i. Muslim?

ii. Christian?

iii. Unaffiliated?

iv. Other?

v. Unknown?

f. Place of residence: How many/what percentage lives

i. In urban/built up areas such as cities?

ii. In rural or country areas including villages?

g. Education: How many/what percentage has as the highest level of education:

i. Primary school?

ii. High-school ?

iii. Technical college or equivalent?

iv. University?

v. No formal education?

h. Criminal record: How many/what percentage has a pre-existing criminal record?

i. Link to Islamist circles/networks: How many/what percentage of those who left for Syria and/or Iraq had previous links to Islamist circles/networks operating in your country? Which ones?

j. How many/what percentage of the FFs is knows to have (had) psychological problems?

k. Could you provide any information on possible motives of FFs for travelling abroad?

3. What is the current terrorism threat to your country?

a. What is the current official security or terrorism threat level in your country, if you have any?

b. Has the official security or terrorism threat level for your country changed at all since 1 January 2011? If so, please explain when and what change in levels.

c. Have there been any terrorist attacks or foiled attacks in your country since 2011?

i. If yes, which ones? (date and summary of what happened)

ii. If so, was there any connection to FFs and/or terrorist groups in Syria/Iraq?

d. To what extent does your government perceive FFs to be a threat to your country's national security? Please elaborate why, how, etc.

4. What is your country's current counter-terrorism strategy?

a. What counter-terrorism programmes/policies do you have in place?

b. Could you provide a link /attachment to an English online copy of your counter-terrorism strategy?

c. What is your counter-terrorism legislation (if possible, please provide the relevant names of the laws/codes, as well as the paragraphs and/or section numbers)?

d. Do you have a rehabilitation program in place for returning foreign fighters? If so, please describe.

e. What kind of administrative measures do you have in place (deprivation of passports/nationality etc.)?

f. Do you have an emergency phone line for parents of radicalised children or other way for relatives to reach out to your organization?

g. Do you have a counter- or alternative message to potential FFs? If so, please describe.

h. Do you have any policies and/or legislation for FFs that relate to the 4 pillars of the European Union Counter-Terrorism Strategy ¹, namely:

i. Prevent?

ii. Protect?

iii. Pursue?

vi. Respond?

5. Change in counter-terrorism policies and/or legislation

a. Has your counter-terrorism policy been changed since 1 January 2011? If yes, please provide further information.

b. Has your counter-terrorism legislation related to terrorism been adapted since 1 January 2011? If so, please provide further information.

¹ Available here: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST+14469+2005+REV+4>

c. Have either of these changes occurred (partially) in response to the FF phenomenon?

d. If there have been no changes, is there currently talk about changes in policy and/or legislation?

6. Have there been any court cases against (alleged) FFs in your country?

a. If so, how many have been completed and what is the conviction rate?

b. How many cases are currently on-going?

c. If there have not been any cases, could you provide details of why not?

d. What crimes are FFs typically charged with?

We would like to kindly ask you to send your completed questionnaire to [insert ICCT contact person] before [insert date].

Alternatively, you may post a hard-copy to: International Centre for Counter-Terrorism, Attn. [insert contact person], P.O. Box 13228, 2501 EE The Hague, The Netherlands.

Thank you.

Annex 3: Additional Information on EU Member States

Austria

Numbers and Profiles

By September 2015, 230 identified individuals had left Austria for Syria/Iraq; 130 FF were still in the conflict zone and at least 34 had deceased. More recent open-source information points to estimates of up to 300 FF from Austria.¹ According to the Austrian Ministry of Interior (Mol), the number of returnees may exceed 70 persons.² In the course of a parliamentary inquiry conducted in March 2015, the Mol affirmed that 17 women had left Austria as of 9 February 2015 for Islamic State (IS)-controlled territory; some of whom were under eighteen at the time of their departure.³

While the 2014 Annual Report for the Protection of the Constitution noted that the Austrian FF have no homogenous background, the US Country Reports on Terrorism (2014) point out that people departing from Austria were predominantly of Chechen, Turkish, and Balkan origin.⁴ Austrian news agencies further noted that most FF are second-generation immigrants and that the majority are of Chechen origin.⁵ The age range of FF is between 18 and 35 years.⁶

Threat Assessment

According to the Mol, Austria is subject to a heightened but abstract danger from Islamist extremism and terrorism.⁷ Returnees are perceived as a potential threat.

While the Ministry of Foreign Affairs (MFA) reported in response to the ICCT questionnaire that “there is no home-grown terrorism in Austria”, the threat assessment provided by the Mol in its 2014 Annual Report on the Protection of the Constitution affirms that a home-grown terrorism scene has been developing since 2000. The members are of heterogeneous ethnic background and their activities focus on recruitment and expansion of existing networks.⁸ This might mean that the threat perceived by the Austrian authorities – from domestic radicalisation and FF – is mainly connected to individuals with an immigration background, to non-nationals, or in fact, to *returned* FF. Indeed, the 2013 Annual Report on the Protection of the Constitution explicitly stated, for the first time, that returning FF represent a considerable threat to Austria,⁹ a notion confirmed by Austrian authorities in September 2015.¹⁰

¹ The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p.7, http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf.

² Austrian Ministry of the Interior, “Verfassungsschutzbericht 2014 - Bedrohung durch religiös motiviertem Extremismus”, 3 July 2015, http://www.bmi.gv.at/cms/BMI_Presse/news/BMI.aspx?id=3839796E536A4D736859773D&page=13&view=1.

³ Parliamentary Inquiry, 20 March 2015, 3374/AB, p.1, http://www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_03374/imfname_392274.pdf.

⁴ Respectively: Federal Office for the Protection of the Constitution and Counter-Terrorism (BVT), “Verfassungsschutzbericht für das Jahr 2014” (2014), http://www.bmi.gv.at/cms/BMI_Verfassungsschutz/Verfassungsschutzbericht_Jahr_2014.pdf and Bureau of Counterterrorism, “US Country Reports on Terrorism 2014” (2015), p.85, <http://www.state.gov/j/ct/rls/crt/2014/>.

⁵ Respectively: ‘Jihad ist die größte Gefahr für Österreich’, *Heute*, 03 July 2015, <http://www.heute.at/news/politik/art23660,1180599>; and ‘Wie Tschetschenen in Österreich gegen Radikalisierung kämpfen’, *Der Standard*, 5 March 2015, <http://derstandard.at/2000012495035/Wie-Tschetschenen-in-Oesterreich-gegen-Radikalisierung-kaempfen>.

⁶ BVT, “Verfassungsschutzbericht” (2014).

⁷ Ibid.

⁸ Ibid.

⁹ Ibid., p. 32.

¹⁰ Questionnaire, on file with ICCT.

According to the US Country Reports on Terrorism 2014, the Federal Office for the Protection of the Constitution and Counter-Terrorism (BVT) reported that, “While no specific climate for fostering terrorist attacks existed within Austria, radicalization within violent Islamist extremist groups increased. The country’s traditional, broad perception that Austria is safe from terrorist attacks was challenged by a significant rise in the number of foreign terrorist fighters from Austria headed to Syria and Iraq”.¹¹

Measures in Response to the Foreign Fighter Phenomenon

Austria does not have one, overall comprehensive CT strategy, but follows “a double-track approach of law enforcement and prevention”, involving various government entities as well as civil society and academic institutions. The double-track approach pursued by Austria foresees the implementation of both judicial and security measures and of preventive measures. MFA officials state that a primary goal of Austrian policies is to engage with individuals in the early stages of the radicalisation process in order to facilitate reintegration and strengthen resilience against extremist messages.¹²

Security Measures

In December 2014, the Austrian government passed a series of acts, such as the Nationality Act, which states that dual nationals shall be stripped of their Austrian citizenship in case of voluntary participation in an armed group engaged in hostilities abroad. Similarly, the Passport Act prohibits the issuing, extension, and alteration of passports when facts lead to the assumption that the applicant might endanger public security as a member of a criminal organisation. These regulations also apply to identity cards. In July 2015, subsequent amendments were introduced through which the Austrian Parliament “clarifi[ed] and tighten[ed] the reasons for exclusion of asylum status as well as for the refusal of issuing travel documents to recognised refugees and other legally residing non-nationals posing a threat to public security”.

On the protection side, the Austrian Government has increased the budget of the national CT security authorities by up to €290 million until 2018, in particular for personnel, equipment, IT-security and forensic technology. In December 2014, the BVT also created a department for tracking and reporting radical content on the internet.¹³

In addition, an amendment to the Border Controls Act aims at facilitating stricter checks of whether unaccompanied minors travel with their parents’ consent.¹⁴

Furthermore, cross-border intelligence and police cooperation has been intensified, and border control has been strengthened. It has also taken “operative police measures [...] in order to prevent travels [sic] by potential Foreign Terrorist Fighters and to facilitate investigations for the prosecution of returnees”.¹⁵

Legislative Measures

In the context of the July 2015 amendments (see above), the provisions relating to incitement to violent extremism were broadened in the Criminal Code (CC). Moreover, the Austrian Parliament is currently debating a comprehensive government bill aiming at strengthening the competences and legal bases for the relevant national law-enforcement agency, the BVT, to investigate, among other things, cases of FF. In addition, Austria has criminalised terrorist activities (terrorist association, financing of terrorism, training for terrorism, instruction to commit terrorist acts, provocation to commit terrorist acts, and approving of terrorist acts) in its CC.

¹¹ Bureau of Counterterrorism, “US Country Reports on Terrorism 2014” (2015), p. 85.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

According to the MFA, Austria is a party to all UN CT Conventions and Protocols, and is committed to effectively implement all relevant UN SC resolutions, in particular UN SC Resolution 2178 (2014) and 2199 (2015).¹⁶ It has also adopted the 2002 EU Framework Decision (FD) on Combating Terrorism, the Council of Europe Convention on the Prevention of Terrorism and the 2008 EU FD, amending FD 2002, as well as the recommendations of the FATF on the financing of terrorism.¹⁷

The legal definition of terrorist crimes was introduced for the first time in 2002 in the Austrian CC (Section 278c). Furthermore, the criminal offence of terrorist association was inserted (Section 278b CC), and the offence of financing terrorism was established (Section 278d CC).¹⁸ In 2010, the criminal offence of training for terrorism purposes was established (Section 278e CC);¹⁹ and the 2011 Terrorism Prevention Act introduced the criminal offence of instruction to commit terrorist acts (Section 278f CC), as well as the criminal offence of provocation to commit terrorist acts and approving of terrorist acts (Section 282a CC).²⁰

In addition, the Terror Symbols Act explicitly prohibits the use and spread of the symbols of IS, Jabhat al Nusra (JAN), Al Qaeda and affiliated terrorist organisations.

In February 2015, Austria updated its 1912 “Law on Islam”, which defines the rights and obligations of Muslims in Austria. Significant provisions concern the right for Muslims to follow their religious dietary requirements in public institutions (army, hospitals, prison, schools). It also defines the organised Muslim groups in Austria as public-law entities, and declares the precedence of Austrian law over religious laws and the out-phasing of foreign financial support for Islamic institutions in the country.²¹

Regarding court cases, 21 persons have been indicted for terrorism crimes and 17 have been convicted in a court of first instance so far.²² The US Country Reports on Terrorism 2014 further note that formal criminal investigations had been initiated against 117 individuals.²³ According to the Austrian MFA, FF are typically charged with membership in a terrorist organisation.²⁴

Preventive Measures

Austria has implemented, or is in the process of carrying out, numerous preventive measures including programmes aimed at addressing the root causes of radicalisation and extremism. An important element of this is the emphasis on inter-cultural and inter-religious dialogue, as well as the engagement with Islamic communities in the country. Additionally, in 2014, the country established an Extremism Information Centre with an emergency phone line within the Federal Ministry for Families and Youth, which had received 663 calls by 24 August 2015.

¹⁶ Ibid.

¹⁷ CODEXTER, “Country Report Austria” (2012), p. 2,

http://www.coe.int/t/dlapil/codexter/3_CODEXTER/Working_Documents/2012/Austria%20Country%20Profile%202012_EN.pdf.

¹⁸ *Bundesgesetzblatt*, no. 134 (2002), p. 1411,

https://www.ris.bka.gv.at/Dokumente/BgblPdf/2002_134_1/2002_134_1.pdf.

¹⁹ *Bundesgesetzblatt*, no. 108 (2010), p.2,

https://www.justiz.gv.at/web2013/file/2c94848525f84a6301321fbedceb53f6.de.0/bgbl%20i%20108_2010.pdf.

²⁰ *Bundesgesetzblatt*, no. 103 (2011), p.3.

https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2011_I_103/BGBLA_2011_I_103.pdf.

²¹ “Bundesgesetz über die äußeren Rechtsverhältnisse islamischer Religionsgesellschaften – Islamgesetz 2014”, http://www.parlament.gv.at/PAKT/VHG/XXV/II_00446/fname_377356.pdf; D. Alexander, “Österreich beschließt ein eigenes Islamgesetz”, *Die Welt*, 25 February 2015,

<http://www.welt.de/politik/ausland/article137832244/Oesterreich-beschliesst-ein-eigenes-Islamgesetz.html>;

A. P. Schmid, “Austria’s Reformed Law on Islam – a Model for Europe?”, *International Centre for Counter Terrorism- The Hague*, 26 May 2015, <http://icct.nl/publication/austrias-reformed-law-on-islam-a-model-for-europe/>.

²² Questionnaire, on file with ICCT.

²³ Bureau of Counterterrorism, “US Country Reports on Terrorism 2014” (2015), p. 85.

²⁴ Questionnaire, on file with ICCT.

Measures taken to improve the inter-cultural and inter-religious dialogue include the 2015 Family Integration Initiative, co-funded by the MFA, the Carinthia state government and local municipalities, and implemented by the ASPIS Research and Consulting Centre for Victims of Violence (University of Klagenfurt). It aims to integrate fourteen refugee families in Carinthia originating from crisis areas such as Chechnya, Bosnia, Dagestan, Ingushetia, Afghanistan, Georgia, and Ossetia. Another MFA-funded initiative is the “Your Mother” programme conducted by the organisation “Sisters Against Violent Extremism” (SAVE), which focuses on the role of mothers in preventing violent extremism. The MFA also funds research initiatives, such as a newly launched empirical study conducted by the University of Vienna on radicalisation among adolescents in Austria, which aims at providing further insights into the root causes of radicalisation.²⁵

With regard to counter-narratives, the Austrian MFA refers to a brochure drafted by the Islamic Religious Community in Austria addressing prominent concepts in Islam and refuting extremist views. The brochure is available in four languages and distributed in Austrian mosques and prayer rooms.²⁶

With regard to the emergency phone line, the Extremism Information Centre refers individuals to a civil society partner organisation offering consultations in five languages. These consultations are anonymous and free of charge, with personal data being forwarded to the police only in case of imminent danger and with the explicit agreement of the individuals concerned. Moreover, a hotline for victims of discrimination and intolerance has been set up within the Federal Ministry for Europe, Integration and Foreign Affairs.²⁷

In response to the questionnaire, the MFA further affirms that Austria has implemented programmes preventing radicalisation in prisons. These include the close monitoring of inmates suspected of having radicalised, while providing them with religious assistance and care by moderate Muslim counsellors. Likewise, training courses and seminars on radicalisation are conducted for prison staff.²⁸

Belgium

Numbers and Profiles

Most recent estimates from both official and non-government sources range between 420 to 516 individuals who have travelled to Syria/Iraq since 2011, making Belgium the EU Member State (MS) with the highest number of FF per capita.²⁹ An estimated 180 to 260 FF remain in the conflict zone; 60 to 70 had been killed, mostly in combat.³⁰ Between 55 and 120 individuals

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ P. van Ostayen, “Belgian Fighters in Syria and Iraq – October 2015”, 11 October 2015, <https://pietervanostaeyen.wordpress.com/2015/10/11/belgian-fighters-in-syria-and-iraq-october-2015/>; 40 per million in P. Neumann, “Foreign fighter total in Syria/Iraq now exceeds 20,000; surpasses Afghanistan conflict in the 1980s”, 26 January 2015, <http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/>. Cf. also G. Van Vlierden, ‘How Belgium Became a Top Exporter of Jihad’, 29 May 2015, 13 *Terrorism Monitor* 11, http://www.jamestown.org/single/?ttnews%5Btt_news%5D=43966&tt_news%5BbackPid%5D=7&Hash=462a3da25136ea4c02b6a99f9e5fa442#.VhOlixOqqko.

In the latest The Soufan Group report, the official count in October 2015 was 470, see The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p.7. An update by R. Coolsaet in March 2016 notes 470 FF, with 130 returned. Forty-five percent stemming from each, Brussels and Flanders, and the remaining 10% from the Walloon region; see R. Coolsaet, “Facing the Fourth Foreign Fighters Wave: What Drives European to Syria, and to Islamic State? Insights from the Belgian Case”, Egmond Paper 81, March 2016, p. 9, http://www.egmontinstitute.be/wp-content/uploads/2016/02/egmont.papers.81_online-versie.pdf.

³⁰ Lower estimates by P. van Ostayen, “Belgian Fighters in Syria and Iraq – October 2015”, 11 October 2015, while higher numbers were provided through official sources, on file with authors.

have returned, and 50 tried to leave but were stopped (yet, these 50 are still included in some counts).³¹

Regarding the profiles and composition of the Belgian FF contingent, Van Ostaeyen provided detailed numbers in October 2015 indicating a number of things: that 47 of the 516 are women; around 6% of the Belgian fighters are converts; the age of 202 Belgian fighters varies between 14 and 69 (with an average of 25.7); that of the 266 individuals whose origin is known, most come from Brussels (101, 24 of whom come from Molenbeek), Antwerp (72), Vilvoorde (28), and Mechelen (14); that 79 individuals can be linked to *Sharia4Belgium*, “a neo-radical Islamist group created in early 2010”³², which seems to have inspired many young Belgians to leave for the Levant; that at least five persons are fighting in pro-regime ranks; that at least 112 (but most likely more) are fighters/members of IS; and that around 17 (but most likely many more) are fighting with JAN.³³

The motivation for leaving to fight abroad is very difficult to gauge. However, Prof. R. Coolsaet has offered a few preliminary observations: “They often mention earlier personal difficulties [...] that left them feeling stifled and ill at ease. Frequently, they express feelings of exclusion and absence of belonging, as if they didn’t have a stake in society. For a significant number of them, drugs, petty crime and street violence have been part of their former life. From the sources mentioned, one gets the impression of solitary individuals, sometimes also estranged from family and friends, who at a certain point became angry as a result of their estrangement. Going to Syria is one of a number of possible outlets for their anger”.³⁴

Threat Assessment

In 2006, Belgium introduced a system of four terrorism threat levels, from 1 (low) to 4 (very serious). The Coordination Unit for Threat Assessment (CUTA) advises on the threat level, which, at the time of writing, was at level 3 (high), which means that the threat against the person, group or event that is the object of the analysis is possible and probable. The threat levels were adjusted a number of times over the past years including a raise to level 4 after the attack on the Jewish Museum in Brussels in May 2014. The terrorism threat level was also raised, this time to level 3, after a terrorist plot was thwarted in Verviers, a week after the Charlie Hebdo attacks of January 2015. The threat level initially applied only to police and judicial buildings, but was later extended to all of Belgium. Following the November 2015 attacks, the level was raised again, first to level 3 (initially for big events only, later for the whole country), then even – on 21 November – to level 4 (for the Brussels area).³⁵ On 26 November, the level was dropped to level 3.

The Belgian government considers Belgium to be a potential target, since it is as member of the coalition against IS. Furthermore, it states that “Belgium has an open society, in the heart of Europe with a large number of FF going to and returning from Syria. The phenomenon of these FTF is considered a direct threat to our society”. Furthermore, Belgium as a host country to major international institutions such as the EU and NATO, which can become a target themselves, runs an additional risk.

Measures in Response to the Foreign Fighter Phenomenon

Belgium has developed many plans and documents, covering a myriad of different actors involved in the country’s CT policy, but does not have a single national strategy.

³¹ P. van Ostaeyen, “Belgian Fighters in Syria and Iraq – October 2015”, 11 October 2015.

³² R. Coolsaet, “What drives European to Syria and to IS? Insights from the Belgian case”, Egmond Paper 75, June 2015, <http://www.egmontinstitute.be/wp-content/uploads/2015/03/ep75.pdf>.

³³ P. van Ostaeyen, “Belgian Fighters in Syria and Iraq – October 2015”, 11 October 2015.

³⁴ R. Coolsaet, “What drives European to Syria and to IS? Insights from the Belgian case”, June 2015. For a detailed analysis on the process of radicalization in Belgium, see Van Vlierden, G., “How Belgium Became a Top Exporter of Jihad?”, 29 May 2015.

³⁵ Ibid.

The Framework Policy Document Integral Security was adopted³⁶ on 30 March 2004, which also addresses terrorism as a priority area of concern. According to the Belgian Government Programme of 9 October 2014, a new Framework Policy Document would be drafted before the finalization of the next National Security Plan.³⁷ In addition, the “R Plan”, or “Plan Radicalisme/Plan R”, from 2005, will be revised (see section “Preventive Measures”). The Council of Europe referred to this latter plan as Belgium’s “national counter-radicalism plan”,³⁸ although there are also authors who are of the opinion that Belgium does not have an integral, national strategy or action programme to cope with the problem of radicalisation.³⁹ However, the same individuals also indicate that Belgium, on the federal, regional, and local level, has taken diverse measures to counter radicalisation.⁴⁰ An example at the federal level is the 2013 federal programme/strategy⁴¹ on the prevention of violent radicalisation.⁴² At the regional level, the Flemish Action plan to prevent radicalisation processes which can lead to extremism and terrorism, which was submitted on 13 April 2015, is noteworthy,⁴³ as well as the prevention plan against radicalisation from the Brussels-Capital Region.⁴⁴ A reason that can explain why there does not seem to be one comprehensive strategy may be the fact that “the Belgian counter-terrorism policy is the product of a variety of intelligence and security services, monitoring committees, agencies and supporting services”.⁴⁵ Examples are the National Security Council (issuing policies and monitoring the civilian (State Security)⁴⁶ and military (General Intelligence and Security Service)⁴⁷ intelligence services), the Coordination Unit for Threat Assessment (CUTA) and the permanent committee monitoring and evaluating the intelligence services and the permanent committee monitoring and evaluating the police.⁴⁸ What may also play a role is the complex, tri-lingual federal system of the country.

³⁶ De Algemene Directie voor Veiligheids-en Preventiebeleid, “Kadernota Integrale Veiligheid”, 30-31 March 2004, <http://www.dsb-spc.be/doc/pdf/kiv2004NL.pdf>.

³⁷ “Regeerakkoord”, 9 October 2014, p. 132,

http://www.premier.be/sites/default/files/articles/accord_de_gouvernement_-_regeerakkoord.pdf.

³⁸ CODEXTER, “Country Report Belgium” (2014),

https://www.coe.int/t/dlapil/codexter/Country%20Profiles/Profiles%202014%20Belgium_EN.pdf.

³⁹ R. de Bont and I. Daniels, “Jihadistische foreign fighters uit België: dreiging en beleid”, *Internationale Spectator* 69, no. 7 (2015), p. 3,

http://www.internationalespectator.nl/pub/2015/7/_/pdf/IS_2015_07_de_bont_daniels.pdf.

⁴⁰ Ibid.

⁴¹ The French title is *Stratégie fédérale belge contre la radicalisation violente*, but De Bont and Daniels note that the programme does not amount to a general strategy.

⁴² See <http://www.joellemilquet.be/wp-content/uploads/2014/06/1406-annexes.pdf>. This programme consists of six pillars: 1) strengthening knowledge and expertise about violent radicalization; 2) limiting the breeding ground for violent radicalization; 3) increasing the resilience of vulnerable individuals, especially youngsters; 4) supporting the local authorities; 5) gaining insight on the internet; 6) initiating a prevention plan in prisons. This prevention programme should not be confused with the more repressive programme from Milquet, see for more information C. Paulussen and E. Entenmann, ‘National Responses in Select Western European Countries to the Foreign Fighter Phenomenon’, in: A. de Guttry, F. Capone and C. Paulussen (eds.), *Foreign Fighters under International Law and Beyond*, (The Hague: T.M.C. Asser Press/Springer Verlag, 2016).

⁴³ L. Homans, “Actieplan ter preventie van radicaliseringsprocessen die kunnen leiden tot extremisme en terrorisme”, (2015), <https://www.vlaamsparlament.be/parlementaire-documenten/parlementaire-initiatieven/973934>.

⁴⁴ “Rudi Vervoort lanceert zijn preventieplan om het radicalisme te bestrijden en het samenleven te bevorderen”, 23 January 2015, <http://rudivervoort.be/MP/nl/2015/01/23/rudi-vervoort-lanceert-zijn-preventieplan-om-het-radicalisme-te-bestrijden-en-het-samenleven-te-bevorderen/>. Note that according to De Bont and Daniels, at the regional level, only Flanders has developed a plan to counter radicalization: R. de Bont and I. Daniels, “Jihadistische foreign fighters uit België: dreiging en beleid” (2015). However, this is incorrect, as the Brussels-Capital Region is also a region (of the three, besides the Flemish Region and the Walloon Region) in Belgium.

⁴⁵ Ibid., p. 2.

⁴⁶ *Veiligheid van de Staat*, see www.suretedeletat.belgium.be.

⁴⁷ *Algemene Dienst Inlichtingen en Veiligheid*, see www.mil.be/is.

⁴⁸ *Vast Comité I* and *Vast Comité P*. See R. de Bont and I. Daniels, “Jihadistische foreign fighters uit België: dreiging en beleid” (2015).

Security Measures

In January 2015, several new security measures were adopted. More travel-related measures were announced, such as the withdrawal of Belgian citizenship, the temporary withdrawal of the identity card, and the refusal to issue passports, and the withdrawal thereof. On 19 November 2015, the Prime Minister requested Parliament to approve tougher security measures, including the establishment of a dynamic register aimed at putting FF on file by preventing young people from travelling to combat areas or training camps, as well as stopping non-national returnees from re-entering the country. At this point, the Prime Minister stated that as a rule, “Jihadists returning to our country belong in prison”⁴⁹. Another security measure put to Parliament for approval was the introduction of a Passenger Name Record (PNR) to control the identity of passengers in aircraft and high-speed trains.

The plans after the attacks in Paris were announced in addition to several other security measures decided in January 2015 and already in force, including a structural reform of the intelligence and security structures and the establishment of a National Security Council, the activation of the legally established mechanism to identify persons involved in the financing of terrorism and whose assets will be frozen, the optimisation of the exchanges of information between the authorities and the administrative and judicial services (in progress), more options for withdrawal of Belgian citizenship, the temporary withdrawal of the identity card⁵⁰ the withdrawal of passports and refusal to issue them, and finally, a revision of the “Foreign Fighters” circular note of 25 September 2014.⁵¹

Various security measures were taken in response to the raised threat levels, including even the deployment of the military in the streets of Brussels. On 19 November 2015, the Prime Minister requested Parliament to approve tougher security measures,⁵² which he divided into four categories: 1) Eradicate the preaching of hate and calls to violence, among other things, by placing under house arrest or deporting preachers of hate, and by fighting hate crimes on websites, allowing certain sites to be closed down; 2) Focus efforts and resources specifically on individuals who are known to be potentially dangerous, among other things, by allocating €400 million to the intelligence service, by setting up a dynamic register aimed at putting foreign fighters on file, by preventing young people from traveling to combat areas or training camps, as well as stopping returnees when they are not Belgians – at this point, the Prime Minister stated that as a rule, “Jihadists returning to our country belong in prison”,⁵³ by introducing a PNR to control the identity of passengers in aircraft and high-speed trains and by supporting regional and local authorities, in Molenbeek in particular; 3) Strengthen the resources of the security forces (police, justice and intelligence), among other things, by stepping up the fight against arms trafficking;⁵⁴ 4) Act at the international level, among other things, by strengthening the external borders of the EU and by fighting IS via a broad international coalition, preferably under a UN mandate.⁵⁵

⁴⁹ R. Coolsaet, “What drives European to Syria and to IS? Insights from the Belgian case”, June 2015.

⁵⁰ See for more information “Wet over intrekken identiteitskaart geradicaliseerde Belgen gepubliceerd, maar nog niet in werking”, 31 August 2015,

<http://www.legalworld.be/legalworld/content.aspx?id=87684&LangType=2067>.

⁵¹ “Fight against terrorism – Measures taken by the Federal Government”, 19 November 2015,

http://premier.be/sites/default/files/articles/Measures_EN_19112015.pdf. See also “Combating

radicalism and terrorism, 12 measures”, http://premier.fgov.be/sites/default/files/articles/PPT_EN.pdf.

“The circular of 2014 concerning information management and monitoring measures for foreign fighters resident in Belgium will be amended in order to simplify the current structures, ensure a clearer division of tasks between services and systematise the way in which monitoring is conducted.”

⁵² “Fight against terrorism, the measures taken by the federal government and the speech of the Prime Minister”, 19 November 2015, <http://premier.be/en/fight-against-terrorism-measures-taken-federal-government-and-speech-prime-minister>.

⁵³ Ibid.

⁵⁴ Note that “[a]ssailants who are believed to have acquired weaponry in Molenbeek include the August 2015 train suspect, the January 2015 kosher supermarket gunman, and the May 2014 Jewish Museum gunman.” See Counter Extremism Project, “Belgium: Extremism & Counter-Extremism”,

http://www.counterextremism.com/sites/default/files/belgium_country_report_111815.pdf.

⁵⁵ “Fight against terrorism, the measures taken by the federal government and the speech of the Prime Minister”, 19 November 2015.

Legislative Measures

Belgium has criminalised the participation in and supporting of a terrorist group, financing a terrorist group, public incitement to commit a terrorist crime, recruitment to commit a terrorist crime, providing training to commit a terrorist crime, following a training to commit a terrorist crime, and travel abroad for terrorist purposes.⁵⁶ In addition, the list of offenses leading to the use of specific research methods has been extended.⁵⁷

In the context of criminal law, various trials have taken place, with judges handing out long prison sentences. One example is the *Sharia4Belgium* trial,⁵⁸ “Europe’s biggest trial of those accused of fostering Islamist violence in Syria”.⁵⁹ On 11 February 2015, the Court of First Instance of Antwerp issued its judgement in this case against 46 defendants, of whom 36 were tried *in absentia*. The defendants were charged with several crimes, including having been the ringleaders of a terrorist group, having participated in any activity of a terrorist group, having diffused a message with the purpose of inciting people to terrorist actions, and having committed organised rebellion.⁶⁰ The court concluded, among other things, that *Sharia4Belgium* was a terrorist organisation and that it had played an active role in the departure of several fighters.⁶¹ In the end, one person was acquitted and the leaders were condemned to punishments of 10 to 15 years’ imprisonment, with the leader of *Sharia4Belgium* receiving 12 years’ imprisonment.⁶² Other remarkable cases include a judgment from a court in Antwerp, which convicted seven women in May 2015. Four were believed to be in Syria with female battalions of IS, and “were given five-year prison sentences for their activities with those battalions, including patrolling and guarding entrances to towns and cities in Syria.”⁶³ The women present in court received prison sentences of between 20 and 30 months for facilitating the departure of IS recruits and collecting money for organisations aiming to radicalise young girls.⁶⁴ Finally, a judgment was rendered by a Brussels court at the end of July 2015 in a major case involving 32 individuals who had been either fighting in Syria, recruiting others to fight, or providing material support to those who were fighting.⁶⁵ In that case, tough prison sentences were rendered as well, with one suspect being sentenced to 12 years in prison for recruitment of young men to fight in Syria as well as for committing dozens of robberies.⁶⁶ Two others at the head of the organisation received eight years in prison.⁶⁷ Another two were sentenced to 20 years’ imprisonment given their status as recidivists.⁶⁸ One of the suspects at the head of the organisation was also convicted of committing crimes in order to finance travel to Syria.⁶⁹ Interestingly, one of the individuals in this case was also one of the suspects of the Paris attack of November 2015 (see also in the section on France), and was convicted of coercing his

⁵⁶ Respectively: Article 140, 140, 140bis, 140ter, 140quater, 140quinquies and 140sexies CC. Generally speaking, the relevant terrorism provisions are Articles 137-141 of the Belgian CC.

⁵⁷ “Fight against terrorism – Measures taken by the Federal Government”, 19 November 2015. For more information, see CODEXTER, “Country Report Belgium” (2014), which also includes descriptions of other criminal provisions relating to terrorism.

⁵⁸ For a detailed analysis of this judgement, see C. Paulussen and E. Entenmann, “National Responses” (2016).

⁵⁹ R.-J. Bartunek, “In Europe, parents’ dismay as Syria jihad lures troubled teens”, *Reuters*, 8 February 2015, <http://www.reuters.com/article/2015/02/08/us-mideast-crisis-belgium-trial-idUSKBN0LC0I120150208?feedType=RSS&feedName=worldNews&rpc=69>.

⁶⁰ Rechtbank van eerste aanleg Antwerpen, ‘Press Release on the ‘Syria Fighters Trial’, 14 January 2015, available at: <http://www.rechtbankeersteaanlegantwerpen.be/index.php/83-persinformatie/110-terro>.

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ Reuters, “Belgium Convicts 7 Women for Supporting ISIS”, *The World Post*, 18 May 2015, http://www.huffingtonpost.com/2015/05/18/belgium-convicts-women-isis_n_7308226.html.

⁶⁴ *Ibid.*

⁶⁵ Belga, “Tot twintig jaar cel voor 30 verdachten in zaak rond “Syrische filière”, *De Morgen*, 29 July 2015, <http://www.demorgen.be/binnenland/bijna-alle-beklaagden-in-eerste-deel-van-zaak-rond-syrische-filiere-veroordeeld-a2407380>; Belga, “Tot 20 jaar cel in grootschalig terrorismeproces”, *De Standaard*, 29 July 2015, http://www.standaard.be/cnt/dmf20150729_01796646.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

younger brother in August 2014 to join the fighting in Syria/Iraq; his sentence was also 20 years in prison.⁷⁰

On 19 November 2015, the Prime Minister announced various legislative proposals in Parliament, including the strengthening of the legislative framework to condemn and/or identify preachers of hatred and terrorism, the expansion of the use of special investigation methods for other crimes including arms trafficking, the evaluation and adaptation, if necessary, of the legislation relating to the concept of the state of emergency, and the extension of the period of administrative detention from 24 to 72 hours.⁷¹ It also expanded the use of specific research methods (Article 90ter of the Code of Criminal Procedure).⁷²

Preventive Measures

After January 2015, additional preventive plans were announced, including the revision of the 2005 “R Plan”, or “Plan Radicalisme/Plan R”.⁷³ This plan “provides for proactive, preventive and punitive measures to combat, among other things, the causes of Islamic radicalism and terrorism” and has seven focal points, including radical websites, extremist imams and preachers, and prisons.⁷⁴ At this point, the Flemish Government is working on a telephone line for parents of radicalising persons. When it comes to community policing, the Community Policing Preventing Radicalisation and Terrorism (CoPPRA) project is noteworthy. This project started during the Belgian EU Presidency in 2010 and was set up to develop tools to prevent terrorist acts by the early detection of possible signs of radicalisation.⁷⁵

According to the Wall Street Journal, “[a]fter it became clear in 2013 that Sharia4Belgium members had left for Syria, several Belgian cities hastily started radicalisation-prevention programs.”⁷⁶

The research for this report did not find rehabilitation programmes for Syria returnees, something which was also noted by the UN Working Group on the Use of Mercenaries, which paid an official visit to Belgium in October 2015.⁷⁷

Bulgaria

Numbers and Profiles

According to the Bulgarian Mol, “[c]urrently there is no confirmed information regarding participation of Bulgarian nationals, or foreigners staying in Bulgaria, in terrorist activities of

⁷⁰ Ibid.

⁷¹ “Fight against terrorism – Measures taken by the Federal Government”, 19 November 2015.

⁷² Ibid. Since March 2013, new terrorism provisions are in place, which include the criminalisation of: public incitement to commit a terrorist crime (the new Article 140bis of the Belgian CC), recruitment to commit a terrorist crime (the new Article 140ter), providing training to commit a terrorist crime (the new Article 140quater); and following a training to commit a terrorist crime (the new Article 140quinquies). See Federale Overheidsdienst Justitie, “18 February 2013, ‘Wet tot wijziging van boek II, titel I ter van het Strafwetboek’”, *Belgisch Staatsblad C-2013/09097*, 4 March 2013, <http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/2013/03/04/123588.pdf>. For more information, see: see CODEXTER, “Country Report Belgium” (2014), which also includes descriptions of other criminal provisions relating to terrorism, such as Article 141, which “punishes persons who provide assistance, particularly financial assistance, to a terrorist acting alone, i.e. outside the context of a terrorist group.”

⁷³ “Fight against terrorism – Measures taken by the Federal Government”, 19 November 2015.

⁷⁴ CODEXTER, “Country Report Belgium” (2014).

⁷⁵ For more information, see <http://www.copptra.eu/>.

⁷⁶ M. Coker and M. Dalton, “Can ‘Deradicalization’ Stem Flow of European Jihadists?”, *The Wall Street Journal*, 28 September 2014, <http://www.wsj.com/articles/can-deradicalization-stem-flow-of-european-jihadists-1411958283>.

⁷⁷ “Preliminary findings of the Working Group on the use of mercenaries – Mission to Belgium, 12 – 16 October 2015”, 16 October 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16609&LangID=E>.

armed groups in Syria and Iraq⁷⁸. According to open-source information consulted by ICCT, up to ten Bulgarians are estimated to have travelled to Syria/Iraq.⁷⁹

Despite the lack of a confirmed number of FF from Bulgaria, the following anecdotal evidence suggests that Bulgaria is acting as a transit country for people from Europe and elsewhere willing to reach the conflict zones, or returning to their country of origin: In June 2014, for instance, a blacklisted, British IS fighter successfully crossed Bulgaria after six months in Syria, and was later arrested and sentenced in the UK.⁸⁰ He admitted preparing for acts of terrorism, attending a camp, receiving training and possessing firearms.⁸¹ In December 2014, individuals from Brazil and Morocco were arrested at the Bulgarian-Turkish border, allegedly on their way to Syria.⁸² Bulgarian authorities also arrested a self-confessed associate of the perpetrators of the Charlie Hebdo attacks in Paris while he was on his way to Syria; he was then extradited to France.⁸³ In August 2015, there were reports of two IS fighters having entered Bulgaria through the Turkish border, allegedly a French national and a Romanian national. As a consequence, security at airports and train stations was heightened.⁸⁴ In September 2015, a German citizen of Moroccan origin was extradited from Bulgaria to Germany suspected of IS affiliation and searched on the basis of a European Arrest Warrant.⁸⁵ Lastly, in October 2015, three Dutch citizens were detained at the border and extradited for similar reasons (IS links and terrorism-related charges).⁸⁶

Threat Assessment

The Mol stated that, while the specific threat to the country remains moderate, a growing terrorist threat has been registered in Bulgaria since 1 January 2011 due to “the increased terrorist activity worldwide, the involvement of Bulgaria in the anti-terrorist coalition, the presence in the country of possible targets of attacks, and the hypothetical possibility of penetration of terrorist elements from abroad”⁸⁷.

In line with assessing foreign terrorist elements and targets of those as a potential threat to the country, the only terrorist incident Bulgaria experienced in the studied timeframe was the 2012 *Burgas* bus suicide bombing, killing five Israeli tourists and one Bulgarian citizen while wounding 32 other Israeli citizens. Allegedly carried out by Hezbollah, the attack has no link to the foreign fighters (FF) phenomenon.⁸⁸

⁷⁸ Questionnaire, on file with ICCT.

⁷⁹ “Влиза ли България в сметките на “Ислямска държава”?”, *Vesti*, 3 November 2014, <http://www.vesti.bg/bulgaria/vliza-li-byulgariia-v-smetkite-na-islamska-dyrzhava-6026439>; However, other open-source articles do not acknowledge the presence of Bulgarian FF, see e.g., “Няма данни за българи в „Ислямска държава”, *Novinite*, 13 November 2014, <http://novinite.bg/articles/82314/Nyama-danni-za-balgari-v-Islyamska-darjava>; “Няма данни за българи, които да се сражават за “Ислямска държава”, *BNT*, 18 February 2015,

<http://bnt.bg/news/obshtestvo/nyama-danni-za-balgari-koito-da-se-srazhavat-za-islamska-da-rzhava>.

⁸⁰ M. Abi-Habib and J. Parkinson, “How jihadists slip through Europe’s dragnet and into Syria”, *Wall Street Journal*, 22 February 2015, <http://www.wsj.com/articles/how-jihadists-slip-through-europes-dragnet-and-into-syria-1424653670>.

⁸¹ “British jihadist Imran Khawaja jailed for 12 years”, *BBC News*, 6 February 2015, <http://www.bbc.com/news/uk-31166062>.

⁸² “Bulgaria detains Brazilian, two Moroccans on terrorism charges”, *Daily Star*, 16 December 2014, <http://www.dailystar.com.lb/News/World/2014/Dec-16/281273-bulgaria-detains-brazilian-two-moroccans-on-terrorism-charges.ashx>.

⁸³ M. Abi-Habib and J. Parkinson, “How Jihadists Slip Through Europe’s Dragnet and Into Syria”, *Wall Street Journal*, 22 February 2015.

⁸⁴ “Извънредни мерки за сигурност у нас заради двама предполагаеми терористи (Обновена)”, *24chasa*, 9 August 2015, <http://www.24chasa.bg/Article.asp?ArticleId=4914470>.

⁸⁵ “Bulgarian court extradites suspected IS affiliate to Germany”, *Novinite*, 9 September 2015, <http://www.novinite.com/articles/170738/Bulgarian+Court+Extradites+Suspected+IS+Affiliate+to+Germany>.

⁸⁶ “Bulgarian authorities detain three Dutch citizens suspected of terrorism”, *Novinite*, 8 October 2015, <http://www.novinite.com/articles/171208/Bulgarian+Authorities+Detain+Three+Dutch+Citizens+Suspected+of+Terrorism>.

⁸⁷ Questionnaire, on file with ICCT.

⁸⁸ *Ibid.*

Furthermore, the MoI noted that “at the present moment, the level of radicalization of separate social groups in Bulgaria is assessed as low and, as a whole, the potentially vulnerable communities are relatively indifferent to the terrorist propaganda”, so it is not possible to speak of the recruitment of Bulgarian FF as a phenomenon. However, MoI officials recognise the potential threat that returning FF may present in the short term, as a result of the dangerous skills they acquired on the battlefield, while in the long term, this threat may be exacerbated by the establishment of operational terrorist networks in the country by individuals who have European identification documents and may travel the country without restrictions.⁸⁹

Notwithstanding the lack of relevant pre-trial proceedings and legal cases initiated against FF, Bulgarian authorities raided some radical Muslim cells in cities with large Muslim minorities and Roma neighbourhoods in November 2014, where IS-linked propaganda material was found. Security forces searched more than 45 locations and carried out multiple arrests, including those of imams.⁹⁰

Measures in Response to the Foreign Fighter Phenomenon

A Strategy for Countering Radicalisation and Terrorism was drafted in June 2015 and is currently subject to public consultation. Additionally, a central document outlining CT measures is the 2008 National Plan for Countering Terrorism, amended in 2010, which includes the following main objectives:

- “Not allowing terrorist acts to be committed on the territory of the country as well as against Bulgarian nationals, facilities, representations, and military forces abroad”;
- “Preventing the infiltration and countering the influence of radical ideas and the people who distribute them among groups and communities as a basis for recruiting terrorists”;
- “Improving the organization of the work of the special structures with a view of effective counteraction to the methods and means used by international organizations with the aim to cause massive damages”;
- “Protecting the population and the critical infrastructures of the country and limiting the effect of potential terrorist activities.”⁹¹

Security Measures

No specific security measures have so far been adopted to mitigate the flow of FF travelling from and to Syria/Iraq. Yet, in October 2015, the MoI proposed an amendment to the Law of Foreigners, which would allow visas to be refused on suspicion of terrorist activities.⁹²

Due to its geographical position, Bulgaria is currently facing mounting distress in order to prevent the flow of FF going to or coming back from the conflict zone. In addition to the proposed amendment to the Law on Foreigners in October 2015, Bulgaria has augmented its security efforts: In January 2015, military personnel were deployed to the Turkish border after the *Charlie Hebdo* attacks in Paris.⁹³ while in March 2015, Bulgaria and the US announced the exchange of travellers’ information in order to screen for potential terrorists and FF.⁹⁴

⁸⁹ Ibid.

⁹⁰ “Нови разпространители на радикален ислям са се появили след ареста на ромските лидери в Пазарджик”, *BNR*, 2 July 2015, <http://bnr.bg/post/100575949/novi-razprostraniteli-na-radikalen-islam-sa-se-poavili-sled-aresta-na-romskite-lideri-v-pazardjik>.

⁹¹ Questionnaire, on file with ICCT.

⁹² Промени в закон въвеждат по-строги изисквания за чуждестранните търговци, които искат виза”, *dnevnik*, 12 October 2015, http://www.dnevnik.bg/bulgaria/2015/10/12/2627182_promeni_v_zakon_vuvejdat_po-strogi_iziskvaniia_za/.

⁹³ M. Abi-Habib and J. Parkinson, “How Jihadists Slip Through Europe’s Dragnet and Into Syria”, *Wall Street Journal*, 22 February 2015.

⁹⁴ Council of Ministers, “България и САЩ ще сключат споразумение за обмен на информация за пътниците”, 18 March 2015, <http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0228&n=6807&g=>.

Legislative Measures

The Bulgarian CC incriminates the act of terrorism and contains additional provisions for the persecution of any unlawful acts related to terrorism. Gradually, following international regulations and the EU membership of Bulgaria, new amendments to the CC were initiated (2007, 2009, and 2011). The 2007 amendments incriminate the incitement to hatred and discrimination on the basis of religious or ethnic grounds (Art. 162 and 164 CC), whereas the amendments of May 2011 updated provisions related to the criminalisation of direct or indirect funding of terrorism. Likewise, a new definition was introduced relating to the recruitment and training of persons or groups of persons with the intention of committing a terrorist act.

In April 2015, the CC was amended again to implement UN SC Resolution 2178 (2014), criminalising travel through Bulgaria for the purpose of participating in or training for terrorist activity. The amendment further criminalises the following acts by a foreigner: The preparation of and criminal association with crimes committed abroad. Up until the April 2015 amendment, the Bulgarian CC would not have applied to those two acts.⁹⁵

In December 2014, an inter-agency working group was set up to assess and propose changes to the CC and other relevant CT legislation.⁹⁶

Preventive Measures

In August 2014, the Council of Ministers created the National Counter-Terrorist Centre, including a hotline and e-mail address for citizens wanting to report information related to terrorism, extremism, and violent radicalisation.⁹⁷

Croatia

Numbers and Profiles

Open sources point to only one known instance of a FF originating from Croatia; a 27-year-old Croatian woman who allegedly converted to Islam in Britain two years prior to her departure to Syria, and travelled to the war zone with her husband. US-led air strikes near the Syrian town of Raqqa allegedly wounded her and killed her Bosnian companion.⁹⁸

Without indicating concrete numbers, the US Department of State Bureau of Diplomatic Security (OSAC) reports that cases of Croatians travelling abroad to conflict zones in the Middle East involve only non-fighting partners of Bosnian FF, who first moved to Salafist centres in neighbouring countries – particularly to Gornji Maoca in Bosnia – and then went to the conflict zone.⁹⁹

Measures in Response to the Foreign Fighter Phenomenon

According to OSAC, Croatia is not considered a major country of origin of FF, but instead is likely to be a transit country.¹⁰⁰

⁹⁵ Translation by ICCT of the motives underlying the Draft Bill, original text available at:

https://mjs.bg/Files/proekt_motivi_635615773030646170.docx

⁹⁶ Ibid.

⁹⁷ "Откриха Национален контра терористичен център в ДАНС", *Vesti*, 4 August 2015,

<http://www.vesti.bg/bulgaria/obshtestvo/otkriha-nacionalen-kontra-teroristichen-centyr-v-dans-6019107>.

⁹⁸ "Croatian "Jihadist Bride" wounded in Syria air arike", *Independent*, 2 October 2014,

<http://www.independent.mk/articles/9937/Croatian+Jihadist+Bride+Wounded+in+Syria+Air+Strike>; K.

Orton, "The Balkan Front of the jihad in the Fertile Crescent", *The Syrian Intifada*, 14 October 2014,

<https://kyleorton1991.wordpress.com/tag/dora-bilic/>.

⁹⁹ US Department of State, Bureau of Diplomatic Security, "Croatia 2015 Crime and Security Report", 20 May 2015, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17687>.

¹⁰⁰ Ibid.

Although the phenomenon of FF is not an issue inside Croatia itself, government authorities are considering the introduction of new laws to counter this phenomenon, penalising fighting for foreign armed groups.¹⁰¹

Legislative Measures

Croatia's CC criminalises financing of terrorism, participation in a terrorist group, providing training for terrorism, recruitment and incitement and/or glorification of terrorism.

Cyprus

Numbers and Profiles

No information could be found on the number of FF from Cyprus, their profiles or backgrounds. In September 2014, police authorities in Cyprus investigated five people for possible facilitation of travel to conflict areas abroad, but no incriminating evidence was found.¹⁰² Nevertheless, there have been reports of Cyprus functioning as a transit country: At least a dozen British FF, and some Dutch FF were reported to have travelled to Syria/Iraq via Cyprus.¹⁰³

Threat Assessment

In April 2015, the threat level was raised from low to medium on a scale of five levels, as a result of the FF phenomenon, the country's proximity to the conflict zones as well as the number and seriousness of terrorist attacks that occurred in Europe throughout 2015.¹⁰⁴

The only terrorism-related incidents experienced by Cyprus were linked to the Lebanese group Hezbollah. In July 2012, a Swedish national of Lebanese origin was arrested and sentenced to a four-and-a-half year prison term for plotting an attack on Israeli targets in Cyprus.¹⁰⁵ The second incident occurred in May 2015 when a Lebanese national with a Canadian passport was arrested in Cyprus. A huge amount of ammonium nitrate was discovered in his house. The following month, he was sentenced to six years of imprisonment for "participating in, aiding and abetting a terrorist organization (Hezbollah)".¹⁰⁶

Measures in Response to the Foreign Fighter Phenomenon

In 2014, the Council of Ministers approved a new National Counterterrorism Strategy for the Republic of Cyprus, based on the four pillars of the EU CT Strategy.¹⁰⁷ The strategy document is classified. However, the Cypriot authorities have provided ICCT with a summary of actions undertaken for its implementation:

Prevent: Community policing; awareness-raising activities; establishment of a communication platform with and training for contact points from relevant government departments; training of front-line officers and prison staff; participation in the activities of the Radicalisation Awareness Network (RAN); dialogue with civil society; engagement with local authorities; communication strategies.

Protect: patrolling and guarding of critical infrastructure and soft targets; increased border security through patrolling and passport controlling; increased surveillance of ceasefire lines and the coast; specialised training; enhancement of information exchange mainly through Europol and Interpol.

¹⁰¹ S. Milekic, "Croatian 'Jihadist Bride' Wounded in Syria Air Strike", *BalkanInsight*, 2 October 2014, <http://www.balkaninsight.com/en/article/wounded-croatian-citizen-in-syria-starts-investigations>.

¹⁰² Bureau of Counterterrorism, "US Country Reports on Terrorism 2014" (2015), p. 98.

¹⁰³ Meik Amit Intelligence and Terrorism Information Center, "Foreign Fighters in Syria", 207/13, December 2013, p. 33, http://www.terrorism-info.org.il/Data/articles/Art_20607/E_207_13_1157524947.pdf; "ISIS fighters using Cyprus to reach Syria", *Cyprus Mail*, 26 October 2015, <http://cyprus-mail.com/2015/10/26/isis-fighters-using-cyprus-to-reach-syria-daily-mirror/>.

¹⁰⁴ Information on file with ICCT.

¹⁰⁵ Questionnaire, on file with ICCT.

¹⁰⁶ Ibid.

¹⁰⁷ Bureau of Counterterrorism, "US Country Reports: Europe Overview" (2015), p.98, <http://www.state.gov/j/ct/rls/crt/2014/239406.htm>; questionnaire, on file with ICCT.

Pursue: Strengthened cooperation with other countries and organisations; establishment of a Fusion Centre for the better sharing of information at national level; review of legislative framework following developments within the EU and UN;

Respond: Contingency plans; training exercises and capacity building exercises/seminars; acquisition of necessary equipment.

Security Measures

There are no specific administrative measures regarding FF. However, refugees suspected of links to terrorism can be deprived of their status.¹⁰⁸

Legislative measures

Cyprus' CT legislation relies upon the Counterterrorism Law L. 110(I)/2010 which was not specifically developed for FF. According to the CODEXTER Report (2012), this Act embodies, among other things, the 2002/2008 EU FD, adopting its definition of terrorism. The government initiated an interagency review of its legal framework for addressing foreign terrorist fighters, including a review of its 2010 counterterrorism law to begin to implement the UN Security Council Resolution 2178 (2014).¹⁰⁹

Preventive measures

Cyprus participates in the EU Commission's Syrian Advisory Group and talks with the governmental Press and Information Office are taking place.¹¹⁰

Czech Republic

Numbers and Profiles

The Mol reported that "there ha[d] not yet been a single case of a Czech citizen travelling to conflict zones in Syria/Iraq in order to join terrorist organisations".¹¹¹

Threat Assessment

The Czech Republic does not have an official security or terrorism threat level indicator. Czech Mol officials pointed out that terrorism and FF/returnees represent a potential threat.¹¹²

Measures in Response to the Foreign Fighter Phenomenon

The 2013 Strategy of the Czech Republic for the Fight Against Terrorism "deals with five key areas – the cooperation among stakeholders in the fight against terrorism, protection of population and other potential targets, security research and communication with the public, prevention of radicalisation and recruitment to terrorist groups, as well as the necessary insights into the legislative framework of the fight against terrorism".¹¹³

Security Measures

Under Act No 362/1999 Coll., EU citizens or citizens of third countries can face an administrative expulsion if they either present a threat for national security, public order and/or public health, or if they are considered "undesirable aliens".¹¹⁴

Legislative Measures

Provisions established under UN SC Resolution 2178 (2014) are prosecuted under Section 311 of the CC (No. 40/2009 Coll.) or under Sections 20 or 24 of the CC with respect to explanatory provisions of Section 111 of the CC.¹¹⁵

¹⁰⁸ Ibid.

¹⁰⁹ Information on file with ICCT; see also: Bureau of Counterterrorism, "US Country Reports on Terrorism 2014" (2015).

¹¹⁰ Questionnaire, on file with ICCT.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Security Policy Department, *Strategy of the Czech Republic in the Fight against Terrorism from 2013 onwards* (2013), p. 2, <http://www.mvcr.cz/clanek/dokumenty-454055.aspx>.

¹¹⁴ Questionnaire, on file with ICCT.

¹¹⁵ Ibid.

The MoI further states that: “with respect to how the crime of terrorist attack is drafted it is possible to say that all activities of the [UN SC resolution] are prosecuted as preparation or accessory to the crime except for financing of terrorism, which is a crime on its own (Sec. 311 al. 2 of the CC). [...] In addition, the Czech Republic is discussing an amendment to the crime of terrorist attack in order to hold the entire terrorist group (and not only its members or individuals) criminally liable”.¹¹⁶

Denmark

Numbers and Profiles

According to the Danish Security and Intelligence Service (PET), at least 125 people have left Denmark to travel to Syria/Iraq since January 2011, with a quarter deemed to still be in the conflict zone. At least 27 have died abroad, some while committing suicide attacks.¹¹⁷ While the majority of the Danish contingent joined IS, PET estimates that “a small number, including Kurds and Shiites, has gone to the conflict zone in Syria and Iraq to fight militant Islamist groups or other armed opposition groups”.

With regards to the characteristics of the Denmark-originated FF, PET affirms that the majority are Danish citizens with very diverse ethnic origins, including ethnic Danes. Ministry of Justice (MoJ) officials note that “the individuals that leave Denmark to join IS are mainly young Sunni Muslim”, including “a number of converts”. Women are estimated to constitute 10% of all those who went to Syria. In its 2013 threat assessment report, PET warned that “the group that has left for Syria is younger and more varied than that who left for Afghanistan, Iraq and Somalia”.¹¹⁸

PET assesses that the individuals who have left Denmark are mainly affiliated with Islamist circles in cities such as Copenhagen, Aarhus and Odense and half of the returnees are part of Islamist circles. Public sources point to the fact that at least 22 FF came from the port city of Aarhus and attended the Grimhøjvej mosque, which has refused to denounce IS.¹¹⁹ Lastly, PET assesses that just under half of the individuals who have left Denmark for the conflict zone have been involved in crime.

With respect to the motivations of those willing to leave and join armed groups in the conflict zone, PET points to a wide range: “Some wish to help their fellow Muslims in Syria and do humanitarian work. Others wish to fight the Assad regime. For some the establishment of an Islamic State in Syria is a priority and they may be motivated by achieving what they regard as martyrdom. Finally, maybe there are some who go to Syria in search of excitement and adventure”.¹²⁰

Threat Assessment

According to Danish authorities, the terrorism threat in Denmark is “significant”. Returnees from the conflict in Syria/Iraq pose a particular terror threat to the country.

The attacks of 14 and 15 February 2015 in Copenhagen confirmed that “there are individuals who have the intentions and capacity to commit terrorist attacks in Denmark, and attacks can

¹¹⁶ Ibid.

¹¹⁷ Ibid; *Long War Journal* reports that a Danish national acted as a suicide bomber for IS; see B. Roggio, “ISIS names Danish, French suicide bombers killed in ‘Ninewa Division’”, *The Long War Journal*, 20 May 2014, http://www.longwarjournal.org/archives/2014/05/isis_names_danish_fr.php.

¹¹⁸ PET, “The threat to Denmark from foreign fighters in Syria”, 4 December 2013, <https://www.pet.dk/English/CenterforTerrorAnalysisCTA/~media/CTA/20131203SyrienUKLASSENGFINA.Lpdf.ashx>.

¹¹⁹ W. Wheeler, “The Jihadist of Copenhagen”, *New Republic*, 2 August 2015, <http://www.newrepublic.com/article/122421/jihadist-copenhagen>; Counter Extremism Project, “Denmark: Extremism and Counter Extremism”, February 2015, http://www.counterextremism.com/sites/default/files/denmark_report_0215.pdf.

¹²⁰ Questionnaire, on file with ICCT.

take place without any prior intelligence-based indications.”¹²¹ However, MoJ officials also indicated that “the risk of falling victim to a terrorist attack remains limited”, and that the official threat level has not changed since January 2011.¹²²

With regards to FF, PET provided a broad assessment of the threat to Denmark: “The threat mainly emanates from individuals and small groups with a militant Islamist outlook. Propaganda from militant groups in Iraq and Syria contributes to the radicalisation of individuals and circles in Denmark and to individuals travelling abroad to join these groups. Moreover, individuals who are influenced by militant Islamist propaganda and at the same time are linked to criminal circles with a high degree of proneness to violence may become increasingly significant to the terror threat. Returnees from the conflict in Syria and Iraq pose a particular terror threat to Denmark because of the skills they might have acquired. A capacity to conduct terrorist attacks, which can be carried out after short planning, using easily accessible weapons, is present in Denmark”.¹²³

Measures in Response to the Foreign Fighter Phenomenon

The Danish CT policy is a combination of coercive measures and preventive means. Denmark is seen as a country with innovative programmes to tackle radicalisation, such as “Radicalisation Targeted Intervention” launched by the municipality of Aarhus in 2007 and the 2011 ‘Back On Track’ programme aimed at tackling radicalisation in prisons.¹²⁴

Security Measures

The March 2015 Bill – the country’s latest reform of CT legislation - contains measures relating to Danish nationals, such as amendments to the Act on Passports for Danish citizens and to the Act on Aliens.

On the former, the police can now refuse to issue a passport or revoke it to a Danish national if the individual poses a risk for the country. In addition, the police can supplement such a decision with a travel ban for a specified period of time.¹²⁵ On the latter, the Danish immigration service can “repeal a residence permit or a right of residence if 1) An alien is staying or has stayed outside of the country and 2) There is reason to believe that the alien during the stay participates or has participated in activities that may involve or increase a danger to national security, public order or other states’ security”.

Following the adoption of the March 2015 Bill, one man suspected of promoting IS in Denmark has seen his passport seized precisely under the Passport Act and the Aliens Act.¹²⁶ In addition, a Danish woman lost her passport for fighting IS.¹²⁷

Legislative Measures

Chapter 13 of the Danish CC covers all terrorism acts that constitute crimes, including committing acts of terrorism, financing of terrorism, and instructing others to commit terrorism. Likewise, the CC criminalises participation in unlawful military organisations. Persons convicted of committing an act of terrorism under Chapter 13 may lose their Danish citizenship, unless this loss would make them stateless.¹²⁸

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Counter Extremism Project, “Denmark: Extremism and Counter Extremism”, February 2015.

¹²⁵ Ibid.

¹²⁶ “Police seize passport from foreign fighter”, *The Local*, 10 April 2015,

<http://www.thelocal.dk/20150410/danish-police-applies-passport-law-for-the-first-time>

¹²⁷ “Danish woman loses passport for fighting Isis”, *The Local*, 26 October 2015,

<http://www.thelocal.dk/20151026/danish-woman-who-fought-isis-has-passport-taken>.

¹²⁸ The Criminal Code, Order No. 909 of September 27, 2005,

https://www.unodc.org/tldb/pdf/Denmark_Criminal_Code_2005.pdf; The Law Library of Congress,

“Treatment of Foreign Fighters in Selected Jurisdictions”, December 2014, p.15,

<https://www.loc.gov/law/help/foreign-fighters/treatment-of-foreign-fighters.pdf>.

The current legislation is the result of several CT reforms over the past years. Since 9/11, Denmark passed three CT Packages. In 2002, the first package implemented UN SC Resolution 1373 (2001), the International Convention for Suppressing the Financing of Terrorism and the EU Framework Decision 2002/475/RIA. In 2006, the second package implemented the EU Council Convention on the Prevention of Terrorism and the International Convention on the Suppression of Acts of Nuclear Terrorism. And finally, in March 2015, the third CT package entered into force, as a result of UN SC Resolution 2178 (2014).

The Danish MoJ and the Danish Committee on Criminal Law both carried out evaluations to assess whether Danish legislation is in compliance with the obligations in the Resolution. According to both assessments, Danish law is in compliance with the obligations of the Resolution.¹²⁹

Furthermore, the Committee was tasked by the MoJ to elaborate on the possibility of new laws regarding participation of residents and citizens in armed conflicts abroad. In May 2015, the Committee recommended the introduction of a separate provision in the CC on joining the armed forces of a party, which is in a state of armed conflict with Denmark. The Danish committee on criminal law is expected to deliver its final report in the beginning of 2016.¹³⁰

As confirmed by the Danish authorities, there are no completed court cases regarding returning FF as there is “not enough evidence to prosecute any such cases, mainly due to difficulties in gathering evidence regarding activities carried out in the conflict zone, Iraq and Syria”. If such cases were to be initiated, individuals “would mainly be charged with terrorism-related crimes, i.a. Chapter 13 of the Criminal Code”.¹³¹

Preventative Measures

Concerning prevention, a new Action Plan on Prevention of Radicalisation and Extremism was introduced in September 2014, involving the Danish MoJ working in close collaboration with the Ministry of Immigration, Integration and Housing, PET and the Danish National Board on Social Services. The Plan aims at: “Improv[ing] the work done to prevent people from joining extremist groups; support[ing] those who are already part of these groups but want to leave; mak[ing] it clear that extremist actions have consequences; and, [...] minimis[ing] the influence exerted by key figures involved in attempts to radicalise and recruit”.¹³²

As stressed by the Danish authorities, the main objectives of the 2014 Action Plan on Prevention of Radicalisation and Extremism are to “improve the effectiveness of preventive measures designed to stop people from joining extremist groups, help people leave or exit extremist circles, make it clear that extremist and fanatical actions have consequences and minimise the influence of extremist ideological propaganda”.¹³³

The Action Plan¹³⁴ aims at:

- Strengthening the actions of local officials’ by expanding the legal authority to use social services for persons aged 18 to 25 and not only for minors;
- Allocating more funding for preventive programmes aimed at recognising signs of radicalisation;
- Further developing Exit centres (originally meant for gang members) to help those wanting to leave extremist circles.

¹²⁹ Questionnaire, on file with ICCT.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² The Danish Government, “Prevention of Radicalisation and Extremism: Action Plan”, September 2014, p. 7,

<http://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/SJ20150422125507430%20%5BDOR1545530%5D.PDF>.

¹³³ Ibid.

¹³⁴ The Danish Government, “Prevention of Radicalisation and Extremism: Action Plan”, September 2014.

The Action Plan also envisages:

- The creation of a Nordic Ministerial Network to coordinate CVE efforts across the region;
- The setting up of a national hotline;
- The setting-up of a national response team comprised of employees of the Danish security and intelligence service, the Danish National Board on social services and selected municipalities. The response team may help specific municipalities that are experiencing urgent challenges concerning recruitment to armed conflicts abroad.

In January 2015, a new agreement allocated approximately 60 million Danish Krone (DKK)¹³⁵ to implement strengthened measures aimed at preventing radicalisation and extremism.¹³⁶

As stated by the Danish MoJ, “there is no specific rehabilitation programme for returning FF. However, appropriate care will be provided for those suffering from trauma and psychological problems and to prevent further radicalisation etc.” However, at the beginning of November 2015, the Danish MoJ submitted two draft Bills regarding prevention of radicalisation in prisons.¹³⁷ In addition, the prison system provides a number of educational and vocational resources to all criminals.¹³⁸

Although there is no national programme for rehabilitation, the municipality of Aarhus together with the East Jutland Police District together with other entities, have set up a rehabilitation programme for FF who are not suspect of criminal activities.¹³⁹

Estonia

Numbers and Profiles

According to public sources, there are only two known FF from Estonia: The first one allegedly joined IS and the second is fighting with the Kurdish forces against Islamist factions.¹⁴⁰ This number was also confirmed in the answer to the ICCT questionnaire.¹⁴¹ One FF is believed to remain in the conflict zone and allegedly does not plan to return.¹⁴²

Threat Assessment

According to the 2014 annual report prepared by the Estonian CT body - the Estonian Internal Security Service (EISS/KaPo) – the terrorist threat level is relatively low and “the relevant countermeasures are not a matter of urgency”.¹⁴³

Measures in Response to the Foreign Fighter Phenomenon

The Estonian CT strategy is called “Fundamentals on Counter-Terrorism in Estonia” (2013).¹⁴⁴ The Fundamentals are set to be valid for no longer than five years. The general guidelines are based on:

- The improvement of the efficiency of national and international cooperation;
- The prevention of terrorism and radicalisation and prevention of recruitment by terrorist organisations;

¹³⁵ Just above 8 million Euro.

¹³⁶ Questionnaire, on file with ICCT.

¹³⁷ Ibid.

¹³⁸ Bureau of Counterterrorism, “US Country Reports on Terrorism 2014” (2015), p. 103.

¹³⁹ P. Bertelsen, “Danish Preventive Measures and De-Radicalization Strategies: The Aarhus Model”, *Panorama: Insights into Asian and European Affairs*, Konrad Adenauer Stiftung, January 2015, p. 245, http://psy.au.dk/fileadmin/Psykologi/Forskning/Preben_Bertelsen/Avisartikler-radikalisering/Panorama.pdf; Counter Extremism Project, “Denmark: Extremism and Counter Extremism”, February 2015.

¹⁴⁰ Estonian Internal Security Service (EISS/KaPo), “Yearbook 2014”, April 2015, pp. 21-22, <https://www.kapo.ee/cms-data/text/138/124/files/kapo-aastaraamat-2014-en.pdf>.

¹⁴¹ Questionnaire, on file with ICCT.

¹⁴² Ibid.

¹⁴³ Estonian Internal Security Service (EISS/KaPo), “Yearbook 2014”, April 2015, p. 21.

¹⁴⁴ Ministry of Interior, “Fundamentals of Counter-Terrorism in Estonia (2013)”, https://www.siseministeerium.ee/sites/default/files/dokumendid/tvv_pohialused_2013_en.pdf.

- The prevention of terrorism financing;
- The prevention of the use of cyber tools for terrorist purposes;
- The participation in the development and implementation of international sanctions;
- The prevention of illicit trade in strategic goods (such as radioactive, biological and chemical substances);
- The removal of illicit explosives from circulation, protection of persons, and the objects under high risk of attack.
- Ensuring preparedness for responding to emergencies.¹⁴⁵

Legislative Measures

A policymaker within the MoI highlighted that most of the Estonian CT regulations are quite new. The Estonian government is in the process of analysing additional (specific) needs and requirements regarding the FF phenomenon. Terrorist crimes are dealt with under Section 237 of the CC. Entered into force in 2007, Section 237 criminalises membership of terrorist organisations, preparation of and incitement to acts of terrorism.¹⁴⁶

Furthermore, the Estonian State Defence Development Programme includes a psychological defence part (Non-Military part of National Defence Development Plan). A policymaker noted that “the idea of 'psychological defence' is a mean to protect the values and cohesion of Estonian society from subversive influences (including violent ideologies)”.¹⁴⁷ Lastly, “there is a special course for police officers at the Academy of Security Sciences on how to spot radicalisation and extremism. The academy is also using key elements of the COPPPRA programme”.¹⁴⁸

Finland

Numbers and Profiles

Finnish researcher Juha Saarinen pointed out that the year 2012 is considered to be the starting point of the mobilisation to Syria/Iraq, but it was only by summer 2013 that the vast majority of individuals were seeking to join jihadist groups in the conflict zone, with only a small number fighting alongside opposition forces.

By August 2015, at least 70 individuals from Finland had travelled to Syria/Iraq, with approximately one dozen having died abroad and around 35 believed to still be in the conflict zone. The Finnish “contingent” is mainly in their late teen and mid-twenties, but with around a third believed to be above 30 and up to 50 years of age. Around 20% is believed to be female. At least 19 different ethnic backgrounds are represented. The majority of individuals identified by government authorities are “home-grown”, and they are either born in Finland or lived there since childhood. Lastly, most FF originate from larger cities and suburban areas in southern and western Finland, mainly the Helsinki metropolitan region and Turku.¹⁴⁹

Threat Assessment

According to Finnish authorities, “Finland does not have pre-set threat levels [...]; Finland is not a primary target for violent radical Islamists or other terrorist organisations. Thus, the direct threat of organised terrorism against Finland or its population remains low”.¹⁵⁰ In June 2014,

¹⁴⁵ Ibid.

¹⁴⁶ Questionnaire, on file with ICCT. The full text of the CC is available at: <https://www.riigiteataja.ee/en/eli/ee/522012015002/consolide/current>.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Information for this section originates from J. Saarinen, “The Finnish foreign fighter contingent in Syria and Iraq”, *Terrorism Monitor*, Vol. XIII, Issue 18, 4 September 2015, pp. 3-6, http://www.jamestown.org/uploads/media/TerrorismMonitorVol13Issue18_01.pdf.

¹⁵⁰ Questionnaire, on file with ICCT.

the Finnish Security Intelligence Service (SUPO) raised, for the first time, its terrorism threat assessment, mainly due to the situation in Syria.¹⁵¹

Finnish officials emphasise, both in the questionnaire as well as in the 2014 annual report by the Finnish Security Intelligence Service (SUPO), that the threat to Finland and to Europe has become more complex.¹⁵² This is due to a series of factors such as the possibility “of violent acts perpetrated by radical Islamists without any external guidance [...]. The growing number of persons taking part in armed activities in foreign conflicts with links to terrorism – particularly in Syria – and returning back to Finland [...] and a hostile view towards the West and individual reasons possibly combined with a lowered threshold to use violence”.¹⁵³ With regards to FF, the Finnish authorities concluded that “[a]s a consequence of the Syrian conflict and related phenomena, the threat posed by radical Islamist terrorism has risen and taken new forms. The Syrian conflict strongly resonates among the radical Islamist milieu in Finland and appeals to younger generation Islamists comprising of a variety of ethnicities”.¹⁵⁴

Measures in Response to the Foreign Fighter Phenomenon

The first Finnish CT strategy dates back to 2010.¹⁵⁵ It was updated in March 2014, and at the time of writing is currently being translated into English.¹⁵⁶ According to CODEXTER, its main objective is to prevent terrorist activities within the country and protect Finn nationals abroad. In order to achieve that, the CT strategy is mostly based on preventive measures to combat the circumstances conducive to the spread of terrorism and prevent radicalisation. Particular attention is therefore given to countering social exclusion and discrimination, as well as respect for human rights and rule of law in all measures against terrorism.¹⁵⁷ It is noteworthy that the CT Strategy is built upon the 2005 EU CT Strategy. It does not include specific provisions concerning FF, since the 2014 update is specifically focused on the definition of terrorism as provided by in Chapter 34(a) of the CC.¹⁵⁸

In 2012, Finland also adopted the *Action Plan for Preventing Violent Extremism*, which is currently being reviewed.¹⁵⁹ It is built upon the EU CT strategy and addresses prevention, cross-sectoral cooperation and preparedness, amongst others.

Security Measures

Finland does not allow for coercive administrative measures regarding the prohibition of entry against third country citizens residing abroad. However, the Migration Department of the Mol has drafted a study examining these and other potential measures in the field of immigration and residence concerning, among others, FF.¹⁶⁰

Legislative Measures

With respect to anti-terrorism legislation, a separate Chapter (34a) regarding terrorist offences was incorporated into the CC in 2003.¹⁶¹ The Chapter covers terrorist offences and their preparation, leading of a terrorist group, promotion of a terrorist group, provision of training for terrorism, recruitment for terrorism and financing of terrorism.

¹⁵¹ Finnish Security Intelligence Service (SUPO), “Annual Report 2014”, p. 4, https://www.poliisi.fi/instancedata/prime_product_julkaisu/intermin/embeds/poliisiwwwstructure/27358_2014-Supo_Annual_Report_web.pdf?2efdfbae6d9dd288.

¹⁵² Ibid, p. 8.

¹⁵³ Questionnaire, on file with ICCT.

¹⁵⁴ Ibid.

¹⁵⁵ The English version of the CT strategy can be found here: Ministry of the Interior, “National counter-terrorism strategy”, 2 June 2010, http://www.intermin.fi/download/24910_242010.pdf?186df89b2cbbd188.

¹⁵⁶ Questionnaire, on file with ICCT.

¹⁵⁷ CODEXTER, *Country Report Finland (2014)*, p. 1, https://www.coe.int/t/dlapil/codexter/Country%20Profiles/Profiles-2014-Finland_EN.pdf.

¹⁵⁸ Questionnaire, on file with ICCT.

¹⁵⁹ Ministry of Interior, “Towards a Cohesive Society: Action Plan to Prevent Violent Extremism”, 8 June 2012, http://www.intermin.fi/download/36330_332012.pdf?1042d59b2cbbd188.

¹⁶⁰ Questionnaire, on file with ICCT.

¹⁶¹ The CC is available at: <http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>.

In 2013, the Act on Freezing Assets to Prevent Terrorism (325/2013) was enacted implementing obligations laid down in the UN SC Resolution 1373 (2001). In 2014, receiving training for the commission of a terrorist offence and funding a terrorist group were criminalised (CC, 39/1889, Chapter 34(a) Sections 4(b) and 5(a)). Furthermore, the scope of the offence of financing of terrorism was extended to cover funding of all terrorist offences (1068/2014).¹⁶²

Finland has not criminalised foreign fighting nor joining jihadist groups classified as terrorist organisations.¹⁶³ However, as confirmed by Finnish government response to the ICCT questionnaire, discussions on the domestic implementation of UN SC Resolution 2178 (2014) are taking place. Furthermore, the Finnish government pointed out that provisions on crimes such as homicide and bodily harm (CC, Chapter 21) and on some of the war crimes and crimes against humanity (CC, Chapter 11) as well as terrorist offences in Chapter 34a could apply to the FF phenomenon, depending, of course, on whether their preconditions are fulfilled in a certain case and considering the applicability of the Finnish CC to crimes committed abroad.¹⁶⁴

Preventive Measures

In addition to the Action Plan for Preventing Violent Extremism and a focus on prevention in its CT strategy (see above), the Finnish response stressed that “[c]ounter-terrorism measures in Finland are based on close, continuous and systematic cooperation not only between the security authorities, but also other authorities and a wide range of societal organisations”.¹⁶⁵

With regards to the FF, for instance, the so-called Anchor Model¹⁶⁶ foresees the concerted work of a multi-professional team acting alongside the police. “The team has police officers, social workers, mental health professionals and also youth workers. They work with individuals and families in risk of serious crime to direct them to the right services. Violent radicalization is one of the themes they can work with. The Anchor model is in use in five of our eleven police districts and during 2015 it will be spread to all of them”.¹⁶⁷

Parallel to the Anchor Model, Finland is developing an Exit-programme for FF before, during and after travel as well as their families, which is likely to be implemented in cooperation with NGOs and include services provided by, for example, mosques.¹⁶⁸

Finland is furthermore in the process of establishing a national helpline for matters related to radicalisation and terrorism.¹⁶⁹

France

Numbers and Profiles

It is estimated that more than 900 individuals had left France for Syria/Iraq by October 2015. Overall, the number of radicalised French nationals or residents involved in jihadist networks but not necessarily having travelled to Syria/Iraq is estimated to be close to 2,000.¹⁷⁰

¹⁶² Questionnaire, on file with ICCT.

¹⁶³ J. Saarinen, “The Finnish foreign fighter contingent in Syria and Iraq” (2015), p. 5.

¹⁶⁴ Questionnaire, on file with ICCT.

¹⁶⁵ Ibid.

¹⁶⁶ It comprises a small team known as Ankkuri (Anchor), which has been based at the Pasila police station for about two years. The team’s new target group will include persons returning from Syria or those possibly planning to travel there. “We are trying to map out these individuals’ situation: what they might have seen, whether or not they may be traumatised, whether or not they may be in need of health care. Then we will react accordingly”, see: “Finland looking to develop re-integration programme for Syria war returnees”, yle uutiset, 23 October 2014, http://yle.fi/uutiset/finland_looking_to_develop_re-integration_programme_for_syria_war_returnees/7545454.

¹⁶⁷ Questionnaire, on file with ICCT.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Speech of B. Cazeneuve, “Ouverture de la journée de réflexion sur la prévention de la radicalisation”, 12 November 2015, <http://www.interieur.gouv.fr/Le-ministre/Interventions-du-ministre/12.11.2015-Ouverture-de-la-journee-de-reflexion-sur-la-prevention-de-la-radicalisation>.

By November 2015, an estimated 570 FF were still in the conflict zone, of whom close to 200 were female; about 140 had died (including approximately 10 in suicide attacks), and 246 had returned. In addition, it is estimated that 85 minors are involved in jihadist networks and ten are in Syria/Iraq. Regarding affiliation, it is estimated that about 75% has joined IS and 25% JAN.¹⁷¹

As with other countries, there is no typical profile of a French FF: 23% of FF who have left France are converts, and FF are known to come from all regions and socio-economic environments. Similarly, besides young individuals with a pre-existing criminal record, the French FF population is more diversified, including a growing contingent of women and even entire families whose aim it is to settle down permanently.¹⁷²

The number of FF provided by the French MFA in its response to the ICCT questionnaire is significantly lower than other, publically available estimates, often even those provided by the same Ministries.¹⁷³ This is likely due to the manner in which French FF numbers have been publicised, whereby the number of radicalised French nationals or residents who are 'involved in jihadist networks' but have not necessarily travelled to Syria and/or Iraq has been estimated at up to 2000.¹⁷⁴

Threat Assessment

France's national terrorist threat system, the Vigipirate Plan, has two levels and one sub-level (vigilance, reinforced vigilance, and attack alert).¹⁷⁵ The response to the ICCT questionnaire – which was returned prior to the Paris attacks – stated that the main threat to France was that of home-grown terrorists and the phenomenon of FF as a whole. The Paris area has been on the highest level attack since the January 2015 attacks, with the level throughout the country being raised to the same level following the November 2015 events.

The terrorist threat is perceived as high in France, specifically with regards to home-grown terrorists and returning FF. In view of the November 2015 attacks, France qualifies the terrorist threat as real and having profoundly changed, given that the number of French FF is in constant growth.¹⁷⁶ The response to the ICCT questionnaire – which was returned prior to the Paris attacks – stated that the main threat to France was that of home-grown terrorists and the phenomenon of FF as a whole.¹⁷⁷

The Vigipirate Plan has been applied uninterruptedly since 1995. The system was updated from a 4-colours code to the 2-level system in February 2014, as France had remained at least on red (level 3) alert since 2005.¹⁷⁸ Furthermore, in the aftermath of the November 2015 attacks,

¹⁷¹ Ibid.; Questionnaire, on file with ICCT.

¹⁷² S. Pietrasanta, "La déradicalisation, outil de lutte contre le terrorisme", Parliamentary Report, June 2015, at p 34, <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/154000455.pdf>.

¹⁷³ See the Ministry of Interior's information on the [Stop Jihadism website](#), which notes that more than 1000 French citizens or residents are known to have travelled to Syria or Iraq. Even more so, estimates by ICSR (01.2015, at: <http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/>) and The Soufan Group (12.2015, at: http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate_FINAL.pdf) are significantly higher, with 1200 and 1700 foreign fighters from France, respectively.

¹⁷⁴ B. Cazeneuve, "Ouverture de la journée de réflexion sur la prévention de la radicalisation", 12 November 2015; Speech of M. Valls, 15 September 2015, <http://www.gouvernement.fr/syrie-la-france-est-en-guerre-contre-le-terrorisme-le-djihadisme-l-islamisme-radical-ce-sera-long-2873>.

¹⁷⁵ General Secretariat for Defence and National Security, "Partie publique du Plan Vigipirate", 17 January 2014, http://www.sgdsn.gouv.fr/IMG/pdf/Partie_publicque_du_plan_Vigipirate_2014.pdf.

¹⁷⁶ The French Government, "La lutte contre le terrorisme", <http://www.gouvernement.fr/action/la-lutte-contre-le-terrorisme>.

¹⁷⁷ Questionnaire, on file with ICCT.

¹⁷⁸ "Le plan Vigipirate remodelé à partir du 20 février", *Le Monde*, 13 February 2014, http://www.lemonde.fr/societe/article/2014/02/13/le-plan-vigipirate-remodele-a-partir-du-20-fevrier_4366277_3224.html; "Plan Vigipirate : comment un dispositif exceptionnel est devenu permanent", *Le Monde*, 24 April 2015, <http://www.lemonde.fr/les-decodeurs/article/2015/04/24/plan->

France declared a state of emergency on the whole of its territory.¹⁷⁹ The decision was first taken by the Government, whereupon the Parliament voted a law extending the state of emergency for three months.¹⁸⁰

A number of terrorist attacks linked to FF occurred in France since 2011, including the Toulouse and Montauban shootings in March 2012, the *Charlie Hebdo* and the Hypermarché attacks in January 2015, and the Paris attacks of November 2015.

Measures in Response to the Foreign Fighter Phenomenon

In 2014, France adopted a National Action Plan against Violent Radicalisation and Jihadi Networks. It included 24 measures and identified as priorities: To impede travel to Syria, to implement national and local prevention and social reintegration strategies for extremists, to prevent online jihadi propaganda and encourage positive counter-narratives, and to strengthen the judicial response to tackle jihadi networks.

France does not appear to have a single comprehensive strategy on countering terrorism, but rather has a set of specific action plans and laws.

French CT legislation was updated in 2012 following the Toulouse and Montauban shootings,¹⁸¹ and in 2014 as part of the National Action Plan against violent radicalisation and jihadi networks.¹⁸² Further, in reaction to the November Paris attacks, the Parliament passed a number of measures giving broad powers to the executive.¹⁸³ In this regard, the country made an official declaration to the Council of Europe under Article 15, stating its intention to derogate from the European Convention on Human Rights (ECHR).¹⁸⁴ Further law and policy responses are being discussed at the time of writing.¹⁸⁵

Security Measures

Since November 2014, French law has provided for the revocation or confiscation of passports of potential FF,¹⁸⁶ as well as the expulsion or entry ban of foreigners linked to terrorist

[vigipirate-comment-un-dispositif-exceptionnel-est-devenu-permanent_4621647_4355770.html#1mskKweKyp40QxAS7.99](http://www.vigipirate-comment-un-dispositif-exceptionnel-est-devenu-permanent_4621647_4355770.html#1mskKweKyp40QxAS7.99).

¹⁷⁹ The French Government, "Reinforcing the State of Emergency Act", 23 November 2015, <http://www.gouvernement.fr/en/reinforcing-the-state-of-emergency-act>; The French Government, "State of emergency in France: what are the consequences?", <http://www.gouvernement.fr/en/state-of-emergency-in-metropolitan-france-what-are-the-consequences>.

¹⁸⁰ As prescribed by the Act n° 55-385 of 3 April 1955 concerning the state of emergency: the extension of the state of emergency beyond twelve days must be authorised by law.

¹⁸¹ "Loi n° 2012-1432 du 21 décembre 2012 relative à la sécurité et à la lutte contre le terrorisme", <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026809719&categorieLien=id>; "Terrorisme : le texte contre les apprentis djihadistes français adopté au Sénat", *Le Monde*, 17 October 2012, http://www.lemonde.fr/societe/article/2012/10/17/terrorisme-le-texte-contre-les-apprentis-djihadistes-francais-adopte-au-senat_1776446_3224.html#J8Rgr7sA8lvEbsHq.99.

¹⁸² "Loi n° 2014-1353 du 13 novembre 2014 renforçant les dispositions relatives à la lutte contre le terrorisme", <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029754374&categorieLien=id>.

¹⁸³ "Loi n° 55-385 du 3 avril 1955 relative à l'état d'urgence" (modifiée par la Loi n° 2015-1501 du 20 novembre 2015), <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000695350>.

¹⁸⁴ Article 15(1) provides for derogations in time of emergency: "In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law."; Council of Europe, "France informs Secretary General of Article 15 Derogation of the European Convention of Human Rights" 25 November 2015, http://www.coe.int/en/web/secretary-general/news/-/asset_publisher/EYIBJNjXtA5U/content/france-informs-secretary-general-of-article-15-derogation-of-the-european-convention-on-human-rights.

¹⁸⁵ Notably on extending the possibilities to strip convicted terrorists from their French citizenship: R. Laïreche and J. Bouchet-Petersen, "Déchéance de nationalité : une extension à réactions", *Libération*, 25 December 2015, http://www.liberation.fr/france/2015/12/25/decheance-de-nationalite-une-extension-a-reactions_1422959.

¹⁸⁶ Article 1 of Act n° 2014-1353. For instance: "Six Français voulant se rendre en Syrie se font confisquer leurs passeports", *Le Monde*, 23 February 2015, <http://www.lemonde.fr/societe/article/2015/02/23/loi->

activities.¹⁸⁷ After the November 2015 terrorist attacks in Paris, the 'state of emergency' has been declared.

Related to the aforementioned provisions on revoking identification documents and issuing entry bans, French law permits to strip from their French citizenship dual nationals who acquired nationality through naturalisation and were convicted of terrorist activities.¹⁸⁸ In addition, the state of emergency enacted in November 2015 gives broad administrative powers to the executive.

Legislative Measures

Terrorist offences are provided for in the CC. The law of 2014 introduced the offences of incitement to terrorism and of public justification (*apologie*) of terrorism, imposing higher sentences when such offences are committed online. Furthermore, it criminalised the individual preparation to commit a terrorist act, as the law previously addressed preparatory acts only in relation to a group. New offences include training in the use of weapons or any form of combat, the manufacture or use of explosives, the piloting of aircrafts, regularly consulting websites glorifying terrorism; holding documents inciting to the commission of acts of terrorism, and having been abroad in a theatre of operations of terrorist groups.¹⁸⁹

A number of listed offences qualify as acts of terrorism when committed "in connection with an individual or collective enterprise aiming to seriously disturb public order through intimidation or terror".¹⁹⁰ One of the cornerstones of France's CT legislation is the offence of "criminal association in relation to a terrorist enterprise",¹⁹¹ under which most terrorism investigations and prosecutions have been initiated. Since 2014, the law also criminalises the individual preparation to commit a terrorist act whereby a number of activities qualify as terrorist offences when perpetrated in relation to an 'individual terrorist enterprise'. This includes training in the use of weapons or any form of combat, the manufacture or use of explosives, the piloting of aircrafts, regularly consulting websites glorifying terrorism; holding documents inciting to the commission of acts of terrorism, and having been abroad in a theatre of operations of terrorist groups.¹⁹² The offences of individual or collective terrorist enterprise "allows the criminal justice system to intervene before the threshold of an attempt to commit an act of terrorism has been crossed, on the basis of the commission of preparatory acts".¹⁹³

Since 2012, French courts can prosecute French nationals and residents for terrorist activities committed abroad, including terrorist training abroad, also when no offence was committed in France.¹⁹⁴

[antiterroriste-six-ressortissants-francais-privés-de-leur-passeport_4581352_3224.html#tXtchCqkYbYLxRMx.99](https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158)

¹⁸⁷ [Article 2](#) of Act n° 2014-1353; see also [Article L521-3](#). For expulsion, see "Code de l'entrée et du séjour des étrangers et du droit d'asile",

<https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158>.

¹⁸⁸ Article 25 Civil Code, <http://www.legifrance.gouv.fr/Traductions/en-English/Legifrance-translations>;

For instance: "French court upholds decision to strip jihadist of citizenship", *France 24*, 23 January 2015, <http://www.france24.com/en/20150123-court-backs-strip-jihadist-french-nationality-morocco-terrorism-conseil-constitutionnel>.

¹⁸⁹ Articles 421-2-5 and 421-2-6 CC (introduced by the Act n° 2014-1353 of 13 November 2014).

¹⁹⁰ Article 421-1 CC.

¹⁹¹ Article 421-2-1 CC: "The participation in any group formed or association established with a view to the preparation, marked by one or more material actions, of any of the acts of terrorism provided for under the previous articles shall in addition be an act of terrorism".

¹⁹² Articles 421-2-5 and 421-2-6 CC (introduced by the Act no. 2014-1353 of 13 November 2014).

¹⁹³ Questionnaire, on file with ICCT.

¹⁹⁴ "Loi n° 2012-1432 du 21 décembre 2012 relative à la sécurité et à la lutte contre le terrorisme", (Article 2, introducing Article 113-13 CC),

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026809719&categorieLien=id>.

French courts have convicted returning FF in at least four cases:

- In September 2013, two returnees were sentenced respectively to 5 and 2 years of jail. They were arrested right after landing in Pakistan in 2011 and expelled to France.¹⁹⁵
- In November 2014, a returnee from Syria was convicted to 7 years in jail. He had reportedly only spent about 10 days in Syria and was arrested upon his return.¹⁹⁶
- The same month, a returnee from Mali was convicted to 8 years in jail. He was arrested in Mali after he voluntarily surrendered to French soldiers.
- Finally, in May 2015, a 60-year old returnee from Mali was convicted to 8 years in jail. He was arrested by French Special Forces in Mali.¹⁹⁷

Preventive Measures

A number of measures aimed at preventing and countering radicalisation is in place. France set up the “Stop Jihadism” platform in 2014 to prevent and counter radicalisation, and assist families of radicalised individuals. Besides, rehabilitation programmes are being developed. In the aftermath of the November 2015 Paris attacks, France announced that it planned to open de-radicalisation centres in 2016 aimed at FF returnees who have not committed crimes, and at radicalised individuals placed under probation order.¹⁹⁸

The “Stop Jihadism” platform includes a hotline and a website allowing families and others to report to authorities individuals in the process of radicalisation and/or planning to travel to Syria and/or Iraq, as well as to benefit from advice on how to react. More than 3,600 possibly radicalised individuals were reported to the platform in a year and a half,¹⁹⁹ and French officials consider it as “a most effective tool”.²⁰⁰ The website also aims at developing a counter-narrative message to potential FF.²⁰¹ In addition authorities can block terrorism-related online content by administrative measures.²⁰²

Germany

Numbers and Profiles

The German MFA estimates that by July 2015, more than 720 individuals had left the country to fight for or otherwise support terrorist groups in Syria/Iraq. In October, the Federal

¹⁹⁵ In this case, eight individuals in total were convicted for their involvement in recruiting and training individuals in France and sending them to Pakistan. “Prison pour huit djihadistes jugés à Paris”, *Le Monde*, 30 September 2013, http://www.lemonde.fr/societe/article/2013/09/30/huit-djihadistes-condamnes-a-de-la-prison-a-paris_3487410_3224.html#BS1lorsDb7gYzvdC.99; “Les tribulations d’un groupe d’apprentis djihadistes devant le tribunal de Paris”, *Le Monde*, 10 September 2013, http://www.lemonde.fr/societe/article/2013/09/10/les-tribulations-d-un-groupe-d-apprentis-djihadistes-devant-le-tribunal-de-paris_3473900_3224.html#XFU3IdmlBVDCOfVD.99.

¹⁹⁶ “Un djihadiste français rentré de Syrie condamné à sept ans de prison”, *Le Figaro*, 13 November 2014, <http://www.lefigaro.fr/actualite-france/2014/11/13/01016-20141113ARTFIG00280-un-djihadiste-francais-rentre-de-syrie-condamne-a-sept-ans-de-prison.php>. Before being arrested, he had given an interview about his time in Syria: “Les premières armes d’un djihadiste”, *Le Temps*, 19 November 2012, <http://www.letemps.ch/monde/2012/11/19/premieres-armes-un-djihadiste>.

¹⁹⁷ “Le djihadiste français Gilles Le Guen condamné”, *Le Monde*, 15 May 2015, http://www.lemonde.fr/afrique/article/2015/05/15/le-djihadiste-francais-gilles-le-guen-condamne_4634315_3212.html.

¹⁹⁸ Questionnaire on file with ICCT; F. Thomasset. “Le projet du gouvernement pour les centres de déradicalisation”, 24 November 2015, <http://www.la-croix.com/Actualite/France/Le-projet-du-gouvernement-pour-les-centres-de-deradicalisation-2015-11-24-1384405>.

¹⁹⁹ A. Durand, “«Stop djihadisme» : 40 % de femmes parmi les radicalisations signalées”, *Le Monde*, 24 November 2015, http://www.lemonde.fr/les-decodeurs/article/2015/11/24/stop-djihadisme-40-de-femmes-parmi-les-radicalisations-signalees_4816710_4355770.html.

²⁰⁰ Questionnaire, on file with ICCT.

²⁰¹ “Décrypter la propagande djihadiste”, <http://www.stop-djihadisme.gouv.fr/decrypter.html>;

Questionnaire, on file with ICCT.

²⁰² Act no. 2014-1353 CC (Article 6),

https://www.legifrance.gouv.fr/eli/loi/2014/11/13/INTX1414166L/jo/article_6. Administrative authorities can request the administrator or host of a website to delete online content, failing which they can request service providers to block access to the website.

Prosecutor General put this number at 750,²⁰³ with The Soufan Group referring to 760 German FF by November of the same year.²⁰⁴ According to the MFA, more than 30% is believed to still be in the conflict zone, with 250 having returned.²⁰⁵ Approximately 100 have died, including at least 20 as suicide attackers.

With respect to the profile of FF, 40% hold only German citizenship, 20% hold dual nationality (German and another), and 40% left from Germany but are not German citizens. The female proportion stands at 20%. Five percent were under the age of 18 when they left and the majority of those who have left are younger than 30 years of age.²⁰⁶ Twelve percent are believed to be converts to Islam. Most of those traveling come from North Rhine-Westphalia and Hesse, though a “large number of travellers also come[s] from Berlin, Bavaria and Hamburg”.²⁰⁷ Additionally, many German FF are believed to have either been unemployed or in the low-paid/skilled employment sector prior to departure.²⁰⁸ Two-thirds were known to the police prior to departure.²⁰⁹ Regarding possible motives for FF to travel abroad, the German MFA, while referring to a 2014 study on 378 radicalisation cases, noted “the interest of FF to live in a true Islamic area and to fight for this or other Islamist goals or otherwise support the Islamist cause”.²¹⁰ The study also noted the relative speed with which individuals radicalise, often in less than 12 months.²¹¹

Threat Assessment

The MFA stated that “Germany is a declared and de facto target of Jihadist motivated violence”, and that German interests at home and abroad are at a “high abstract threat which can result in security-related incidents or even terrorist attacks and kidnappings at any time”.²¹²

In Germany, the State Security Division of the Federal Criminal Police Office is tasked with the overall threat assessment. In the aftermath of the Paris attacks and the cancellation of the friendly football match between Germany and the Netherlands in Hanover due to a bomb scare, German officials stated that there is a high threat level, but also that there is no concrete evidence to suggest a terror attack is being planned, and that Germans should not sacrifice their way of life for security.²¹³

²⁰³ “Interview mit Generalbundesanwalt Frank. Kein Hinweis auf eingeschleuste Terroristen”, *ARD Tagesschau Online*, 30 October 2015, <https://www.tagesschau.de/inland/terror-105.html>.

²⁰⁴ The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p.8.

²⁰⁵ See also, “Interview mit Generalbundesanwalt Frank. Kein Hinweis auf eingeschleuste Terroristen”, *ARD Tagesschau Online*, 30 October 2015.

²⁰⁶ Note that the German Federal Criminal Police Office (BKA) released an updated report in February 2016, in which the average age of FF at the time of departure is 25.9 years: Bundesamt für Verfassungsschutz (BfV), Bundeskriminalamt (BKA), Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE) „Analyse der Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischer Motivation aus Deutschland in Richtung Syrien oder Irak ausgereist sind“, 2015, http://www.bka.de/nr_231072/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/Sonstige_Veroeffentlichungen/2015AnalyseRadikalisierungsgruendeSyrienIrakAusreisende.templateId=raw.properity=publicationFile.pdf/2015AnalyseRadikalisierungsgruendeSyrienIrakAusreisende.pdf.

²⁰⁷ Ibid; Note that only around 10% are from rural areas.

²⁰⁸ Bundesamt für Verfassungsschutz (BfV), Bundeskriminalamt (BKA), Hessisches Informations- und Kompetenzzentrum gegen Extremismus (HKE), “Analyse der Radikalisierungshintergründe der den deutschen Sicherheitsbehörden vorliegenden Informationen über die Radikalisierungshintergründe und -verläufe der Personen, die aus islamistischen Motiven aus Deutschland in Richtung Syrien ausgereist sind”, 1 December 2014, http://www.bka.de/nr_205956/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/Sonstige_Veroeffentlichungen/2015AnalyseRadikalisierungsgruendeSyrienIrakAusreisende.html?nnn=true.

²⁰⁹ BfV, BKA and HKE, “Analyse der Radikalisierungshintergründe”, 2015.

²¹⁰ Questionnaire, on file with ICCT. See also Daniel H. Heinke and Jan Raudszus, “German Foreign Fighters in Syria and Iraq”, *CTC Sentinel*, 20 January 2015, <https://www.ctc.usma.eu/posts/german-foreign-fighters-in-syria-and-iraq>.

²¹¹ BfV, BKA and HKE, “Analyse der Radikalisierungshintergründe”, 2014, pp. 17-18.

²¹² Questionnaire, on file with ICCT.

²¹³ “German officials say no evidence of terror plan”, *Deutsche Welle*, 18 November 2015, <http://www.dw.com/en/german-officials-say-no-evidence-of-terror-plan/a-18860715>.

Of special concern to Germany are individuals who have spent time in a terrorist training camp, where they are indoctrinated ideologically and receive training in the handling of weapons and explosives, which “enables them to carry out attacks without any further assistance from others.” However, there is also a threat stemming from unidentified individuals or groups, who may have been prevented from going to a Jihad area and who now want to fight at home.²¹⁴

Measures in Response to the Foreign Fighter Phenomenon

Germany adopted a comprehensive CT strategy, involving a wide range of federal and state authorities.²¹⁵

In 2008, the Act on preventing international terrorist threats through the Federal Criminal Police Office gave the Federal Criminal Police Office specific powers to counter the risks posed by international terrorism.²¹⁶

Security measures

Authorities may deprive individuals of passports and national identification documents, issue exit bans, impose reporting obligations, consider measures to end residence and prevent a person from entering the country. Regulations regarding the banning of travel were expanded in 2015 to prevent FF travel.²¹⁷ The 2015 amendments make it possible to refuse or withdraw not only passports, but also national ID cards.²¹⁸ To effectively prevent a person concerned from leaving the country, a special replacement ID is issued, indicating that the person is not allowed to leave Germany. The 2015 amendments to the Passport Act and the CC are part of an overall strategy pursued by the Federal Government, which increasingly focuses also on the period of time preceding an attack.

Legislative Measures

Germany's CC criminalises incitement; offences related to support, recruitment and membership in a terrorist organisation; as well as the preparing, encouraging or carrying out a “serious violent offence endangering the state”.²¹⁹ The latter includes the providing or receiving of terrorist training. New amendments concerning FF and expanding preparatory offences entered into force in mid-2015, criminalising the travelling abroad to receive terrorist training and introducing a separate section on the financing of terrorism.²²⁰

In addition to the provisions already mentioned, the Federal MoI also banned IS from any activities, which means that the mere staging of publicity campaigns using IS symbols already constitutes a crime.²²¹

Regarding FF-related court cases, the MFA stated: “The first court cases have been started. Further legal proceedings are on-going and there will be more arraignments”, and that “[t]here

²¹⁴ Questionnaire, on file with ICCT.

²¹⁵ The strategy is only available in German,

http://www.bmi.bund.de/DE/Themen/Sicherheit/Terrorismusbehaempfung/Terrorismus/terrorismus_no_de.html.

²¹⁶ Bundesgesetzblatt, Jahrgang 2008 Teil I, Nr. 66, 31 December 2008,

http://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&jumpTo=bgbl108s3083.pdf#_bgbl_%2F%2F%5B%40attr_id%3D%27bgbl108s3083.pdf%27%5D_1453289379835. Note that in principle, the *state* police forces are responsible for countering terrorist threats. In certain cases (if there is a transnational threat situation or upon request), this task is performed by the Federal Criminal Police Office, while in special police matters (e.g. aviation security) it is performed by the Federal Police;

Questionnaire, on file with ICCT.

²¹⁷ Gesetz zur Änderung des Personalausweisgesetzes zur Einführung eines Ersatz-Personalausweises und zur Änderung des Passgesetzes, 20 June 2015, BGBl. I, 970.

²¹⁸ For more information, see C. Paulussen and E. Entenmann, “National Responses” (2016).

²¹⁹ Respectively: Sections 91(1) and 111; Sections 30(1), 129(a) and 129(b); and Sections 89(a). See also Section 89(b) making it an offence to establish contact with a terrorist organisation in Germany or abroad for in the context of a serious violent offence.

²²⁰ Respectively: Sections 89(a)(2a) and 89(c) CC.

²²¹ Questionnaire, on file with ICCT.

are currently approximately 200 preliminary investigations on-going.” Usually, typical charges against FF include membership and/or support of a foreign terrorist organisation as well as participation in training camps.²²²

Preventive Measures

The Framework on Prevention Regarding Salafism was adopted in 2014 and the government is currently updating the National Action Plan to Counter Racism which is to include preventive measures with regard to Islamist extremism. Various federal states offer rehabilitation programmes for returnees, and deradicalisation programmes in prisons.²²³ Authorities also provide support and advice to relatives and friends of radicalised/radicalising individuals.²²⁴

In addition to the aforementioned measures, the Federal Agency for Civic Education has been developing effective ways to inform the public about IS, its destructive ideology and the dangers for people in the conflict regions and in Germany. This approach also entails preventive narratives online.

Ireland

Numbers and Profiles

In January 2015, the Irish Police (An Garda Síochána) estimated that 30 individuals had left the country to travel to Syria/Iraq.²²⁵

Threat Assessment

In June 2015, the Minister of Foreign Affairs stated that “[w]hile an attack on Ireland is possible it is not assessed as likely and there is no specific information in relation to a threat to Ireland”. In the same speech, the Minister pointed out that there is nevertheless “little doubt” of IS’ “ambitions to export its violence and terror to Europe”. Therefore Ireland is continuously reviewing the terrorism threat level and closely monitoring extremists through the police force.²²⁶

Measures in Response to the Foreign Fighter Phenomenon

The national CT strategy has adopted a two-tiered approach, which covers both preventive measures and instruments that enable the prosecution of terrorist activities. One of the preventive measures includes progressive community relations that are managed by the Racial Inter-Cultural and Diversity Office.²²⁷

Security Measures

Ireland’s 2008 Passports Act provides that the government may refuse to issue passports or cancel them in certain circumstances. In case a FF would be likely to engage in conduct that could prejudice the national security of Ireland or another state, his/her passport could be refused or revoked.²²⁸

²²² For examples of criminal cases, see C. Paulussen and E. Entenmann, “National Responses” (2016).

²²³ These are usually in close cooperation between government agencies and local partners including social workers, employment agencies, educators, religious communities. Examples include the [Violence Prevention Network](#) and [Hayat-Germany](#).

²²⁴ Federal Office for Migration and Refugees (BAMF), “Advice Centre on Radicalisation”, <http://www.bamf.de/EN/DasBAMF/Beratung/beratung-node.html>.

²²⁵ C. O’Keeffe, “30 Irish gone to Syria and Iraq wars”, *Irish Examiner*, 9 January 2015, <http://www.irishexaminer.com/ireland/30-irish-gone-to-syria-and-iraq-wars-305939.html>.

²²⁶ Department of Foreign Affairs and Trade, “Minister Flanagan addresses Seanad on Ireland’s response to ISIS Threat”, 11 June 2015, <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2015/june/irelands-response-to-isis-threat/>.

²²⁷ Ibid.

²²⁸ Global Legal Research Center, “Treatment of foreign fighters in selected jurisdictions”, Report for Congress, December 2014, p. 24, <http://www.loc.gov/law/help/reports/pdf/2015-011419%20FINAL%20RPT.pdf>.

Legislative Measures

According to the Ministry of Justice and Equality,²²⁹ Ireland's CT legislation is built upon two Acts: the Offences against the State Act 1939–1998²³⁰ and the Criminal Justice (Terrorist Offences) Act of 2005.²³¹

The Offences against the State Act provides for the crime of membership of, assistance to and directing an unlawful organisation.²³² The 2005 Criminal Justice (Terrorist Offences) Act incriminates terrorist offences as a separate category of crimes. A person is guilty of an offence if the person engages in, or attempts to engage in a terrorist activity or a terrorist-linked activity, or makes a threat to engage in a terrorist activity. The 2005 Act creates an offence of financing of terrorism.

In 2014, Ireland also introduced the Criminal (Terrorist Offences) (Amendment) Act, which created three new terrorist offences. The bill transposes into Irish law public provocation to commit a terrorist offence, recruitment for terrorism, and training for terrorism.²³³

Preventive Measures

On the prevention side, the US Department of State Country Reports on Terrorism 2014 point out that "Ireland's efforts to counter radicalization to violence focused on integrating minority groups into Irish society. The primary strategy used by the Irish government is the Ethnic Liaison Officer program of the Garda. These officers liaise with representatives of the various minority communities in an area, and establish communication links with each of these communities".²³⁴

Italy

Numbers and Profiles

According to the Italian Mol, 87 FF departed from Italy between 1 January 2011 and late October 2015. Fifty-seven are allegedly in the conflict zone and eighteen have died. The response of the government also indicated that fifteen FF had joined IS, two had joined JAN, and seven had joined other opposition forces including the FSA.²³⁵ The Italian Defence Minister noted that only twelve FF had Italian passports, with six also holding another (dual) nationality.²³⁶

The following cases received public attention but represent only a fraction of the broad spectrum of Italy-linked FF. For instance, a 26-year-old Italo-Moroccan man joined the Kurdish People's Protection Units (YPG) in Syria.²³⁷ A woman allegedly joined IS after converting to Islam and marrying a Muslim from Albania. Her parents were subsequently arrested for trying to join her in Syria.²³⁸ Lastly, a young man from Genoa converted to Islam and in 2012 went to Turkey and tried to enter Syria to join anti-Assad Islamist militias but without success. In December of the same year, he managed to cross the border to Syria and allegedly joined a group composed of FF with a Chechen leadership. He allegedly is the first known Italian to die in Syria fighting

²²⁹Department of Justice and Equality, "Terrorism", <http://justice.ie/en/JELR/Pages/terrorism>.

²³⁰The full text is available at: <http://www.irishstatutebook.ie/1998/en/act/pub/0039/>.

²³¹The full text is available at: <http://www.irishstatutebook.ie/2005/en/act/pub/0002/>.

²³²CODEXTER, "Country Report Ireland" (2007), p. 1

[http://www.coe.int/t/dlapil/codexter/Source/country_profiles/CODEXTER%20Profiles%20\(2007\)%20rela nd%20E.pdf](http://www.coe.int/t/dlapil/codexter/Source/country_profiles/CODEXTER%20Profiles%20(2007)%20rela nd%20E.pdf).

²³³Bureau of Counterterrorism, *US Country Reports: Europe Overview* (2015), p. 117,

²³⁴*Ibid.*, p. 118.

²³⁵Questionnaire, on file with ICCT.

²³⁶"Siria, il ministro Pinotti: 'Nelle file dell'Is combattono 87 persone passate dall'Italia'", *Repubblica*, 20 September

2015, http://www.repubblica.it/esteri/2015/09/20/news/siria_ministro_pinotti_87_italiani_nelle_file_del_l_is-123291547/.

²³⁷S. Rame, "Il foreign fighter italiano che combatte l'Isis in Siria", *Il Giornale*, 3 April 2015,

<http://www.ilgiornale.it/news/mondo/foreign-fighter-italiano-che-combatte-lisis-siria-1112770.html>.

²³⁸"Volevano raggiungere la figlia miliziana dell'Isis: restano in carcere", *Milano Today*, 10 September 2015, <http://www.milanotoday.it/cronaca/genitori-maria-giulia-sergio-carcere.html>.

the Assad regime.²³⁹ It has been suggested that the FF phenomenon in Italy is predominantly characterised by non-Italian FF recruitment networks operating within the country.²⁴⁰

Threat Assessment

Italy has a threat level system ranking from 0 (negligible threat) to 3 (terrorist attack ongoing or already occurred).²⁴¹ After the attacks in Paris in November 2015, the threat level was raised to level 2.²⁴² FF and returnees are seen as a threat to national security.²⁴³

The authority that is in charge of establishing the threat levels is the MoI, based on input of the “Crisis Unit” which uses analyses of the Committee for Strategic Anti-Terrorism Analysis (CASA). The Crisis Unit is summoned by the MoI in case of emergencies stemming from particular events that constitute a threat to national security. The last activation of the Crisis Unit was in 2006.²⁴⁴

According to the Italian authorities “[f]oreign fighters and returnees represent a threat to national security due to their complete acceptance of extremist ideology and the experience they acquired in conflict zones. These factors may lead these people, once back in their countries of habitual residence, to continue their jihad by either taking action, or by radicalizing other militants, or by establishing recruitment networks for the Syria/Iraq battlefield.”²⁴⁵

Measures in Response to the Foreign Fighter Phenomenon

The Public Security Department reported that the Italian CT strategy is not embodied in a formal document.

During its semester at the presidency of the Terrorism Group, Italy proposed the creation of a network of anti-terrorism contact points specifically dedicated to the sharing of information concerning the FF. This network was established in partnership with EUROPOL. Fifteen countries joined this network so far: Austria, Bulgaria, Finland, Italy, Malta, The Netherlands, Poland, Portugal, Slovenia, Spain, Czech Republic, Cyprus, Greece, Slovakia and Hungary.²⁴⁶

Security Measures

In June 2014, a Working Group dedicated to the FF and returnees was created. Its main activities are:

- To create a list of FF/returnees of interest utilising common criteria of inclusion/exclusion and information provided by both the police and the intelligence;
- To share and circulate the information on these persons of interest within the Police and the intelligence services;
- To propose the revision of the Penal provisions concerning typical conducts of FF/returnees. This proposal was successfully included in the Decree 7/2015, then converted into Law 43/2015;

²³⁹ L. Vidino, “Il jihadismo autoctono in Italia: nascita, sviluppo e dinamiche di radicalizzazione”, *ISPI*, p. 75, 2014, http://www.ispionline.it/it/EBook/Il_jihadismo_autoctono_in_Italia.pdf.

²⁴⁰ Based on expert consultation.

²⁴¹ Questionnaire, on file with ICCT.

²⁴² A. Custodero, “Strage di Parigi: elevata al secondo livello l'emergenza”, *La Repubblica*, 14 November 2015,

http://www.repubblica.it/politica/2015/11/14/news/copasir_non_possiamo_escludere_attacchi_in_italia_-127336737/. According to the response to the ICCT questionnaire, level 2 refers to a “probable or imminent terrorist attack”.

²⁴³ Questionnaire, on file with ICCT.

²⁴⁴ *Ibid.* The activation of the Crisis Unit (Unità di Crisi) in 2006 was due to the bird flu. See: Ministero della Salute, “Istituzione dell'Unità Centrale di Crisi per l'influenza aviaria”, Decreto, 9 January 2006, <http://www.ambientediritto.it/Legislazione/Salute/2006/dm%209gen2006.htm>.

²⁴⁵ Questionnaire, on file with ICCT.

²⁴⁶ *Ibid.*

- To implement administrative measures as provided by the Italian legislation and concerning those individuals considered a danger for public security to discourage or prevent departures to conflict zones.²⁴⁷

Italian legislation provides the following administrative measures for dealing with FF/returnees:

- Implementation of the preventive measure concerning special surveillance;
- Implementation of the measure concerning the obligation to stay in the municipality of residence;
- Withdrawal/suspension of passport;
- Expulsion due to State security.²⁴⁸

After the 13 November 2015 attacks in Paris, the Italian Mol signed the expulsion provision for four Moroccan men residing in the outskirts of Bologna. The group was under investigation for possessing material inciting to terrorism and manuals on urban guerrilla warfare and handling of explosives.²⁴⁹

Legislative Measures

The Italian CC criminalises the financing of, participation in, recruitment and training for a terrorist organisation. The official response to the ICCT questionnaire confirmed that recent changes in the legislation were a consequence of the FF phenomenon.

Three police operations were conducted in the country in 2015. In March 2015, during Operation “Balkan Collection”, two Albanians were arrested for the crime of “attempt recruitment for the purpose of terrorism”, and one Italo-Moroccan for “apology of terrorist crimes”. In April 2015, a custody/preventive detention order was issued for a 27-year-old Tunisian who was about to depart for Syria to join the Islamic State. The relevant provision for the custody was an order issued by the Public Prosecutor of the Bologna Tribunal on the basis of the new CT legislation which criminalises enlisting in a terrorist organisation. In July 2015, the operation “Martese” led to the issuing of precautionary measures by the Judicial Authority in Milan towards ten Islamist extremists, five of them located in Italy, three Italians converted to Islam and two Albanians under investigation for terrorist crimes for their association to IS.²⁵⁰

Latvia

Numbers and Profiles

At least two residents of Latvia have travelled to Syria/Iraq to fight with IS. One was identified in news reports as having met a Finnish convert online while playing video games; subsequently they travelled to Syria together.

Additionally, the government mentioned that a number of residents of Latvia have travelled to Ukraine to join armed groups. Five individuals currently in Ukraine have been identified in news reports, but the Latvian Security Police (DP) stated that “the number [...] is bigger”.²⁵¹

²⁴⁷ Ibid.

²⁴⁸ Ibid.

²⁴⁹ “Terrorismo, a Bologna i primi quattro espulsi dopo gli attentati di Parigi: Propaganda per la jihad”, *Il Fatto Quotidiano*, 23 November 2015, <http://www.ilfattoquotidiano.it/2015/11/23/terrorismo-a-bologna-i-primi-quattro-espulsi-dopo-gli-attentati-di-parigi-propaganda-per-la-jihad/2244967/>.

²⁵⁰ Questionnaire, on file with ICCT.

²⁵¹ “Annual report about the activities of the Security Police in 2014”, <http://www.dp.gov.lv/en/?rt=documents&ac=download&id=5>; “Latvian Citizen Reportedly Fighting Alongside Islamic State”, 27 February 2015, <http://www.rferl.org/content/islamic-state-latvian-citizen-fighting/26872736.html>.

Threat Assessment

Late December 2015, the terrorism threat level in Latvia was assessed as low. According to the 2014 Report of the Latvian Security Police, FF and returnees in the context of Syria pose the “most significant terrorism risk factor” to the country.²⁵²

According to the 2014 Report of the DP, FF and returnees in the context of Syria pose the “most significant terrorism risk factor” to the country.²⁵³ This is due to the possibility of those who acquired combat experience engaging in terrorist activities in Latvia. The DP further stated that:

“Adverse influence on [the] situation within Latvian Muslim community may be caused by the increasing contacts with foreign organizations or separate individuals who support interpretation of Islam, which contradicts with the values and principles of democracy. Taking into consideration the growing influence of converts within the Latvian Muslim community, there is a risk that foreign contacts of the community will be strengthened as well, therefore increasing radicalization risks in the future can also be foreseen”.²⁵⁴

While not within the scope of this report, which focuses on the FF phenomenon in Syria and/or Iraq, it is noteworthy that Latvia faces a threat regarding FF in Ukraine: “DP considers that joining the illegal armed groups fighting against Ukrainian authorities cause the same risks as travelling to Syria/Iraq to join the terrorist groups located there. [...] Although persons travel to Iraq/Syria and Ukraine [are] guided by various ideologies and motives, risks caused by them are similar after their return”.²⁵⁵

Measures in Response to the Foreign Fighter Phenomenon

Latvia has a National Security Concept, the latest version of which was adopted by the parliament in November 2015.²⁵⁶ It also possesses a National Counter-Terrorism Plan²⁵⁷ (classified) setting out priorities and tasks for preventing and suppressing terrorism.²⁵⁸

Security Measures

The DP “carries out intensified inspections of requests for visas from citizens of countries, where there is significant presence of terrorist groups”.²⁵⁹

Legislative measures

The Latvian’s CC lists a number of offences, which qualify as acts of terrorism when “committed for the purpose of intimidating inhabitants or with the purpose of inducing the State, its institutions or international organisations to take any action or refrain therefrom, or for purposes of harming the State or the inhabitants thereof or the interests of international organisations”.²⁶⁰ In addition, it provides for the following offences: Financing of terrorism,

²⁵² Website of the Latvian Security Police (DP), <http://dp.gov.lv/en/areas-of-activity/counterterrorism/>; ‘Annual report about the activities of the Security Police in 2014’, <http://www.dp.gov.lv/en/?rt=documents&ac=download&id=5>.

²⁵³ Ibid.

²⁵⁴ ‘Annual report about the activities of the Security Police in 2014’, p. 25.

²⁵⁵ Ibid., p. 16. The report continues as follows: “[p]ossibly, these risks are even greater within the context of the conflict in Ukraine, because the experienced persons related to Russian security and intelligence services and armed forces stay in the territories seized by illegal armed groups, and they are able to provide more advanced training and coordination of further activity than the representatives of terrorist groups in Syria/Iraq.”

²⁵⁶ “Saeima adopts National Security Concept”, 26 November 2015, <http://www.saeima.lv/en/news/saeima-news/24143-saeima-adopts-national-security-concept>. Previous version (2011) available here: “The National Security Concept”, 11 March 2001, http://www.mod.gov.lv/~media/AM/Par_aizsardzibas_nozari/Plani,%20konceptijas/2011_EN_ND.ashx.

²⁵⁷ Ministry of Foreign Affairs of The Republic of Latvia, “Fighting international terrorism”, 8 January 2015, <http://www.mfa.gov.lv/en/policy/security-policy/directions-of-security-policy/fighting-international-terrorism>.

²⁵⁸ “Valdība vērtēs jauno Nacionālo pretterorisma plānu”, 13 October 2013, <http://www.focus.lv/latvija/sabiedriba/valdiba-vertes-jauno-nacionalo-pretterorisma-planu>.

²⁵⁹ “Annual report about the activities of the Security Police in 2014”, p. 24.

²⁶⁰ Latvian CC, Section 88, http://www.legislationline.org/download/action/download/id/4795/file/Latvia_CC_am2013_en.pdf.

public invitation to terrorism or threat to commit an act of terror, recruitment or training of persons for the commitment of acts of terror, establishing or leading a terrorist group.²⁶¹

Lithuania

Numbers and Profiles

According to Lithuanian government, the country has not been confronted with cases of FF so far. Therefore, no information is available regarding numbers and profiles of FF in Lithuania.²⁶²

Threat Assessment

At the end of December 2015, the terrorism threat level in Lithuania was assessed as low. Lithuania perceives the threat of FF as mostly external and indirect. Notably, returning FF transitioning through Lithuania are perceived as a threat.²⁶³

Measures in Response to the Foreign Fighter Phenomenon

Lithuania has a Programme against Terrorism (2007, classified),²⁶⁴ and a Programme on Development of Public Security (2015 It also adopted a Long-Term Programme²⁶⁵ which aims at "strengthening and developing domestic and international cooperation"²⁶⁶ in the fight against terrorism.

Security Measures

Lithuania adopted a Programme on Development of Public Security in 2015. Its third goal is to "reduce and eliminate risk factors that increase the likelihood of terrorist attacks".²⁶⁷

Legislative Measures

Lithuania's CC lists a number of offences, which qualify as acts of terrorism when committed "for terrorist purposes".²⁶⁸ It was amended in 2013 to include the following offences: Public incitement to terrorism, recruitment for terrorism, training of terrorists, threatening to commit a terrorist offence, financing and support of terrorism.²⁶⁹

Preventive Measures

The Programme on Development of Public Security also includes a number of tasks aiming at preventing radicalisation (e.g. increase awareness among citizens, monitor processes of radicalisation, develop measures addressing recruitment, cooperate with the RAN and other MS), as well as strengthening the protection of potential terrorist targets.²⁷⁰

²⁶¹ Ibid., Sections 88 to 88³.

²⁶² Questionnaire, on file with ICCT.

²⁶³ Ibid.; National Security Strategy, Point 15.4.2, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=433830&p_tr2=2.

²⁶⁴ Programme against Terrorism, approved by the Government of the Republic of Lithuania on 29 August 2007 (classified); Questionnaire, on file with ICCT.

²⁶⁵ Long-Term Programme on Lithuanian Police Preventive Actions of Fighting against Terrorism, and Plan of measures for its implementation, approved by the Order No. 5-V-967 of the Lithuanian Police Commissioner General of 20 December, 2010 (last amended on 30 September 2014).

²⁶⁶ Questionnaire, on file with the authors.

²⁶⁷ Programme on Development of Public Security for 2015-2025, approved by the Resolution No. XII-1682 of the Parliament of the Republic of Lithuania of 7 May 2015 (Dėl Viešojo saugumo plėtros 2015–2025 metų programos patvirtinimo), <https://www.e-tar.lt/portal/lt/legalAct/ea944da0f95d11e4927fda1d051299fb>; Questionnaire, on file with ICCT.

²⁶⁸ Lithuanian CC, Article 250.

²⁶⁹ Lithuanian CC, Articles 250 to 250⁵; Questionnaire, on file with ICCT. The amendments were adopted in implementation of EU Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism, and of EU Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime.

²⁷⁰ Programme on Development of Public Security for 2015-2025, approved by the Resolution No. XII-1682 of the Parliament of the Republic of Lithuania of 7 May 2015, para 47.1.

Luxembourg

Numbers and Profiles

Luxembourg's High Commission for National Protection (HCPN) reported that six individuals had left the country to fight in Syria/Iraq, including one couple. Five were not Luxembourgish citizens but had lived in the country before departure, and all had previous links with Islamic circles.²⁷¹

Threat Assessment

The current threat level in Luxembourg is 2 (medium), on a four-point scale. The country "takes the threat seriously and acts accordingly by implementing the necessary policies and measures", but notes that the FF phenomenon is "less acute than in other EU countries". Furthermore, the HCPN reports that the threat perception had increased due to Luxembourg's common borders with countries more affected by the FF phenomenon (Germany, France and Belgium) and the fact that "European terrorists [are] able to move unchecked throughout the Schengen area".²⁷²

Measures in Response to the Foreign Fighter Phenomenon

Luxembourg adopted a new CT policy (the "VIGILNAT Plan") in March 2015, which was "exclusively due to the FTF phenomenon and the terrorist attacks in France in January 2015".²⁷³ Its details are classified.²⁷⁴

Security Measures

No specific administrative measures addressing FF are currently in place in Luxembourg.²⁷⁵

Legislative Measures

Terrorist offences are provided for in the CC.²⁷⁶ It criminalises the following offences: Membership of a terrorist group, incitement to commit a terrorist act, recruitment, and providing training.²⁷⁷ Further, legislation drafted in implementation of UN SC Resolution 2178 is in the process of being adopted, in order to criminalise travel to a conflict zone and receiving training there.²⁷⁸

Preventive Measures

Luxembourg has taken steps to set up a programme to raise awareness on the phenomenon of radicalisation at schools, community centres, and detention facilities. The country does not have a rehabilitation programme, but "[r]eturnees are supported in their reintegration if inclined to do so".²⁷⁹

²⁷¹ Questionnaire, on file with ICCT.

²⁷² Ibid.

²⁷³ Ibid.

²⁷⁴ The full name of the plan is "Government plan for national vigilance in the face of the threat of acts of terrorism" (VIGILNAT plan). The public version is a 7-page document on threat levels. The English public version is available at: <http://www.infocrise.public.lu/fr/publications/vigilnat/PLAN-VIGILNAT-VERSION-ANGLAISE-PUBLIQUE-GUEDES.pdf>.

²⁷⁵ Questionnaire, on file with ICCT.

²⁷⁶ Luxembourg Penal Code,

http://www.legilux.public.lu/leg/textescoordonnes/codes/code_penal/codepenal.pdf.

²⁷⁷ Articles 135-4 (1), 135-11, 135-12 135-13 CC, respectively.

²⁷⁸ "Projet de loi modifiant le Code pénal et le Code d'instruction criminelle aux fins de mettre en oeuvre certaines dispositions de la Résolution 2178 (2014) du Conseil de sécurité des Nations Unies", Dossier No 6761, 27 January 2015,

http://www.chd.lu/wps/PA_RoleEtendu/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Maig/195/370/139649.pdf.

²⁷⁹ Questionnaire, on file with ICCT.

Malta

Numbers and Profiles

ICCT was unable to locate publicly available information regarding numbers and profiles of FF in Malta. Several official sources confirmed that there are no indications that there are any FF from Malta.²⁸⁰

Threat Assessment

The terrorism threat in Malta is evaluated as low.²⁸¹ However, referring to the March 2015 terrorist attacks in the Bardo National museum in Malta's neighbouring country Tunisia, the Maltese Minister for Justice Owen Bonnici wrote that "the threat of extremism is a reality". He noted "the need to have cross-border cooperation between law enforcement authorities among all states that are affected by the sudden rise in terroristic attacks".²⁸²

Measures in Response to the Foreign Fighter Phenomenon

The four pillars of the EU CT Strategy have formed the basis of the domestic legislation dealing with terrorism, such as, for example, becomes clear in the mandate and duties of the police that have as their first duty to prevent terrorism, followed by duties related to protecting, pursuing and responding.²⁸³

Security Measures

Malta considers monitoring (the travel movements of) FF of vital importance. The use of a PNR is very important, particularly since direct flights to/from particular countries can be considered to be a facilitating factor of FF travel.²⁸⁴

Legislative Measures

Terrorist offences are provided for in the CC, which was amended in 2015 to implement UN SC Resolution 2178 (2014).²⁸⁵ It criminalises the offences of financing, public provocation, recruitment, incitement, and "travel or attempt to travel for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist activities, or the providing or receiving of training in terrorist activities".²⁸⁶

Preventive Measures

Both first line officers and community police have received a training at the Police Academy that includes specific topics covered by COPRA, in order to be aware of and vigilant towards early signs of radicalisation and extremism.²⁸⁷

The Netherlands

Numbers and Profiles

According to the National Coordinator for Security and Counterterrorism (NCTV), by 1 November 2015, around 220 individuals had left the Netherlands "for jihadist purposes", with 40 returnees, 42 deceased and 140 remaining in Syria/Iraq.²⁸⁸ Most of those killed were

²⁸⁰ Information on file with the authors.

²⁸¹ E.g. UK Foreign travel advice: <https://www.gov.uk/foreign-travel-advice/malta/terrorism>.

²⁸² O. Bonnici, "Countering terrorism", 1 April 2015, *Times of Malta*, <http://www.timesofmalta.com/articles/view/20150401/opinion/Countering-terrorism.562233>.

²⁸³ Questionnaire, on file with ICCT.

²⁸⁴ Ibid.

²⁸⁵ Malta CC, Chapter 9,

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574>. Act No. VIII of 17 March 2015 amended the CC,

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=26727&l=1>.

²⁸⁶ Articles 328F, 328C(2)(a), 328C(2)(b), 328C(2)(f), and 328C(2)(d) CC, respectively.

²⁸⁷ Questionnaire, on file with ICCT.

²⁸⁸ The 40th edition of the Terrorist Threat Assessment for the Netherlands (DTN40), November 2015, https://english.nctv.nl/images/summary-dtn40_tcm92-610487.pdf, pp. 1-2. In the latest (December 2015) report on by The Soufan Group, the official count in October 2015 was also 220; see The Soufan Group, "Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq", December 2015, p.9.

members of IS, and all of them male, resulting in a proportionate increase in the percentage of females within the whole FF contingent.

Publicly available information about the background of Dutch FF is scarce. Some initial research²⁸⁹ indicates that the majority are male and under the age of 25. The majority have lower or lower-middle class socio-economic backgrounds, low to medium levels of education and limited chances on the labour market. Dutch FF were raised in both traditional religious immigrant (Moroccan, Somali, Antillean, Turkish) and Islamic families, as well as in ethnically Dutch settings. Many have been exposed to crime and drug abuse (in their immediate social circle); some have had a traumatic experience in their life in the period prior to travelling to Syria/Iraq. Some are deeply frustrated about their own societal position or that of their ethnic group, feeling that they did not have a future in the Netherlands or any way to improve their position. There is a notable cluster of Dutch FF stemming from The Hague, but also other towns, such as Delft, Zoetermeer, Gouda, and Arnhem.

A final point of interest is that mental health conditions may also play a role among the group of (potential) Dutch FF. In a study among 140 (potential) FF, whose files were cross-referenced with police databases, it appeared that “individuals with histories of behavioural problems and disorders are overrepresented”.²⁹⁰

Threat Assessment

The Netherlands uses a four level threat analysis scale: Minimal, limited, substantial and critical.²⁹¹ The threat level at the time of writing was “substantial” (level 3), which means that the chance of an attack is real, though there are no specific indications of an imminent terrorist attack.²⁹²

The threat is predominantly jihadist in nature. It remains complex and involves a variety of actors. In addition to international and local networks that pose a threat, the threat comes also

²⁸⁹ These include two exploratory studies analysing five FF and six potential FF; see D. Weggemans, E. Bakker and P. Grol, “Who Are They and Why Do They Go? The Radicalisation and Preparatory Processes of Dutch Jihadist Foreign Fighters”, *Perspectives on Terrorism* 8, no. 4 (2014), <http://www.terrorismanalysts.com/pt/index.php/pot/article/download/365/718>; E. Bakker and P. Grol, “Motives and Considerations of Potential Foreign Fighters from the Netherlands”, *The International Centre for Counter-Terrorism – The Hague* 6, no. 3 (2015), <http://icct.nl/wp-content/uploads/2015/07/ICCT-Bakker-Grol-Motives-and-Considerations-of-Potential-Foreign-Fighters-from-the-Netherlands-July2015.pdf>; S. Batrawi and I. Chmoun, “Dutch Foreign Fighters Continue To Travel To Syria”, *CTC Sentinel*, July 2014, Vol. 7, Issue 7, <https://www.ctc.usma.edu/v2/wp-content/uploads/2014/07/CTCSentinel-Vol7Iss74.pdf>; M. Rademakers, “An Exploratory Research on the Motivations of Dutch Syrian Fighters”, Master Thesis, Leiden University, March 2014, https://www.academia.edu/7077831/An_Exploratory_Research_on_the_Motivations_of_Dutch_Syrian_Fighters_Master_Thesis; and R.B. de Vries, “Achtergrond, aard en dreiging van de Nederlandse Syriëgang”, *Militaire Spectator*, 29 June 2015, <http://www.militairespectator.nl/thema/artikel/achtergrond-aard-en-dreiging-van-de-nederlandse-syriëgang>.

²⁹⁰ It is believed that within certain sections of the Dutch foreign fighter contingent, up to 60% have prior indication of mental illness, see A. Weenink, “Behavioral Problems and Disorders among Radicals in Police Files”, *Perspectives on Terrorism* 9, no. 2 (2015). This tendency was also confirmed in the “Context Case” in the Netherlands where those under investigation were cross-referenced in national mental health databases. Note, however, that this link has also been heavily debated and criticised (see e.g., J. Barbier and M. Keulemans, “Heeft Merendeel Jihadisten Psychische Problemen?”, *De Volkskrant*, 11 June 2015, <http://www.volkskrant.nl/wetenschap/heeft-merendeel-jihadisten-psychische-problemen~a4070300/>); and that the T.M.C. Asser Instituut and ICCT will conduct research on this link in 2016, and publish findings on their public websites.

²⁹¹ For more information, see

https://english.nctv.nl/themes/en/Counterterrorism/terrorist_threat_assessment_netherlands/composit ion/ and here for an overview of all the threat levels since May 2005 (DTN1): https://english.nctv.nl/themes/en/Counterterrorism/terrorist_threat_assessment_netherlands/current_t hreat_level/.

²⁹² The 40th edition of the Terrorist Threat Assessment for the Netherlands (DTN40), November 2015, https://english.nctv.nl/Images/summary-dtn40_tcm92-610487.pdf.

from lone actor terrorists.²⁹³ The Paris attacks, which occurred four days after the last official threat assessment was issued, did not lead to a higher threat level in the Netherlands.²⁹⁴

Measures in Response to the Foreign Fighter Phenomenon

The current Dutch CT strategy spans the years 2011 to 2015 and is thus currently being evaluated.²⁹⁵ It consists of five strands, namely Procure, Prevent, Protect, Prepare and Prosecute. On 29 August 2014, the MoJ, the NCTV and the Ministry of Social Affairs and Employment presented a Comprehensive Action Programme to Combat Jihadism.²⁹⁶ This programme aims at combatting “both the hard core of jihadists and the dissemination of their violent ideas, both by means of penal and administrative measures”.²⁹⁷ Prevention is also considered as essential, as “[i]n combatting the jihadist movement, it is important to prevent the growth of new adherents by countering radicalisation and by diminishing the breeding ground”.²⁹⁸

The Comprehensive Action Programme to Combat Jihadism consists of existing measures, measures that will be strengthened, as well as new measures and can be divided into five groups, namely: 1) Risk reduction regarding jihadist travellers; 2) Travel interventions; 3) Radicalisation; 4) Social media; and 5) Information-sharing and cooperation.²⁹⁹

Security Measures

A proposal for an amendment to the Netherlands Nationality Act has been submitted, which would allow the Dutch nationality to be stripped from convicted FF who join terrorist militias. The amendment further proposes that those with a non-EU nationality will be declared undesirable foreign nationals (for the Schengen area), and that if there are sufficient grounds to assume that a FF has joined a terrorist militia, their Dutch travel documents are refused or declared invalid.³⁰⁰

In addition to the aforementioned provisions relating to the withdrawal of the Dutch citizenship and travel interventions, verified departees who join a terrorist militia are placed on the national terrorism list, which entails, among other things, that all their assets will be frozen and that all financial services will be refused (a measure that will be strengthened). Likewise, verified departees are immediately removed from the Persons Database (BRP) and any benefits, financial allowances and student finance are terminated (a measure that will be strengthened).³⁰¹ In addition to this, “a proposal for a temporary act for administrative powers is being prepared to reduce the risks and to prevent serious crimes from being committed by terrorist fighters who return to the Netherlands.”³⁰² Examples include temporary measures such as a periodic duty to report, contact bans and cooperation with relocation.³⁰³ Travel interventions are also taken in case of minors: “[i]f a minor is involved in a suspected departure, child protective measures are taken.”³⁰⁴

²⁹³ The Netherlands National Coordinator on Security and Counter-Terrorism, *Summary of the 40th edition of the Terrorist Threat Assessment for the Netherlands (DTN40)*, November 2015, p. 1,

https://english.nctv.nl/Images/summary-dtn40_tcm92-610487.pdf.

²⁹⁴ The Netherlands National Coordinator on Security and Counter-Terrorism, “Increasing threat level Belgium: threat level Netherlands remains substantially”, 21 November 2015,

<http://nctv.nl/actueel/nieuws/verhoging-dreigingsniveau-belgie-dreigingsniveau-nederland-blijft-substantieel.aspx?cp=126&cs=60005>.

²⁹⁵ “National counterterrorism strategy 2011-2015”, January 2011,

https://english.nctv.nl/Images/nationale-ct-strategie-2011-2015-uk_tcm92-369807.pdf.

²⁹⁶ The Ministry of Security and Justice, NCTV and the Ministry of Social Affairs and Employment, “The Netherlands comprehensive action programme to combat jihadism: Overview of measures and actions”, 29 August 2014, http://english.nctv.nl/Images/def-a5-nctvjihadismuk-03-lr_tcm92-562673.pdf.

²⁹⁷ *Ibid.*, p.2.

²⁹⁸ *Ibid.*

²⁹⁹ *Ibid.*, p 11 and pp 2-3.

³⁰⁰ *Ibid.*

³⁰¹ *Ibid.*, pp. 6-7.

³⁰² *Ibid.*, p. 8.

³⁰³ For more information, see also C. Paulussen and E. Entenmann, “National Responses” (2016).

³⁰⁴ *Ibid.*, p. 11.

Legislative Measures

The Dutch CC criminalises criminal acts with a terrorist purpose, preparation to commit a serious offence, membership of a terrorist organisation, receiving or providing terrorist training, terrorist financing, recruitment for a terrorist purpose, and incitement to terrorism.³⁰⁵ The offence on receiving or providing terrorist training was first used in the case against a man, who *wanted* to go to Syria and who was convicted on 27 January 2015 by the Court of Appeal in The Hague – *in absentia* – to 18 months unconditional imprisonment.³⁰⁶

Although it is rather difficult to prove the crime of recruitment,³⁰⁷ the standard to convict a returnee seems to be lower.³⁰⁸ For instance, on 1 December 2014, a Syria returnee, was convicted by the District Court in The Hague to three years' imprisonment.³⁰⁹ Although the judges agreed that it could not be established exactly what the suspect had done in Syria, the mere fact that he had travelled to Syria and joined jihadi groups entailed that he could be prosecuted for preparatory acts aiming to commit murder and manslaughter with a terrorist objective. In this context, the court explained that it is illegal for any person joining an organised armed group (not only persons joining jihadist groups) to participate in the armed conflict in Syria (and Iraq), hereby arguing that such fighters in a non-international armed conflict, in contrast to members of government forces, do not have combatant status and thus can be prosecuted for the simple fact of fighting.³¹⁰ As to the terrorist objective, the court explained that this was proven, since the suspect joined jihadi armed groups in Syria that want to crush the regime of Assad/the fundamental political structure of Syria, establish an Islamic State, and cause serious fear in (part) of the population, namely that part which does not share these groups' extreme fundamental beliefs.³¹¹ On 10 December 2015, the District Court in The Hague issued its judgment in the so-called Context case, the largest terrorism case in the Netherlands in years. All nine suspects – eight men and one woman – were convicted.³¹² Six of the men were convicted for membership of a criminal organisation with terrorist intent, receiving punishments varying from three years, of which one year suspended, to six years. According to the Court, the six suspects were part of a Hague-based recruitment organisation, which incited, recruited, facilitated and financed youngsters who wanted to travel to Syria to fight. Of the six men, two are still participating in the armed conflict in Syria, whereas a third person has returned. Other relevant provisions were used including the provision prohibiting incitement to terrorism and conspiracy to commit a crime with terrorist intent.³¹³

Preventive Measures

The Comprehensive Action Programme comprises various actions, including periodic consultations with imams addressing themes such as countering radicalisation and opposing discrimination.³¹⁴ Other measures include the strengthening of existing networks of local and national key figures, the establishment of a national radicalisation contact point, and a support facility for those close to radicalised/radicalising individuals, as well as the creation of a facility

³⁰⁵ The Dutch CC, subsequently articles 83a, 46, 140a 134a, 421, 205 and 131, http://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht_ENG_PV.pdf. The definition of terrorism is provided in article 83 of the Dutch CC.

³⁰⁶ The judgment (in Dutch) is available at: <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2015:83>. See for more information C. Paulussen and E. Entenmann, *National Responses* (2016).

³⁰⁷ For more information, see C. Paulussen and E. Entenmann, *National Responses* (2016).

³⁰⁸ The following has been taken from C. Paulussen and E. Entenmann, *National Responses* (2016).

³⁰⁹ The judgment (in Dutch) is available at: <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2014:14652>.

³¹⁰ *Ibid.*, under 8.3. and under 3.

³¹¹ *Ibid.*, under 4.5.2.

³¹² The judgment (in Dutch) is available at: <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2015:14365>.

³¹³ Article 289a Dutch CC, http://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht_ENG_PV.pdf

³¹⁴ The Ministry of Security and Justice, NCTV and the Ministry of Social Affairs and Employment, "The Netherlands comprehensive action programme to combat jihadism: Overview of measures and actions", 29 August 2014, p. 17.

“to stimulate alternative and oppositional views and narratives and to enhance the resilience of the rule of law”.³¹⁵ Moreover, a new hotline will be created by the Dutch government to report jihadist (terrorist, hatred-inciting and violence-glorifying) content on the internet and social media.³¹⁶

The national radicalisation contact point is intended to provide an opportunity where “[c]oncerned citizens and front-line professionals can anonymously report serious concerns about radicalisation, recruitment and jihadism”). Moreover the planned facility “to stimulate alternative and oppositional views and narratives and to enhance the resilience of the rule of law [...] concerns small-scale initiatives to disseminate alternative messages, both via local networks and meetings, as well as via social media.”³¹⁷ This information can then be used by “community workers, imams, community police officers, education personnel, [and] communal organisations [...] in the discussions that they conduct with youngsters who are susceptible for radicalisation.”³¹⁸ In addition to the planned hotline for reporting Jihadist content online, a separate telephone number has already been created by the *Samenwerkingsverband van Marokkaanse Nederlanders* (SMN), the organisation that promotes the interests of Dutch Moroccans. This *Hulplijn Radicalisering* has been established to assist in preventing radicalisation.³¹⁹

Regarding rehabilitation and reintegration, a new measure mentioned in the Comprehensive Action Programme to Combat Jihadism is the establishment of an exit facility, where “[r]adicalized persons, including returning foreign fighters, who are in doubt / when there is an opening to leave the jihadist network will be supported with a tailor made program to reintegrate in society outside the jihadist network”.³²⁰

Poland

Numbers and Profiles

Between 20 to 40 Polish nationals are believed to have travelled to Syria/Iraq, most of them residing at the time of departure not in Poland itself but in other European countries.³²¹ News reports have shed light on the profiles of three Polish FF, each also holding German nationality and residing in Germany prior to departure. One man was allegedly killed in northern Iraq in February 2015 while fighting for IS.³²² His sister was prosecuted and sentenced by a German court for providing support to IS in the form of money and video equipment. She is said to have travelled to Syria in 2013, and was reportedly “radicalized while she was still at secondary school in Bonn”.³²³ Finally, a man allegedly carried out a suicide attack on a refinery in Iraq in June 2015, together with 3 other FF.³²⁴

³¹⁵ Ibid.

³¹⁶ Ibid., p. 23.

³¹⁷ Ibid., pp. 17 and 19.

³¹⁸ Ibid., p. 20.

³¹⁹ “Helpline radicalisation”, <http://hulplijnradicalisering.nl/nl/over-ons>.

³²⁰ Questionnaire, on file with ICCT. See also “The Netherlands comprehensive action programme to combat jihadism”, p. 8.

³²¹ Information on file with ICCT.

³²² “Polish jihadist killed in Iraq?”, 5 February 2015, <http://www.thenews.pl/1/10/Artykul/195969,Polish-jihadist-killed-in-Iraq>.

³²³ “Trial of woman charged with supporting Islamic State starts in Germany”, 21 January 2015, <http://www.reuters.com/article/2015/01/21/us-germany-islamicstate-trial-idUSKBN0KU26T20150121>; M. von Hein, “German euros for Islamic State? Jihad trial opens in Düsseldorf”, 22 January 2015, <http://www.dw.com/en/german-euros-for-islamic-state-jihad-trial-opens-in-d%C3%BCsseldorf/a-18208210>.

³²⁴ “Poland’s First Radicalized ISIL Suicide Bomber Exposed”, 12 August 2015, <http://sputniknews.com/europe/20150812/1025671853/first-polish-suicide-bomber-isil.html>; “Polish jihadist took part in suicide attack in Iraq”, 12 August 2015, <http://www.thenews.pl/1/10/Artykul/216952,Polish-jihadist-took-part-in-suicide-attack-in-Iraq>.

Threat Assessment

Poland has a terrorism threat scale with four levels, as well as a “zero” level. The current terrorism threat level in Poland is assessed as low (“zero”).³²⁵

Poland’s National Counter-Terrorism Programme states that, although there is a high threat of terrorist attacks in the world, the risk in Poland remains relatively low. The country is seen only as a “backup” target,³²⁶ by “persons or organisations who come from so called high-risk countries or countries which are politically unstable”.³²⁷ Although the threat posed by individuals who radicalised through the internet or contact with extremist circles is acknowledged as real, the risk of home-grown radicalisation is perceived as relatively low compared to other European countries.³²⁸

Measures in Response to the Foreign Fighter Phenomenon

In December 2014, Poland adopted a National CT Programme for the period 2015–2016 aiming at reinforcing the country’s CT system.³²⁹

Legislative Measures

Terrorist offences are provided for in the CC, including financing of terrorism, participation in or leadership of a terrorist group, and public provocation to commit a terrorist act.³³⁰

Portugal

Numbers and Profiles

It is estimated that about a dozen Portuguese nationals or residents have left for Syria/Iraq since January 2011, five of which have reportedly died: Two in a US air strike in Kobane, one while committing a suicide attack against an Iraqi military post, and a father and son who died in combat.³³¹ Reportedly, the majority had converted to Islam within a few years to months before traveling to the conflict zone.³³² Many have origins in former Portuguese colonies or have long lived abroad. Some resided in other European countries (France, Luxembourg, the Netherlands, the UK) for longer than they had lived in Portugal, and many also hold dual nationalities from other European countries. Five of them are known to have lived and met in

³²⁵ National Counter-Terrorism Programme (2014), <http://www.monitorpolski.gov.pl/mp/2014/1218/M2014000121801.pdf>.

³²⁶ National Counter-Terrorism Programme (2014), p 8.

³²⁷ “Poland adopts National Counter-Terrorism Programme”, *Defence 24*, 10 December 2014, <http://www.defence24.com/165961.poland-adopts-national-counter-terrorism-programme>.

³²⁸ National Counter-Terrorism Programme (2014), pp. 8 and 40.

³²⁹ “Poland adopts National Counter-Terrorism Programme”, *Defence 24*, 10 December 2014, <http://www.defence24.com/165961.poland-adopts-national-counter-terrorism-programme>; Available in Polish at: <http://www.monitorpolski.gov.pl/mp/2014/1218/M2014000121801.pdf>.

³³⁰ Respectively: Article 165a CC [reproduced in: Council of Europe (MONEYVAL), Report on 4th assessment visit of Poland – Annexes, p.16, [https://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/round4/PL4-ADDMONEYVAL\(2013\)2ANN_en.pdf](https://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/round4/PL4-ADDMONEYVAL(2013)2ANN_en.pdf); Article 258 CC [reproduced in: *ibid.*, pp. 23-24]; and Article 255a CC [mentioned in: Overview of the legislative measures adopted by Member States to transpose the three new offences introduced by the 2008 Framework Decision, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52014SC0270>]. The full CC is available at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19970880553>.

³³¹ N. Ribeiro, “Doze jihadistas de origem portuguesa combatem na Síria e no Iraque” *Publico*, 2 September 2014, <http://www.publico.pt/politica/noticia/doze-jihadistas-de-origem-portuguesa-combatem-na-siria-e-no-iraque-1668361>; N. Ribeiro, “Jihadistas portugueses com mandados de captura”, *Publico*, 3 April 2015, <http://www.publico.pt/politica/noticia/jihadistas-portugueses-com-mandados-de-captura-1691190>; S. Kern, “Portugal’s Jihadists”, 14 September 2014, <http://www.gatestoneinstitute.org/4697/portugal-jihadists>; The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p. 9 and “Jihadistas portugueses. Três mortos anunciados, mas nunca confirmados”, *Expresso*, 24 January 2015, <http://expresso.sapo.pt/sociedade/jihadistas-portugueses-tres-mortos-anunciados-mas-nunca-confirmados=f907841>.

³³² J. Rodrigues, “Interpol ignora jihadistas”, *Correio*, 20 April 2015, http://www.cmjornal.xl.pt/nacional/portugal/detalhe/jihadistas_lusos_fora_da_lista.html.

Leyton, London.³³³ One is identified as a Portuguese-Dutch woman who resided in the Netherlands and left to Syria to marry a Portuguese FF.

Threat Assessment

Portugal perceives the threat of terrorism and FF lower than other European countries.³³⁴ One foiled terrorist attack was reported in news reports: in July 2014, a Dutch national of Angolese origins was arrested at the Lisbon airport after boarding an airplane with a 21 cm blade. He had previously trained in Syria and has been charged by a Portuguese court for attempting to carry out a terrorist attack.³³⁵

Measures in Response to the Foreign Fighter Phenomenon

Portugal has developed a CT strategy, which takes into account the four pillars of the EU CT strategy.³³⁶

Security Measures

In 2015, new legislation allowing measures such as revocation of passports and of entrance visas or temporary authorisations of residence was passed.³³⁷

Legislative Measures

Terrorist offences are provided for in criminal laws. In 2011, incitement to terrorism, and recruitment and training of terrorists were criminalised.³³⁸ In 2015, public apology of terrorism, receiving terrorist training, and travel or attempt to travel for the purpose of terrorism activities were also criminalised.³³⁹ Other offences include financing of terrorism and participation in or leadership of a terrorist group.

Romania

Numbers and Profiles

According to Romanian authorities, by October 2015, the country had not registered a single FF from the country.³⁴⁰ However, The Soufan Group, referring to March 2015 numbers, mentions that one or more FF from Romania could be in Syria/Iraq.³⁴¹

Threat Assessment

Romania has a terrorism threat scale with five levels. At the time of writing the threat level was assessed as “cautious” (level 2, level 1 being the lowest). Romanian authorities note that the country can be a transit country for FF to and from conflict areas.³⁴²

³³³ H. Franco and R. Moleiro, *Os Jihadistas Portugueses* (Alfragide: Lua de Papel, 2015), pp 13.

³³⁴ Secretary of State João de Almeida was cited as saying: “Naquilo que é possível dizer-se, não estamos no grupo de países europeus com o nível mais elevado.”, in: R. Lira and A. Costa, “Não temos o nível mais elevado de alerta terrorista”, *Economico*, 6 April 2015, http://economico.sapo.pt/noticias/nao-temos-o-nivel-mais-elevado-de-alerta-terrorista_215352.html.

³³⁵ Identified as Gima Calunga. V. Marcelino, “Tribunal confirma acusações de terrorismo sobre suspeito jihadista do aeroporto de Lisboa”, *DN*, 15 September 2015, <http://www.dn.pt/portugal/interior/tribunal-confirma-acusacoes-de-terrorismo-sobre-suspeito-jihadista-do-aeroporto-de-lisboa-4779620.html>; “Jihadista de origem angolana acusado de terrorismo em Lisboa”, *Rede Angola*, 16 September 2015, <http://www.redeangola.info/jihadista-de-origem-angolana-acusado-de-terrorismo-em-lisboa/>.

³³⁶ Website of the Portuguese Intelligence and Secret Service agency: <http://www.sis.pt/cterr.html>.

³³⁷ Law no 56/2015 of 23 June 2015,

<https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalleDiplomaAprovado.aspx?BID=18652>

³³⁸ Respectively: Articles 4(3), 4(6) and 4 (7) of Law No 52/2003 as amended by Lei n.º 17/2011 (3 May), http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=119&tabela=leis&ficha=1.

³³⁹ Respectively: Articles 4(8), 4(10) and 4 (11) of Law No 52/2003 as amended in Lei n.º 60/2015 (24 June), http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?tabela=leis&nid=2350&pagina=1&ficha=1.

³⁴⁰ Questionnaire, on file with ICCT.

³⁴¹ The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p. 9.

³⁴² Questionnaire, on file with ICCT.

Measures in Response to the Foreign Fighter Phenomenon

Romania's National Strategy on Preventing and Combating Terrorism was adopted in 2002.³⁴³ It reflects a multidisciplinary and multi-stakeholder approach. Law 353/2004 on preventing and combatting terrorism includes a chapter guiding the actions of public authorities and financial institutions in preventing and combatting terrorism (Chapter 2, sections 1 and 2).

Security Measures

The National Strategy notably refers to "measures against the inflows of specific means as well as financial, logistical and informational resources used by terrorist entities developed inside and outside our territory".³⁴⁴

Legislative Measures

Terrorist offences are provided for in criminal law, notably the specific Law 535/2004 on preventing and combating terrorism.³⁴⁵ It includes provisions concerning the financing of terrorism, participation in or leadership of a terrorist group, incitement, training and recruitment, as well as preparing for terrorist activities.³⁴⁶

Preventive Measures

On prevention, the National Strategy mentions a number of basic principles that must be taken into account at all stages, such as the principles of legality, complementarity and coherence in cooperation.³⁴⁷ Romania has an anti-terrorist hotline, for citizens to alert authorities "on suspicious events that could generate terrorist actions".³⁴⁸ Further, the National Strategy mentions measures aimed at citizen's awareness and information.³⁴⁹

Slovakia

Numbers and Profiles

The number of Slovak nationals or residents who became FF is estimated at six, three of whom are allegedly dead. The majority of the small Slovak FF contingent are believed to be above 30 years of age.³⁵⁰

Threat Assessment

In its 2014 Annual Report, the Slovak Information Service "recorded no specific security threats to Slovakia or involvement of Slovak citizens in terrorist activities abroad".³⁵¹ In the aftermath of the Paris attacks, Slovakia's government referred to an increased risk for security, linked notably to the lack of functionality of the control system in the Schengen area.³⁵²

³⁴³ Available in English at: <http://www.sri.ro/upload/combatingterrorism.pdf>.

³⁴⁴ National Strategy on Preventing and Combating Terrorism (2002), p. 25, <http://www.sri.ro/upload/combatingterrorism.pdf>.

³⁴⁵ Available in English at: <https://www.unodc.org/tldb/showDocument.do?documentUid=3240>.

³⁴⁶ Respectively: Articles 36, 35, 33(1)(e), 33(1)(b) and 33(1)(a) of Law 535/2004, <https://www.unodc.org/tldb/showDocument.do?documentUid=3240>.

³⁴⁷ National Strategy on Preventing and Combating Terrorism (2002), p. 24, <http://www.sri.ro/upload/combatingterrorism.pdf>.

³⁴⁸ Website of the Romanian Intelligence Service: <https://www.sri.ro/anti-terrorist-hotline.html>.

³⁴⁹ National Strategy on Preventing and Combating Terrorism (2002), p. 26.

³⁵⁰ Questionnaire, on file with ICCT.

³⁵¹ Slovak Information Service (SIS), "SIS 2014 Annual Report", June 2015, <http://www.sis.gov.sk/for-you/sis-annual-report.html>.

³⁵² "Stanovisko SIS k súčasnej situácii a vývoju (aktualizované)", 18 November 2015, <http://www.sis.gov.sk/aktuality/novinky.html>: "O našom hodnotení výrazne zvýšeného bezpečnostného rizika v súvislosti s nefunkčným systémom kontroly na vstupe do schengenského priestoru, ako aj výstupe z neho, sme pred časom verejne informovali. Pokiaľ nebude schengenský systém pohybu osôb plne sfunkčnený, toto bezpečnostné riziko sa bude naďalej zvyšovať."

Measures in Response to the Foreign Fighter Phenomenon

In 2015, Slovakia adopted a new National Action Plan on Combating Terrorism, and a Strategy on Countering Extremism.³⁵³ In addition, the country is in the process of implementing UN SC Resolution 2178 (2014).³⁵⁴

Legislative Measures

Terrorist offences are provided for in the CC, including financing of terrorism, participation in or leadership of a terrorist group, public provocation to commit a terrorist act, providing training, and participation in combat activities on the territory of another state.³⁵⁵

Slovenia

Numbers and Profiles

Slovenian government officials reported that three male Slovenian nationals had left for Syria/Iraq to join IS. They were converts and had no previous links with extremist circles. One FF was killed.

Threat Assessment

There is no official threat scale in Slovenia, but authorities assess the threat as low. Slovenian authorities consider it a national priority to counter “in particular violent radicalisation and recruitment/organising departures for crisis areas with the intent of participating in organised violence against the civil population”. The government highlights that “violent radicalization stemming from the Western Balkans represents [a] serious threat to the region”.³⁵⁶

Measures in Response to the Foreign Fighter Phenomenon

Slovenia’s first national CT strategy was “being finalized” in October 2015.³⁵⁷ The four pillars of the EU CT Strategy have been implemented “through the Resolution on National plan on the Prevention and Combating of Crime for the period 2012–2016”.³⁵⁸

Security Measures

The country is in the process of adopting measures to allow for the revocation of passports.³⁵⁹

Legislative Measures

Terrorist offences are provided for in the CC. In response to the FF phenomenon, Slovenia is currently amending its legislation, notably to implement the Additional Protocol to the Council of Europe’s Convention on the Prevention of Terrorism.³⁶⁰ Currently, financing of terrorism, incitement to commit terrorist acts, as well as recruitment and training for terrorism are criminalised.³⁶¹

³⁵³ Respectively: “Government approves new action plan for combating terrorism”, 30 April 2015, <http://en.rsi.rtv.sk/articles/news/79281/government-approves-new-action-plan-for-combating-terrorism>; available in Slovak language only: <http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-183872?prefixFile=m>; “Slovak priorities for the 70th Session of the UN General Assembly”, [http://www.foreign.gov.sk/App/wcm/media.nsf/vw_ByID/ID_8B85B6183CBD9140C1257EBD004BBBC1-EN/\\$File/150911_Priority_70_zasadnutie.pdf](http://www.foreign.gov.sk/App/wcm/media.nsf/vw_ByID/ID_8B85B6183CBD9140C1257EBD004BBBC1-EN/$File/150911_Priority_70_zasadnutie.pdf); Available in Slovak language only: <http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-181682?prefixFile=m>.

³⁵⁴ “Slovak priorities for the 70th Session of the UN General Assembly”,

[http://www.foreign.gov.sk/App/wcm/media.nsf/vw_ByID/ID_8B85B6183CBD9140C1257EBD004BBBC1-EN/\\$File/150911_Priority_70_zasadnutie.pdf](http://www.foreign.gov.sk/App/wcm/media.nsf/vw_ByID/ID_8B85B6183CBD9140C1257EBD004BBBC1-EN/$File/150911_Priority_70_zasadnutie.pdf).

³⁵⁵ Sections 419(2)(a), 297 Act, 419(2)(d), 419(2)(c), 419a, respectively of the Act 300/2005 (Penal Code), <http://www.zakonypreludi.sk/zz/2005-300>.

³⁵⁶ Questionnaire, on file with ICCT.

³⁵⁷ Ibid. Previously, CT was addressed within the National plan on the Prevention and Combating of Crime.

³⁵⁸ Questionnaire, on file with ICCT.

³⁵⁹ Ibid.

³⁶⁰ Ibid.

³⁶¹ Articles 109, 110 and 111, respectively, of the CC, see:

http://www.coe.int/t/dlapil/codexter/Source/country_profiles/legislation/CT%20Legislation%20Slovenia.pdf.

One court case involving an alleged FF who travelled to Syria was mentioned in the press in late September 2014. The person was charged with illegal possession of weapons, but claimed he had no ties to IS and travelled to Syria on humanitarian grounds.³⁶²

Preventive Measures

A number of preventive measures have or are being introduced, amongst which the development of guidelines aimed at front line officers, to detect persons “who could be linked to the phenomenon of foreign fighters”, including “risk indicators”, and the setting up of a national platform of the EU’s Radicalisation Awareness Network (RAN), enabling “the cooperation of all relevant actors on the national level – institutionalised, private sector and NGO”.³⁶³

Spain

Numbers and Profiles

The Spanish Mol reported in November 2015 that 139 FF had left Spain, and 25 individuals had returned.³⁶⁴ According to a report published in the same month by Fernando Reinares and Carola Garcia Calvo, there are an estimated 120 Spain-linked FF.³⁶⁵ Ten percent of those who went to Syria were female.³⁶⁶

Reinares and Calvo³⁶⁷ also reconstructed the profiles of 20 Spanish residents that had travelled to fight with jihadist groups in Syria before 2014. Eleven of the twenty are Spanish citizens, while the remaining nine are Moroccan nationals living in Spain; most lived in the Spanish enclave Ceuta in North Africa, but also in Girona and Malaga. The majority are between their mid-20s and early 30s; they were mostly married and with children; and were low-skilled, (un)employed workers as well as students at the time of their departure. Several were already known to the police (especially in Ceuta) and implicated in drug trafficking. Out of the 20, at least three young Muslim Spanish nationals residing in Ceuta became suicide bombers.

Threat assessment

Spain’s current threat level is four (“high”) on a scale from 1 (“low”) to five (“very high”). It was raised to four after the terrorist attacks in Tunisia, Kuwait and France on 26 June 2015.³⁶⁸ According to the Spanish government, the FF phenomenon is one of the “greatest threat[s] to the security of the whole international community and of the European Union in particular,

³⁶² Questionnaire, on file with ICCT; and “Suspected Slovenian Jihadist Denies Ties to ISIS”, 29 September 2014, <https://english.sta.si/2055695/suspected-slovenian-jihadist-denies-ties-to-isis>.

³⁶³ Questionnaire, on file with ICCT.

³⁶⁴ Ministry of Interior, “The State Pact against international terrorism has allowed us to increase citizen security”, says Jorge Fernández Díaz”, 18 November 2015, <http://www.lamoncloa.gob.es/lang/en/gobierno/news/Paginas/2015/20151118-fernandezdiaz.aspx>.

³⁶⁵ F. Reinares and C. Garcia-Calvo, “Terroristas, redes y organizaciones: facetas de la actual movilización yihadista en España”, *Real Istituto Elcano*, 16 November 2015, p. 3,

<http://www.realinstitutoelcano.org/wps/wcm/connect/d4164c804a9125f4813f8f207bacc4c/DT17-2015-Reinares-GarciaCalvo-Terroristas-redes-organizaciones-facetas-actual-movilizacion-yihadista-Espana.pdf?MOD=AJPERES&CACHEID=1447668810772>.

³⁶⁶ C. Garcia-Calvo, “Las mujeres del Estado Islámico”, *Real Istituto Elcano*, 26 March 2015,

http://www.realinstitutoelcano.org/wps/portal/web/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/terrorismo+internacional/comentario-garciacalvo-las-mujeres-del-estado-islamico.

³⁶⁷ The information in this paragraph is largely based on: F. Reinares and C. Garcia-Calvo, “The Spanish Foreign Fighter Contingent in Syria”, *CTC Sentinel*, Vol. 7, Issue 1, January 2014, pp. 12-14, <https://www.ctc.usma.edu/posts/the-spanish-foreign-fighter-contingent-in-syria>. The authors also note that 25 additional Spanish residents were identified as having joined the FSA.

³⁶⁸ Ministry of Interior, “Nivel de alerta antiterrorista”, <http://www.interior.gob.es/prensa/nivel-alerta-antiterrorista>.

since they travel to get training in handling weapons and explosives and be under the command of terrorist groups”.³⁶⁹

In a November 2015 report, the Elcano Institute affirmed that in the previous three to four years, Spain had experienced the emergence of “home-grown Jihadism”. In the last two years, 120 individuals were arrested for their alleged involvement in jihadi terrorist related activities, the majority of which were Spanish citizens or born in the country.³⁷⁰

The Institute had also pointed out that, until the mid-2000s, the jihadist militancy in Spain was articulated around larger organisations such as the Algerian *Groupe Islamique Armé* (GIA) and its splinter, the *Groupe Salafiste pour la Prédication et le Combat* (GSPC), the *Groupe Islamique Combattant Marocain* (GICM) and al Qaeda Central.³⁷¹ The war in Syria and/or Iraq does not only stir the formation of a home-grown jihadist trend, but also has reactivating effect of these dormant networks. There is, however, a difference with the time these networks were active before: links are nowadays established with entities located mainly in the Middle East and to a lesser extent, in the Western part of the Sahel belt by Spanish-Moroccan networks.³⁷² In April 2015, the Spanish authorities disrupted a cell operating in Catalonia. This cell tried to recruit fighters to join IS in Syria, developed plans to bomb a Jewish bookstore in Barcelona and snatch and film the beheading of a captive.³⁷³ More recently, it became known that the man who almost staged an attack in the Amsterdam-Paris Thalys train in August 2015 held a Moroccan passport and a Spanish residency card. He was also known to the Spanish authorities, which warned their French counterparts when the man left Algeciras for France.³⁷⁴

Measures in Response to the Foreign Fighter Phenomenon

In January 2015, the new Strategic National Action Plan against Violent Radicalisation within the framework of the 2012 comprehensive strategy (a classified document) was passed by the Council of Ministers. The strategy established a national, inter-agency, inter-ministerial course of action, coordinated by the Mol.³⁷⁵

Legislative Measures

Terrorism offenses are defined in the CC. The 2/2015 Organic Law of March 2015 modified the 10/1995 Organic Law of the CC with regard to terrorism-related offences. Spanish legislation

³⁶⁹ R. Minder, “Scrutiny falls on a Spanish mosque after foiled train attack”, *New York Times*, 27 August 2015, <http://www.nytimes.com/2015/08/28/world/europe/renewed-scrutiny-for-mosque-in-spain-after-foiled-train-attack.html?ref=world>.

³⁷⁰ F. Reinares and C. García-Calvo, *Terroristas, redes y organizaciones*, 16 November 2015; F. Reinares and C. García-Calvo, “Los yihadistas en España: perfil sociodemográfico de condenados por actividades terroristas o muertos en acto de terrorismo suicida entre 1996 y 2012”, *Real Instituto Elcano*, 26 June 2013, http://www.realinstitutoelcano.org/wps/portal/riecano/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/terrorismo+internacional/dt11-2013-reinares-garciacalvo-yihadistas-espana-perfil-sociodemografico-1996-2012.

³⁷¹ J. Jordán, “Evolución organizativa de la militancia yihadista en España”, *Real Instituto Elcano*, 5 March 2014, http://www.realinstitutoelcano.org/wps/portal/web/riecano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/terrorismo+internacional/ari12-2014-jordan-evolucion-organizativa-militancia-yihadista-espana.

³⁷² F. Reinares and C. García-Calvo, “Cambios recientes en la caracterización social y las conexiones internacionales del terrorismo yihadista como amenaza para España”, *Real Instituto Elcano*, 5 June 2014, http://www.realinstitutoelcano.org/wps/portal/web/riecano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/terrorismo+internacional/comentario-reinares-garcia-cambio-caracterizacion-terrorismo-yihadista-espana.

³⁷³ M. Moffett, “Spanish Terror Raid Shows Persistence of Extremists Blocked From Heading Abroad”, *Wall Street Journal*, 4 May 2015, <http://www.wsj.com/articles/spanish-terror-raid-shows-persistence-of-extremists-blocked-from-heading-abroad-1430733063>.

³⁷⁴ R. Minder, “Scrutiny Falls on a Spanish Mosque After Foiled Train Attack”, *The New York Times*, 27 August 2015, <http://www.nytimes.com/2015/08/28/world/europe/renewed-scrutiny-for-mosque-in-spain-after-foiled-train-attack.html?ref=world>.

³⁷⁵ Ministry of Interior, “Plan estratégico nacional de lucha contra la radicalización violenta” (2015), the full text of the plan is available at: http://www.lamoncloa.gob.es/consejodeministros/referencias/documents/2015/refc20150130e_1.pdf.

criminalises the financing of, participation in, incitement of, recruitment and training for a terrorist organisation. Art. 575 of the 2015 Law in particular addresses the phenomenon of FF as it criminalises the travelling to a foreign country with the purpose of joining a terrorist group or committing a terrorist act.

The subjects of the March 2015 Organic Law addressing terrorist offences are “those individuals who, after radicalisation and indoctrination, attempt to perpetrate attacks against identified targets, including by means of suicide bombings”.³⁷⁶ Special attention is dedicated to the “phenomenon of *foreign terrorist fighters* [emphasis added] who decide to join the ranks and files of international organizations or their affiliates in any of the warring scenarios: Syria and Iraq”.³⁷⁷

In October 2015, Spain’s High Court convicted eleven individuals for recruiting for IS, handing down prison sentences of up to twelve years. This was the first time a Spanish court imposed prison sentences against jihadist recruiters operating in Spain.³⁷⁸

Preventative Measures

Although in the past years the focus had mainly been on law-enforcement and protection-based measures, 2015 marked a significant shift in Spain’s CT approach with the country announcing the formation of a new prevention programme.

The January 2015 Strategic National Action Plan involves twelve government ministries, as well as several public institutions and civil society organisations. The contact point between them is the Centre for Counter-Terrorism and Organized Crime Intelligence (CITCO).³⁷⁹ The National Group coordinates Local Groups (which includes representatives of the local police, schools, municipalities, social services, etc.). The Plan aims at identifying and studying radicalisation, propose a regulation and constitute a multi-sectorial group at the local and/ or provincial levels.

Sweden

Numbers and Profiles

It is estimated that about 300 Swedish nationals or residents have travelled to Syria/Iraq. A sizeable portion appears to come from the area of Gothenburg.³⁸⁰ In recent years, Sweden has witnessed an increase in the number of FF.³⁸¹ In their 2014 annual report, Swedish Security Service (SÄPO) noted that, “[f]or several years, there was [a] limited number of individuals travelling from Sweden to engage in armed combat in other countries, whereas today we know that hundreds of individuals have left Sweden to join ISIL. This trend shows no signs of slowing down”.³⁸² According to statements by SÄPO head Anders Thornberg, up to 250 to 300 Swedes have travelled to Syria/Iraq in the past three years.³⁸³ About 125 are still there, of which 90 are

³⁷⁶ Ley Orgánica 2/2015, 30 March 2015, <https://www.boe.es/boe/dias/2015/03/31/pdfs/BOE-A-2015-3440.pdf>.

³⁷⁷ Ibid.

³⁷⁸ J. M. Irujo, “Court hands down first prison terms for Spanish jihadist recruiters”, *El País*, 2 October 2015, http://elpais.com/elpais/2015/10/02/inenglish/1443792626_434264.html.

³⁷⁹ Ministry of Interior, *Plan estratégico nacional* (2015).

³⁸⁰ The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015; M. Ranstorp, L. Gustafsson and P. Hyllengren, “From the Welfare State to the Caliphate”, *Foreign Policy*, 23 February 2015, <http://foreignpolicy.com/2015/02/23/from-the-welfare-state-to-the-caliphate-sweden-islamic-state-syria-iraq-foreign-fighters/>.

³⁸¹ Säkerhetspolisen, “Historisk utmaning för Säkerhetspolisen”, 11 March 2015, <http://www.sakerhetspolisen.se/ovrigt/pressrum/aktuellt/aktuellt/2015-03-11-historisk-utmaning-for-sakerhetspolisen.html>.

³⁸² Website of the Swedish security services, Summary of the Security Service Yearbook 2014, 20 March 2015, <http://www.sakerhetspolisen.se/en/swedish-security-service/about-us/current-events/news/2015-03-20-security-service-yearbook-2014.html>.

³⁸³ “Säpo: 125 svenskar kämpar för IS”, *Svenska Dagbladet*, 3 October 2015, <http://www.svd.se/sapo-125-svenskar-kampar-for-is>; “Up to 300 Swedes fighting with ISIS: official”, 22 November 2014, <http://english.alarabiya.net/en/News/middle-east/2014/11/22/Up-to-300-Swedes-fighting-with-ISIS->

men and 35 are women. About 40 were killed while in Syria/Iraq.³⁸⁴ It has been reported that affiliation to either IS or Al-Nusra sometimes depends on when and with whom a FF crosses the border.³⁸⁵

The area of Gothenburg appears particularly affected: an integration police officer said that it has one of the highest numbers of IS FF per capita in Europe.³⁸⁶ Angered, a poor suburb of Gothenburg, has reportedly “become a recruitment hub for jihadis departing from Sweden”.³⁸⁷ A news essay provides the following numbers and profiles: “According to local authorities, as of November 2014 there were at least 50 fighters from Gothenburg who had traveled to Syria and Iraq, with 22 of them still in the conflict zone. Of the Gothenburg fighters, 11 were women. At least 18 had returned. In all of Sweden, at least 80 fighters have returned, with some traveling back to Syria again. There are unconfirmed estimates from former foreign fighters that there may be as many as 150 fighters from Gothenburg alone.”³⁸⁸ On radicalisation, the essay noted: “Recruitment into extremist milieus often occurs quietly in apartments or at night in small gatherings in select mosques. In certain parts of Angered, there are “garage mosques,” or unofficial places of worship, which make little or no effort to conceal their activities”.³⁸⁹

Threat Assessment

Sweden has a formal terrorist threat scale with five levels, but it is aimed at a limited number of stakeholders and not the general public.³⁹⁰ This is because “assessments of the terrorist threat to Sweden and Swedish interests are based on secret information, and therefore the assessments themselves are also classified as secret”.³⁹¹

At the end of 2015 and following a suspected terrorism plot, the terrorism threat level was

[official.html](#); The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p. 9.

³⁸⁴ “Säpo: 125 svenskar på terroristernas sida”, *Sveriges Radio*, 3 October 2015,

<http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6270352>; “Säpo: 125 svenskar kämpar för IS”, *Svenska Dagbladet*, 3 October 2015, <http://www.svd.se/sapo-125-svenskar-kampar-for-is>; “Up to 300 Swedes fighting with ISIS: official”, *Al Arabiya*, 22 November 2014,

<http://english.alarabiya.net/en/News/middle-east/2014/11/22/Up-to-300-Swedes-fighting-with-ISIS-official.html>; “Swedish women join Syrian rebels”, *Sveriges Radio*, 11 June 2014,

<http://sverigesradio.se/sida/gruppsida.aspx?programid=2054&grupp=3583&artikel=5886569>.

³⁸⁵ M. Ranstorp, L. Gustafsson and P. Hyllengren, “From the Welfare State to the Caliphate”, *Foreign Policy*, 23 February 2015.

³⁸⁶ “Gothenburg has most IS fighters in Europe”, *Göteborg Daily*, 16 November 2015,

<http://www.goteborgdaily.se/gothenburg-has-most-is-fighters-in-europe>; “Polisen: Göteborg har störst andel IS-krigare i västvärlden”, 15 November 2015,

<http://www.svt.se/nyhetsklipp/regionalt/vast/article4808190.svt>. Others have referred to the city as “an area that in all likelihood has one of the highest concentrations of foreign fighters going to Syria and Iraq in all of Europe”:³⁸⁶ M. Ranstorp, L. Gustafsson and P. Hyllengren, “From the Welfare State to the Caliphate”, *Foreign Policy*, 23 February 2015.

³⁸⁷ Ibid.

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ J. Plucinska, “Sweden’s Terror Threat Level Has Been Upped to Its Highest Point Ever”, *Time*, 18 November 2015, <http://time.com/4119734/terror-threat-sweden-raised-terrorism/>; Säkerhetspolisen, “One person arrested on suspicion of preparation to commit a terrorist offence”, 20 November 2015, <http://www.sakerhetspolisen.se/en/swedish-security-service/about-us/current-events/news/2015-11-20-one-person-arrested-on-suspicion-of-preparation-to-commit-a-terrorist-offence.html>. “[The National Centre for Terrorist Threat Assessment] uses a specific threat level scale in presentations and reports about terrorist threat assessments. The scale primarily aims to give readers a clear view of how the NCT currently assesses the terrorist threat to Sweden and Swedish interests abroad, and whether there have been any changes since the previous assessment. The assessments are limited to a specified time period, stated in each report”; see Säkerhetspolisen, “National Centre for Terrorist Threat Assessment”, <http://www.sakerhetspolisen.se/en/swedish-security-service/counter-terrorism/threats-and-threat-assessment.html>.

³⁹¹ Säkerhetspolisen, “National Centre for Terrorist Threat Assessment”.

raised to level 4, indicating a “high” threat; It was raised in mid-November 2015, as an individual was suspected of plotting an attack.³⁹²

Turning to foiled terrorist attacks: in November 2015, an individual was arrested on suspicion of plotting a terrorist attack.³⁹³ He has been released from custody and the investigation is ongoing.³⁹⁴

In its CT strategy, Sweden analyses the FF threat as follows: “The increasing amount of travel to and, above all, returning from areas of conflict, where individuals have participated in terrorist training or committed acts of violence, means that the number of people in Sweden with the capability to carry out attacks or other types of ideologically motivated crime, such as threats and acts of violence, is increasing. [...] Despite this, the majority of people who return to Sweden will not develop intent to commit terrorist attacks”.³⁹⁵

Measures in Response to the Foreign Fighter Phenomenon

Sweden’s latest CT strategy (2015) has three pillars: Prevent (“counter and reduce the intent to commit or support terrorist attacks”), Preempt (“combat and reduce the capabilities and opportunities to commit terrorist attacks”) and Protect (“creating and maintaining protection for individuals and reducing society’s vulnerability to terrorist attacks”).³⁹⁶ It notes the need for “both a balance between long-term and short-term methods and an adequate use of preventive and repressive measures”,³⁹⁷ while reaffirming Sweden’s commitment to fundamental rights and freedoms when countering terrorism.³⁹⁸

Security Measures

Writing in 2014, Magnus Ranstorp stated that, when informed about a radicalised individual intending to travel to Syria/Iraq, Swedish security services conduct “preventative talks” where they “underscor[e] obvious dangers and consequences” of such project, but “that is as far as they [can] go legally”.³⁹⁹ ICCT was unable to find further information regarding security measures in Sweden.

Legislative Measures

Terrorist offences are provided for in criminal legislation. Notably, the Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010)⁴⁰⁰ implements provisions of the 2008 Council FD.⁴⁰¹

³⁹² J. Plucinska, “Sweden’s Terror Threat Level Has Been Upped to Its Highest Point Ever”, *Time*, 18 November 2015.

³⁹³ Säkerhetspolisen, “One person arrested on suspicion of preparation to commit a terrorist offence”, 20 November 2015, <http://www.sakerhetspolisen.se/en/swedish-security-service/about-us/current-events/news/2015-11-20-one-person-arrested-on-suspicion-of-preparation-to-commit-a-terrorist-offence.html>.

³⁹⁴ Säkerhetspolisen, “Suspected terrorist plotter released from police custody”, 22 November 2015, <http://www.sakerhetspolisen.se/en/swedish-security-service/about-us/current-events/news/2015-11-22-suspected-terrorist-plotter-released-from-police-custody.html>.

³⁹⁵ Ministry of Justice, “Prevent, preempt and protect – the Swedish counter-terrorism strategy”, 2015, p.4, <http://www.government.se/legal-documents/2015/09/skr.-201415146/>.

³⁹⁶ *Ibid.*, pp. 9, 15, and 21.

³⁹⁷ *Ibid.*, p. 6.

³⁹⁸ *Ibid.*, p. 22: “Border checks must always be within the rule of law, efficient and non-discriminatory.”

³⁹⁹ M. Ranstorp, “The Foreign Policy Essay: Scandinavian Foreign Fighters — Trends and Lessons”, 7 December 2014, <https://www.lawfareblog.com/foreign-policy-essay-scandinavian-foreign-fighters%E2%80%94trends-and-lessons>.

⁴⁰⁰ “Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010:299)”, http://www.legislationline.org/download/action/download/id/6020/file/Sweden_Act_Crim_responsibility_public_provocation_recruitment_training_terrorist_2010_en.pdf.

⁴⁰¹ 2008 Council Framework Decision 2008/919/JHA amending Framework Decision 2002/475/JHA on combating terrorism; “Overview of the legislative measures adopted by Member States to transpose the three new offences introduced by the 2008 Framework Decision”, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52014SC0270>.

The following offenses are currently criminalised: Financing of terrorism,⁴⁰² public provocation to commit terrorist acts,⁴⁰³ recruitment,⁴⁰⁴ and providing or receiving terrorist training.⁴⁰⁵

Legislation implementing UN SC Resolution 2178 (2014) has been drafted, which will add criminal law provisions on travelling and/or receiving training for the purpose of carrying out terrorist activities.⁴⁰⁶ In December 2014, Ranstorp stated that, under Swedish terrorism legislation, “it [was] not illegal to join a terrorist organization or train with them” abroad.⁴⁰⁷

In December 2015, a court in Gothenburg sentenced two Swedish nationals who actively took part in murders in Syria to life in prison.⁴⁰⁸ Relying notably on films of the murders as evidence, the Court was able to qualify the acts of terrorist offences, as they were committed with the intent to seriously intimidate the population both in Syria and in other countries.⁴⁰⁹

Preventive Measures

Sweden’s CT strategy is particularly focused on prevention: it considers that “[t]he aim must be to identify radicalisation processes as early as possible in order to counteract further radicalisation of these groups or individuals and prevent them from ultimately committing terrorist acts” and that “[t]he whole of society must work with the underlying causes of terrorism and counteract its push and pull factors”.⁴¹⁰

Sweden has a number of initiatives aiming at preventing radicalisation, amongst which:

- A ‘National Coordinator to safeguard democracy against violent extremism’, whose tasks are to improve cooperation of all actors, “to increase awareness of violent extremism and to ensure that preventive methods are developed”;⁴¹¹
- Outreach activities “to establish direct contacts with strategically important players on the local level, such as community police, city district councils and associations”;⁴¹²
- Initiatives to “spread knowledge about ‘destructive subcultures’ with the aim of preventing their occurrence, and to reduce the recruitment to and facilitate leaving these circles”.⁴¹³

⁴⁰² Section 3 of “Act on Criminal Responsibility for the Financing of Particularly Serious Crime in some cases, etc. (2002:444)”, <https://www.unodc.org/tldb/showDocument.do?documentUid=8224>.

⁴⁰³ Section 3 of “Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010:299)”, http://www.legislationline.org/download/action/download/id/6020/file/Sweden_Act_Crim_responsibility_public_provocation_recruitment_training_terrorist_2010_en.pdf.

⁴⁰⁴ *Ibid.*, Section 4.

⁴⁰⁵ *Ibid.*, Section 5.

⁴⁰⁶ “Straffrättsliga åtgärder mot terrorismresor”, SOU 63 (2015), pp 98-130.

http://www.regeringen.se/contentassets/826b5df38527409bbc6d4774d8568b60/sou_2015_63_webb.pdf; Ministry of Justice, “Prevent, preempt and protect – the Swedish counter-terrorism strategy”, 2015, p. 19.

⁴⁰⁷ M. Ranstorp, “The Foreign Policy Essay: Scandinavian Foreign Fighters — Trends and Lessons”, 7 December 2014.

⁴⁰⁸ “Two men sentenced to life in prison for terror crimes in Syria”, *Radio Sweden*, 14 December 2015, <http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6325359>; “Sweden ‘terror crimes’: Pair jailed for life over Syria murders”, *BBC News*, 14 December 2015, <http://www.bbc.com/news/world-europe-35092014>.

⁴⁰⁹ Göteborgs Tingsrätt, “Livstid för terroristbrott”, 14 December 2015, <http://www.goteborgstingsratt.domstol.se/Om-tingsratten/Nyheter-och-pressmeddelanden/Livstid-for-terroristbrott/>.

⁴¹⁰ Ministry of Justice, “Prevent, preempt and protect – the Swedish counter-terrorism strategy”, 29 September 2015, p. 5. See also at p. 6: “The Government particularly wishes to focus on preventive measures”.

⁴¹¹ *Ibid.*, p 9.

⁴¹² Säkerhetspolisen, “Violence-promoting Islamist extremism in Sweden”, November 2010, pp. 78-79, <http://www.sakerhetspolisen.se/download/18.4f0385ee143058a61a89f3/1392294843261/Reportonviolence-promotingIslamistextremismInSweden.pdf>.

⁴¹³ *Ibid.*

Sweden does not appear to have established an exit programme specifically targeted at Islamist extremism,⁴¹⁴ but is developing “[m]easures to encourage individuals to leave violent extremist movements”.⁴¹⁵

United Kingdom

Numbers and Profiles

According to the UK Office for Security and Counter-Terrorism (OSCT), approximately 700 individuals have left for Syria/Iraq since January 2011, of whom 315 are currently in the conflict area, over half have returned to the UK, and approximately 70 have died.⁴¹⁶ The latest report by The Soufan Group indicates 760 FF as an official count in November 2015.⁴¹⁷ The OSCT further reported that the majority of UK FF have joined IS, and that a majority holds British citizenship. Most FF are between 18 and 30 years of age, although the average age is reducing. Close to 100% are Muslim. The OSCT stated that it is not possible to deduce one unifying motivation for all FF, and that multiple underlying factors play a role, mostly related to a weak social status that makes them vulnerable to IS’ message, including through the internet and social media.⁴¹⁸ Yet, in 2013, Maher concluded that “many of those travelling to Syria as foreign fighters are male; in their twenties, of South-Asian ethnic origin, with recent connections to higher education, and with links to individuals or groups who have international connections”.⁴¹⁹

Threat Assessment

The UK uses a scale to measure the terrorist threat level with five levels.⁴²⁰ The OSCT indicated that “[t]he UK threat level for international terrorism (which is set by the Joint Terrorism Analysis Centre (JTAC)) is ‘SEVERE’ (level 4), meaning an attack in the UK is highly likely. The principal threat continues to come from militant Islamist terrorists, notably in Syria and Iraq”.

Note that “[a]t the start of 2011, the threat level for international terrorism was ‘SEVERE’, meaning an attack is highly likely. In July 2011, the threat level from international terrorism was lowered to ‘SUBSTANTIAL’, meaning that the threat of a terrorist attack remains a strong possibility and may occur without warning. In August 2014, the UK threat level was raised to ‘SEVERE’. The threat level increase was mainly as a result of developments in Syria and Iraq.”

There have been a number of small-scale terrorist attacks in the UK since 2011. Neither of the attacks mentioned by the official has any reported connection to FF though. Despite this, when asked about the threat perception that foreign fighters pose to the UK, the response was:

“The principal terrorist threat to the UK is from militant Islamist terrorists, notably in Syria and Iraq. ISIL and other terrorist groups in Syria are supported by foreign fighters from the UK and other European countries. (...) The combination of extremist ideology, large numbers of new, radicalised fighters, and a permissive environment means that there is a high threat to the UK and [its] wider interests. In 2014/15, 338 people were detained on suspicion of terrorism offences – a rise of a third compared to the previous year. In 2014 there were 165 arrests for alleged offences relating to Syria, including terrorist financing,

⁴¹⁴ Ibid., p. 79. It has two long-established programs: “Exit”, to leave white-power circles, and “Passus” to leave criminal gangs.

⁴¹⁵ Ministry of Justice, “Prevent, preempt and protect – the Swedish counter-terrorism strategy”, 29 September 2015, p. 10.

⁴¹⁶ Questionnaire, on file with ICCT.

⁴¹⁷ The Soufan Group, “Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq”, December 2015, p. 10.

⁴¹⁸ Questionnaire, on file with ICCT.

⁴¹⁹ S. Maher, ‘British Foreign Fighters in Syria’, *ICSR Insight*, 15 October 2013, <http://icsr.info/2013/10/british-foreign-fighters-in-syria/>.

⁴²⁰ The threat levels are: Low, moderate, substantial, severe, and critical. See <https://www.mi5.gov.uk/home/the-threats/terrorism/threat-levels.html>.

preparation of acts of terrorism and attending a terrorist training camp. Thirteen individuals were convicted for Syria-related terrorist activities".⁴²¹

Measures in Response to the Foreign Fighter Phenomenon

The UK's CT strategy is entitled CONTEST, the third version of which was published in July 2011.⁴²² The strategy's aim is to reduce the risk from terrorism to the UK and its interests overseas. It covers all forms of terrorism and is organised around four work streams:

- Pursue: the investigation and disruption of terrorist attacks;
- Prevent: working to stop people from becoming terrorists or supporting terrorism and extremism;
- Protect: improving protective security to stop a terrorist attack; and
- Prepare: working to minimise the impact of an attack and ensuring quick recovery.

CONTEST involves a number of Departments of State, the three security and intelligence agencies, the Police Counter Terrorism Network and police forces across the UK. It also depends on the close collaboration with the Devolved Administrations. The OSCT has overall responsibility for coordinating CONTEST. It is also responsible for delivering aspects of the strategy.⁴²³

Security Measures

The Protect and Prepare strands of the strategy provide the framework for the security responses. With respect to administrative measures taken against FF, the OSCT indicated in its response to the questionnaire that three measures are mainly used to ban overseas travel and hold travel documents: The Terrorism Prevention and Investigation Measures (TPIMs), the Royal Prerogative, and Temporary Passport Seizure.

TPIMs⁴²⁴ are used when prosecution deportation is not possible, and provides executive powers to the Security Service and police to manage the risk posed by people involved in terrorism related activities. A TPIM measure could include: An overnight residence requirement, including relocation to another part of the UK no more than 200 miles from original residence; Police reporting; An electronic tracking tag;⁴²⁵ exclusion from specific places; limits on association; restrictions on the use of financial services; limits on the use of telephones and computers; and bans on overseas travel and holding travel documents. A recent amendment to the TPIM Act now also allows for the ability to relocate individuals and the ability to compel attendance at appointments.

The Royal Prerogative, a discretionary power of the executive not, typically, subject to judicial review, can be exercised "against British passport holders to refuse to issue, withdraw or cancel

⁴²¹ Questionnaire, on file with authors.

⁴²² Home Office, "CONTEST. The United Kingdom's Strategy for Countering Terrorism", July 2011, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97995/strategy-contest.pdf. More information about CONTEST can be found at <https://www.gov.uk/government/publications/contest-uk-strategy-for-countering-terrorism-annual-report-for-2014>.

⁴²³ Questionnaire, on file with ICCT.

⁴²⁴ Ibid. As of 30 November 2015, only two TPIM notices are in force, against two British citizens. See Lord Bates, Terrorism Prevention and Investigation Measures (1 September 2015 to 30 November 2015) : Written statement - HLWS377, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-12-10/HLWS377/>. For criticism of TPIMs, see National Council of Civil Liberties, "TPIMs", <https://www.liberty-human-rights.org.uk/human-rights/countering-terrorism/tpims>.

⁴²⁵ On 9 June 2015, the High Court ruled that a monitoring tag of a Somali refugee subject to a TPIM notice had to be removed due to a deterioration in his mental health. Requiring him to continue wearing the tag was a breach of Article 3 of the European Convention on Human Rights, which prohibits inhuman and degrading treatment, Justice Collins stated. See "Electronic tag removed from terror suspect who 'feared it was bomb'", *BBC News*, 19 June 2015, <http://www.bbc.com/news/uk-33206372>; "England and Wales High Court (Administrative Court) Decisions", <http://www.bailii.org/ew/cases/EWHC/Admin/2015/1681.html>.

a British passport on public interest grounds.⁴²⁶ It can be used to disrupt individuals who seek to travel on a British passport to engage in, for example, “fighting, extremist activity or terrorist training overseas and then return to the UK with enhanced capabilities.” The Counter-Terrorism and Security Act 2015 also “enables police officers to seize and temporarily retain travel documents at ports to disrupt immediate travel where there is reasonable suspicion that a person intends to travel to engage in terrorism related activity outside the UK”.⁴²⁷

In order to buy time for more thorough investigation in case of a reasonable suspicion of a person’s intention to travel to engage in terrorism related activity outside the UK, Temporary Passport Seizure, based on Schedule 1 of the Counter-Terrorism and Security Act 2015 enables police officers to seize and temporarily retain travel documents at ports to disrupt immediate travel.⁴²⁸ Retaining travel documents is possible for 14 days, with a possible extension to 30 days, when approved by a court. The same power may be used with a maximum of three times within a period of six months against the same person.

Lastly, the Counter-terrorism and Security Act 2015⁴²⁹ also created the possibility to issue a Temporary Exclusion Order “to disrupt and control the return to the UK of a British citizen suspected of involvement in terrorism-related activity abroad”.⁴³⁰

Legislative Measures

The Terrorism Act 2000⁴³¹ and the Terrorism Act 2006⁴³² provide for a variety of criminal law provisions that enable the prosecution of (potential) FF such as terrorist financing, participation in and/or leadership of a terrorist group, incitement to terrorism, and travel to join a terrorist organisation.⁴³³ Some legislation was recently strengthened. As to legislative changes, the OSCT response to the ICCT questionnaire noted:

“[The UK has] recently strengthened [its] counter-terrorism legislation to specifically deal with the threat from foreign fighters. The Counter-terrorism and Security Act 2015⁴³⁴

⁴²⁶ Questionnaire, on file with ICCT. In his 2015 report “Returning Foreign Fighters: Criminalization or Reintegration?”, Charles Lister, referring to a speech of Home Secretary May on 24 November 2014, wrote that “[s]ince the dramatic escalation of FF flows into Syria from 2013, the Royal Prerogative has been used 29 times.” C. Lister, “Returning Foreign Fighters: Criminalization or Reintegration?”, Policy Brief, *Brookings Institution*, 2015, <http://www.brookings.edu/~media/research/files/papers/2015/08/13-foreign-fighters-lister/en-fighters-web.pdf>.

⁴²⁷ Questionnaire, on file with ICCT.

⁴²⁸ Ibid.

⁴²⁹ “Counter-Terrorism and Security Act 2015”, <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>.

⁴³⁰ See also Global Center on Cooperative Security, Human Security Collective and International Centre for Counter-Terrorism – The Hague, “Addressing the Foreign Terrorist Fighters Phenomenon from a European Union Perspective: UN Security Council Resolution 2178, Legal Issues, and Challenges and Opportunities for EU Foreign Security and Development Policy,” December 2014, p. 12, http://www.globalcenter.org/wp-content/uploads/2014/12/Dec2014_EU-FTFS_GCCS_HSC_ICCT.pdf.

⁴³¹ “Terrorism Act 2000”, <http://www.legislation.gov.uk/ukpga/2000/11/contents>.

The Act provides the definition of terrorism, and creates specific terrorist offences for inciting terrorist acts; providing instructions or training in the use of firearms, explosives or chemical, biological or nuclear weapons; seeking or providing training for terrorist purposes at home or overseas; inviting, providing, or receiving money or other property with the intention or reasonable suspicion that it will be used for the purposes of terrorism; using or intending to use money or other property for the purposes of terrorism; being involved in the arrangement or making money for terrorism purposes or the arrangements which facilitates the retention or control of terrorist property; and creates the power to ban terrorist groups. Questionnaire, on file with ICCT.

⁴³² “Terrorism Act 2006”, <http://www.legislation.gov.uk/ukpga/2006/11/contents>.

It notably criminalises: The encouragement or ‘glorification’ of terrorism (section 1); dissemination of terrorist publications (section 3); the preparation of terrorist acts (section 5); training for terrorism (section 6); attendance at a place used for terrorist training i.e. training camps (section 8). Questionnaire, on file with ICCT.

⁴³³ Terrorism Act 2000, <http://www.legislation.gov.uk/ukpga/2000/11/contents>; Terrorism Act 2006, <http://www.legislation.gov.uk/ukpga/2006/11/contents>.

⁴³⁴ “Counter-Terrorism and Security Act 2015”, <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>.

provisions now also relate to preventing the payment of ransoms to terrorist organisations.⁴³⁵

In March 2015, the UK also passed the Serious Crime Act 2015.⁴³⁶ Section 81 of this Act extends UK territorial jurisdiction over sections 5 and section 6 of the Terrorism Act 2006. This enables the prosecution of UK-linked individuals and those who seek to harm the UK, who have prepared or trained for terrorism overseas. Any prosecution under this measure requires the additional consent of the Attorney General. The measure came into force on 3 March 2015.⁴³⁷

As to whether these changes occurred in response to the FF phenomenon, the OSCT stated that “[t]errorism [legislation] is enacted to counter all terrorist threats facing the UK. Currently, the principal threat continues to come from militant Islamist terrorists, notably in Syria and Iraq. Clearly this influences the development of [its] CT strategy”.⁴³⁸

Regarding court cases, the OSCT official provided the following:

“Since April 2010, more than 800 people have been arrested for terrorism-related offences in the UK. Of these more than 200 have been charged and over 140 have been successfully prosecuted. Of the 721 persons charged with terrorism-related offences between 11 September 2001 and 31 December 2014, 452 have been convicted. In the year ending 31 December 2014 there were 289 persons arrested for terrorism related offences, an increase of 30% compared with the 223 arrests the previous year. There were 111 charges following terrorism-related arrests. Of these, 96 (86%) were for terrorism-related offences, an increase from the 56% in the previous year. As of October 2014 29 of the 77 persons charged with terrorism-related offences had been proceeded against. Of these, 26 persons were convicted of an offence [...]. Of the 96 persons charged with a terrorism-related offence in the year ending 31 December 2014, 33 were prosecuted, 30 of whom were convicted. A further 55 cases were awaiting prosecution proceedings to commence [...]. There have been many terrorism cases in the UK, some of which have included individuals who have travelled to Syria to engage in terrorist activity. People who commit, plan and support acts of terror abroad and seek to return to the UK will be prosecuted by the UK authorities. Whether a prosecution for an offence is justified in an individual case is a matter for the Crown Prosecution Service to decide after a full police investigation [...]. The most common offence for which persons have been charged with under terrorism legislation since 11 September 2001 is ‘preparation for terrorist acts’ (section 5 of TACT 2006), which has accounted for 14% of all terrorism-related charges since then, and 31% in the year ending 31 December 2014. Further details of the legislation under which persons have been charged following a terrorism-related arrest can be found in the attached table”.⁴³⁹

Preventive Measures

Since April 2012, prevention measures are organised through Channel, which is a multi-agency programme that works with vulnerable people who are drawn to terrorism. Its objective is to intervene in an early stage before individuals get involved in potential criminal activities.⁴⁴⁰ “Channel panels are chaired by the local authority, and include the police and other local agencies as required, including from social services and the health and education sectors. Support will often involve specialist intervention providers who understand the ideology of terrorism and extremism and will seek to steer the vulnerable person away from it. Channel remains a voluntary programme. It is not a criminal sanction. Since Channel was rolled out

⁴³⁵ Questionnaire, on file with authors.

⁴³⁶ “Serious Crime Act 2015”, <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>.

⁴³⁷ Questionnaire, on file with ICCT.

⁴³⁸ Ibid.

⁴³⁹ Questionnaire, on file with ICCT. Though the official did not provide an attached table, the authors were able to find a similar table outlining charges at: Home Office, “Operation of police powers under the Terrorism Act 2000, quarterly update to December 2014: data tables”, 25 June 2015, <https://www.gov.uk/government/statistics/operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-december-2014-data-tables>.

⁴⁴⁰ Questionnaire, on file with ICCT.

nationally in April 2012 there have been over 4000 referrals and hundreds of people have been provided with support. Since April 2014, the number of referrals has risen significantly”.⁴⁴¹

With respect to an emergency number for relatives or friends, the OSCT stated that “[t]he UK has a Police non-emergency number, 101. The Metropolitan Police operate an Anti-Terrorist Hotline for members of the public to report suspicious behaviour. Specially trained officers will handle reports. Alternatively it is possible to submit information using a confidential online form.”⁴⁴² For counter-messaging, the UK supports the work of civil society groups to challenge extremist messages offline and online and to distribute credible testimonials and formulate alternative, positive narratives.⁴⁴³

⁴⁴¹ Ibid.

⁴⁴² Ibid. The form is available at: “Confidential Anti-Terrorist Hotline”, <https://secure.met.police.uk/athotline/>.

⁴⁴³ Ibid.

Annex 4: Threat Assessments in EU Member States¹

Country	Number of Threat Levels	Current Level/ Assessment	Date of Last Revision	Name of Official Threat Scale and Additional Information
Austria	n/a	"Heightened but abstract danger"		
Belgium	Four levels: Low, medium, high, very high	High (3)	November 2015 (lowered)	Following the November 2015 Paris attacks, the level was raised to level 3, then even – on 21 November – to level 4 (for the Brussels area). On 26 November, the level was lowered back to level 3.
Bulgaria	n/a	No immediate threat		Country is not considered a target for terrorist organisations from the Middle East.
Croatia	n/a	"no direct threat [...] from the Jihadists in Syria or returnees; however, a possible threat from the so-called 'lone wolves' should not be excluded"		
Cyprus	Five levels	Medium	April 2015 (raised)	Level was raised, amongst others, due to FF phenomenon, terrorist attacks in Europe in 2015, and proximity to conflict zones.
Czech Republic	n/a	"Terrorism and FF/returnees represent a potential threat"		
Denmark	Threat-level scale in use (no further information available)	Second highest level ("significantly	March 2015 (raised)	No further change after Paris attacks.

¹ Based on data provided in response to the ICCT questionnaires and open-source research

		heightened preparedness")		
Estonia	n/a	Low		
Finland	n/a	Low	November 2015 (raised)	Rise from very low to low due to rise in asylum seekers; threat has become more complex.
France	Two levels and one sub-level: Vigilance, reinforced vigilance, attack alert	Attack alert (3)	January 2015 (raised)	Vigipirate Plan. State of emergency in effect since November 2015 in view of heightened threat.
Germany	n/a	"High abstract threat"		
Ireland	n/a	Attack is "possible but not likely"	November 2015	
Italy	Three levels: Negligible threat, [Level 2], terrorist attack (ongoing or already occurred)	Level 2	November 2015	
Latvia	Four levels: Low, elevated, high, severe	Low (1)		
Lithuania	Five levels: Lowest, low, medium, high, highest	Low (2)	February 2015 (raised)	
Luxembourg	Four levels: Low, medium, serious, very serious	Medium (2)		Threat scale entered into force in March 2015.
Malta	n/a	Low		

The Netherlands	Four levels: Minimal, limited, substantial and critical	Substantial (3)	March 2013 (raised)	<i>Dreigingsbeeld Terrorisme Nederland</i> (DTN). Specific mention to FF was made when the threat level was raised.
Poland	0 to 5	Low (0)		
Portugal	n/a	Low		Estimated by Portuguese authorities as lower than in other European countries.
Romania	Five levels: Low, cautious, moderate, high, critical	Cautious (2)		Remained on same level since the scale was introduced in 2004 (with the exception of a short period during a NATO summit in 2008, when it was temporarily raised to “moderate”).
Slovakia	n/a	“no specific security threat”		
Slovenia	n/a	Low		Official statements refer to the threat as “low”.
Spain	Five levels: Low, moderate, medium, high, very high	High (4)	26 June 2015 (raised)	<i>Nivel de Alerta Antiterrorista</i> (NAA) (Anti-terrorism Alert Level). Raised after the attacks in Tunisia, Kuwait and France.
Sweden	Five levels	High (4)	Nov 2015 (raised)	Official threat scale not made public. Official statements refer to the threat as “high”. Raised in Nov 2015 after plotted attack in Sweden.
The UK	Five levels: Low, moderate, substantial, severe, critical	Severe (4)	August 2014 (raised)	At the start of 2011, the threat level for international terrorism was “severe”, lowered to “substantial” in June 2011. In August 2014, the level was raised to “severe”, mainly as a result of developments in Syria/Iraq.

Annex 5: List of Abbreviations

AIVD	<i>Algemene Inlichtingen- en Veiligheidsdienst</i> (General Intelligence and Security Service), Netherlands
AQI	Al Qaeda in Iraq
BfV	<i>Bundesamt für Verfassungsschutz</i> (Federal Office for the Protection of the Constitution), Germany
BKA	<i>Bundeskriminalamt</i> (Federal Criminal Police Office), Germany
BVT	<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung</i> (Federal Office for the Protection of the Constitution and Counterterrorism), Austria
CC	Criminal Code
CASA	<i>Comitato di Analisi Strategica Antiterrorismo</i> (Committee for Anti-Terrorism Strategic Analysis), Italy
CITCO	<i>Centro de Inteligencia contra el Terrorismo y el Crimen Organizado</i> (Centre for Counter-Terrorism and Organized Crime Intelligence), Spain
CODEXTER	Committee of Experts on Terrorism, Council of Europe
CoPPRA	Community Policing Preventing Radicalization and Terrorism
CT	Counter-Terrorism
CTC	European Union Counter-Terrorism Coordinator
CTED	Counterterrorism Executive Directorate, United Nations
CUTA	Coordination Unit for Threat Assessment, Belgium (also OCAD, OCAM)
CVE	Countering Violent Extremism
DG	Directorate General, European Commission
EEAS	European External Action Service, European Union
ETA	<i>Euskadi Ta Askatasuna</i> (Basque Country and Freedom), Spain
EC	European Commission
ECTC	European Counter-Terrorism Centre
EISS/KaPo	Estonian Internal Security Service/ <i>Kaitsepolitseiamet</i> , Estonia
EP	European Parliament
EU	European Union

FATF	Financial Action Task Force
FF	Foreign Fighters
FTF	Foreign Terrorist Fighters
FD	Framework Decision, European Union
FEMP	<i>Federación Española de Municipios y Provincias</i> (Spanish Federation of Municipalities and Provinces), Spain
FSA	Free Syrian Army
GIA	<i>Groupe Islamique Armé</i> (Armed Islamic Group), Algeria
GCTF	Global Counterterrorism Forum
GICM	<i>Groupe Islamique Combattant Marocain</i> (Moroccan Islamic Combatant Group), Morocco
GRAPO	<i>Grupos de Resistencia Antifascista Primero de Octubre</i> (The First of October Anti-Fascist Resistance), Spain
GSPC	<i>Groupe Salafiste pour la Prédication et le Combat</i> (Salafist Group for Preaching and Combat), Algeria
HKE	<i>Hessisches Informations- und Kompetenzzentrum gegen Extremismus</i> (Hesse Information and Competency Centre against Extremism), Germany
HCPN	<i>Haut-Commissariat à la Protection Nationale</i> (High Commission for National Protection), Luxembourg
ICSR	International Centre for the Study of Radicalisation and Political Violence, London
IRU	Internet Referral Unit, Europol
IS	The so-called "Islamic State" terrorist organisation (also, Daesh, ISIL, ISIS)
JAN	Jabhat al Nusra
JHA Council	Justice and Home Affairs Council, Council of the European Union
JTAC	Joint Terrorism Analysis Centre, United Kingdom
KaPo	<i>Kaitsepolitseiamet</i> (Internal Security Service), Estonia
LIBE	Committee on Civil Liberties, Justice and Home Affairs, European Parliament
MFA	Ministry of Foreign Affairs
Moi	Ministry of Interior
Moj	Ministry of Justice

MS	Member State, European Union
NCTV	<i>Nationaal Coördinator Terrorismedbestrijding en Veiligheid</i> (National Coordinator for Security and Counterterrorism), The Netherlands
OSCT	Office for Security and Counter-Terrorism, United Kingdom
Pegida	Patriotic Europeans Against the Islamisation of the Occident
PET	<i>Politiets Efterretningstjeneste</i> (Security and Intelligence Service), Denmark
PNR	Passenger Name Record
PPPR	Prevent, protect, pursue, and respond, three pillars of the EU Counter-Terrorism Strategy
RAN	Radicalisation Awareness Network, European Commission
RAN CoE	Radicalisation Awareness Network – Centre of Excellence
SIS II	Schengen Information System
SSCAT	Syria Strategic Communication Advisory Team
SÄPO	<i>Säkerhetspolisen</i> (Security Services), Sweden
SUPO	<i>Suojelupoliisi</i> (Security Intelligence Police), Finland
TE-SAT	European Union Terrorism Situation and Trend Report, Europol
TPIMs	Terrorism Prevention and Investigation Measures, United Kingdom
TSG	The Soufan Group
UN	United Nations
UN SC	United Nations Security Council
UK	United Kingdom
US	United States of America
YPG	Kurdish People's Protection Units

Annex 6: Relevant Sources

Bakker, E. "Meeting at NATO's COE-DAT on Foreign Fighters: Push and Pull Factors". *Leiden Safety and Security Blog*, 22 June 2015, <http://leidensafetyandsecurityblog.nl/articles/meeting-at-natos-coe-dat-on-foreign-fighters-push-and-pull-factors> [1.3.2016].

Bakker, E. and P. Grol. "Motives and Considerations of Potential Foreign Fighters from the Netherlands". *The International Centre for Counter-Terrorism – The Hague* 6, no. 3 (2015).

Bakker, E. and S. de Leede. "European Female Jihadists in Syria: Exploring and Under-Researched Topic", *The International Centre for Counter-Terrorism – The Hague* 6, no. 2 (2015).

Bakker, E., Reed, A. and J. de Roy van Zuijdewijn. "Pathways of Foreign Fighters: Policy Options and Their (Un)Intended Consequences". *The International Centre for Counter-Terrorism- The Hague* 6, no. 1 (2015).

Bakker, E. and J. de Roy van Zuijdewijn. "Returning Western Foreign Fighters: The Case of Afghanistan, Bosnia and Somalia", *The International Centre for Counter-Terrorism – The Hague* 5, no. 2 (2014).

Batrawi, S. and I. Chmoun. "Dutch Foreign Fighters Continue to Travel to Syria". *CTC Sentinel* 7, no. 7 July 2014, pp. 11-15, <https://www.ctc.usma.edu/v2/wp-content/uploads/2014/07/CTCSentinel-Vol7Iss74.pdf> [1.3.2016].

Berger, J.M. "How Terrorists Recruit Online (and How to Stop It)". Brookings, 9 November 2015, <http://www.brookings.edu/blogs/markaz/posts/2015/11/09-counter-terror-extremism-online-berger> [1.3.2016].

Bertelsen, P. "Danish Preventive Measures and De-Radicalization Strategies: The Aarhus Model", *Panorama: Insights into Asian and European Affairs*, Konrad Adenauer Stiftung, January 2015, http://psy.au.dk/fileadmin/Psykologi/Forskning/Preben_Bertelsen/Avisartikler_radikalisering/Panorama.pdf [1.3.2016].

Briscoe, I. and B. van Ginkel. "The Nexus between Security and Development", *The International Centre for Counter-Terrorism – The Hague* 4, no. 1 (2013).

Burke, J. *Al-Qaeda: The True Story of Radical Islam*. Harmondsworth: Penguin, 2007.

Carter, J., Maher, S. and P. Neumann. "#Greenbirds: Measuring Importance and Influence in Syrian Foreign Fighter Networks". *The International Centre for the Study of Radicalisation and Political Violence*, 26 April 2014, <http://icsr.info/wp-content/uploads/2014/04/ICSR-Report-Greenbirds-Measuring-Importance-and-Influence-in-Syrian-Foreign-Fighter-Networks.pdf> [1.3.2016].

Cilluffo, F. J., J. B. Cozzens and M. Ranstorp. "Foreign Fighters: Trends, Trajectories & Conflict Zones". *The George Washington University Homeland Security Policy Institute* (2010), http://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/HSPI_Report_16.pdf [1.3.2016].

CODEXTER. "Country Report Belgium" (2014), https://www.coe.int/t/dlapil/codexter/Country%20Profiles/Profiles%202014%20Belgium_EN.pdf [1.3.2016].

Coolsaet, R. "What drives Europeans to Syria, and to IS? Insights from the Belgian case". *Egmont Royal Institute for International Relations*, no. 75 (2015).

Coolsaet, R. "Will the foreign fighters issue ever end?". *European Geostrategy*, 19 April 2015, <http://www.europeangeostrategy.org/2015/04/will-the-foreign-fighters-issue-ever-end/> [1.3.2016].

Coolsaet, R. "Facing the fourth foreign fighters wave; What drives Europeans to Syria, and to Islamic State? Insights from the Belgium Case". *Egmont Paper 81*, March 2016, http://www.egmontinstitute.be/publication_article/facing-the-fourth-foreign-fighters-wave/?utm_source=the+Egmont+mailing+list&utm_campaign=a8c4652d91-EP81-syria-fighters&utm_medium=email&utm_term=0_6fda39e199-a8c4652d91-.

Council of the European Union. "Council Conclusions on Terrorism and Border Security". 5 June 2014, <http://www.gr2014.eu/sites/default/files/JHA%20TERRORISM%20BORDERS.pdf> [4.11.2015].

Council of the European Union. "Factsheet. The challenge of foreign fighters and the EU's response". 9 October 2014, http://www.consilium.europa.eu/en/policies/pdf/Factsheet_Foreign-fighters_EN_pdf/ [15.10.2015].

Council of the European Union. "Outline of the counter-terrorism strategy for Syria and Iraq, with particular focus on foreign fighters". 16 January 2015, <http://data.consilium.europa.eu/doc/document/ST-5369-2015-INIT/en/pdf> [4.11.2015].

Council of the European Union, Presidency, "Draft Council Conclusions on the Renewed European Internal Security Strategy", 9798/15, 10 June 2015, <http://data.consilium.europa.eu/doc/document/ST-9798-2015-INIT/en/pdf> [1.3.2016].

Counter Extremism Project, "Denmark: Extremism and Counter Extremism", February 2015, http://www.counterextremism.com/sites/default/files/denmark_report_0215.pdf [1.3.2016].

Entenmann, E., Van der Heide, L., Weggemans, D. and J. Dorsey. "Rehabilitation for Foreign Fighters? Relevance, Challenges and Opportunities for the Criminal Justice Sector". *The International Centre for Counter-Terrorism – The Hague* 6, no. 5 (2015).

EU Counter-Terrorism Coordinator. "EU Action Plan on combating terrorism". 17 January 2011, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015893%202010%20REV%201> [4.11.2015].

EU Counter-Terrorism Coordinator. "EU Counter-Terrorism Strategy Discussion Paper". 23 May 2012, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%209990%202012%20INIT> [17.12.2015].

EU Counter-Terrorism Coordinator and EEAS. "Foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria". 9946/13, 28 May 2013, <http://www.statewatch.org/news/2013/jul/eu-council-terr-coordinator-syria-9946-13.pdf> [1.3.2016].

EU Counter-Terrorism Coordinator. "Report on the Implementation of the EU Counter-Terrorism Strategy". 24 November 2014, <http://data.consilium.europa.eu/doc/document/ST-15799-2014-INIT/en/pdf> [14.10.2015].

EU Counter-Terrorism Coordinator. "EU CTC input for the preparation of the informal meeting of Justice and Home Affairs Ministers in Riga on 29 January 2015". 17 January 2015, <http://www.statewatch.org/news/2015/jan/eu-council-ct-ds-1035-15.pdf> [11.11.2015].

EU Counter-Terrorism Coordinator. "Follow-up to the statement of the Members of the European Council of 12 February 2015 on counter-terrorism: Report on implementation of measures". 9422/1/15 REV 1, 10 June 2015, <http://data.consilium.europa.eu/doc/document/ST-9422-2015-REV-1/en/pdf> [1.3.2016].

Eurojust. "Foreign Fighters: Eurojust's Views on the Phenomenon and the Criminal Justice Response. Updated Report". January 2015, <http://www.statewatch.org/news/2015/feb/eurojust-foreign-fighters.pdf> [4.11.2015].

European Commission. "Communication from The Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response". 15 January 2014, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/crisis-and-terrorism/radicalisation/docs/communication_on_preventing_radicalisation_and_violence_promoting_extremism_201301_en.pdf [15.10.2015].

European Commission. "Press release. Strengthening the EU's response to radicalisation and violent extremism". 15 January 2014, http://europa.eu/rapid/press-release_IP-14-18_en.htm [16.10.2015].

European Commission. "The European Agenda on Security". 28 April 2015, http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf [1.3.2016].

European Commission. "Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism". 2 December 2015, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-security/legislative-documents/docs/20151202_directive_on_combatting_terrorism_en.pdf [17.12.2015].

European Council. "Special meeting of the European Council (30 August 2014) – Conclusions". 30 August 2014, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/144538.pdf [14.10.2015].

European Council and Council of the European Union. "Response to foreign terrorist fighters and recent terrorist attacks in Europe" (n.d.), <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/foreign-fighters/#feedback-form#feedback-form> [14.10.2015].

European Council and Council of the European Union. "Counter-Terrorism Coordinator". (n.d.), <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/> [14.10.2015].

European Council and Council of the European Union. "Informal meeting of the Heads of State or Government Brussels, 12 February 2015 - Statement by the members of the European Council". 12 February 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/02/150212-european-council-statement-fight-against-terrorism/> [14.10.2015].

European Council and Council of the European Union. "Conclusions of the Council of the European Union and of the Member States meeting within the Council on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism". 20 November 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/11/20-conclusions-radicalisation/> [27.11.2015].

European External Action Service. "Counter-Terrorism" (n.d.), http://eeas.europa.eu/fight-against-terrorism/index_en.htm [22.10.2015].

European Parliament. "European Council Conclusions: A Rolling Check-List of Commitments to Date". 17 March 2015, http://www.europarl.europa.eu/EPRS/EPRS_STUD_547542_2015_march_edition_EUCO_rolling_checklist.pdf [4.11.2015].

European Parliament. "Draft report on prevention of radicalisation and recruitment of European citizens by terrorist organisations (2015/2063(INI)". 1 June 2015, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-551.967+01+DOC+PDF+V0//EN&language=EN> [23.10.2015].

European Parliament. "Work together to fight online radicalisation and extremism, MEPs urge EU states". 20 October 2015, <http://www.europarl.europa.eu/news/en/news-room/content/20151019IPR98397/html/Work-together-to-fight-online-radicalisation-and-extremism-MEPs-urge-EU-states> [23.10.2015].

Europol. "TE-SAT 2013 - EU Terrorism Situation and Trend Report 2013". 25 April 2013. <https://www.europol.europa.eu/content/te-sat-2013-eu-terrorism-situation-and-trend-report> [1.3.2016].

Europol. "TE-SAT 2014. European Union Terrorism Situation and Trend Report 2014". 28 May 2014. <https://www.europol.europa.eu/content/te-sat-2014-european-union-terrorism-situation-and-trend-report-2014> [20.10.2015].

Europol. "TE-SAT 2015. European Union Terrorism Situation and Trend Report 2015". 6 July 2015, <https://www.europol.europa.eu/content/european-union-terrorism-situation-and-trend-report-2015> [20.10.2015].

Europol. "Changes in modus operandi of Islamic State terrorist attacks" (18 January 2016). Review held by experts from Member States and Europol on 29 November and 1 December 2015, https://www.europol.europa.eu/sites/default/files/publications/changes_in_modus_operandi_of_is_in_terrorist_attacks.pdf [1.3.2016].

Fergus, N. "Foreign Fighters – The Next Generation of Global Terrorism". New Zealand Center for Political Research, 31 May 2015, <http://www.nzcpr.com/foreign-fighters-the-next-generation-of-global-terrorism/> [1.3.2016].

Fishman, B. and J. Felter. "Al-Qa'ida's Foreign Fighters in Iraq: A First Look at the Sinjar Records". Combating Terrorism Center, 2 January 2007, <https://www.ctc.usma.edu/wp-content/uploads/2010/06/aqs-foreign-fighters-in-iraq.pdf> [1.3.2016].

"Foreign Fighters in Syria". The Meir Amit Intelligence and Terrorism Information Center, December 2013, <http://www.terrorism-info.org.il/en/article/20607> [1.3.2016].

Franco, H. and R. Moleiro, eds. *Os Jihadistas Portugueses*. Alfragide: Lua de Papel, 2015.

- Garcia-Calvo, C. "Las mujeres del Estado Islámico", *Real Instituto Elcano* (2015), http://www.realinstitutoelcano.org/wps/portal/web/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/terrorismo+internacional/comentario-garciacalvo-las-mujeres-del-estado-islamico [1.3.2016].
- GCTF. "The Hague – Marrakesh Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon" (2014), https://www.thegctf.org/documents/10162/140201/14Sept19_The+Hague-Marrakech+FTF+Memorandum.pdf [1.3.2016].
- Guttry, A. de, F. Capone and C. Paulussen, eds. *Foreign Fighters Under International Law and Beyond*. The Hague: Asser Press, 2016.
- Hegghammer, T. and P. Nesser. "Assessing Islamic State's Commitment to Attacking the West". *Perspectives on Terrorism* 9, no. 4 (2015), pp. 14-30.
- Heinke, D. and J. Raudszus. "German Foreign Fighters in Syria and Iraq", *CTC Sentinel* 8, no. 1 (2015), pp. 18-21, <https://www.ctc.usma.eu/posts/german-foreign-fighters-in-Syria-and-Iraq> [1.3.2016].
- Julie, S. "Complexities in Profiling Western Foreign Fighters", Counter Extremism Project, 31 March 2015, <http://www.counterextremism.com/blog/complexities-profiling-western-foreign-fighters> [1.3.2016].
- Kerchove, G. de, and C. Hohn, "The Regional Answers and Governance Structure for Dealing with the Foreign Fighters: The Case of the EU". Forthcoming.
- Kern, S. "Portugal's Jihadists". *Gatestone Institute* (2014), <http://www.gatestoneinstitute.org/4697/portugal-jihadists> [1.3.2016].
- Kohlmann, E. F., ed. *Al-Qaida's Jihad in Europe: The Afghan-Bosnian Network*, p. 8 and pp. 18-19. Oxford/New York: Berg Publishers, 2004.
- Krähenmann, S. "Foreign Fighters under International". *Geneva Academy of International Humanitarian Law and Human Rights Briefing*, no. 7 (October 2014), <http://www.geneva-academy.ch/docs/publications/Briefings%20and%20In%20briefs/Foreign%20Fighters%20Under%20International%20Law%20Briefing%20no7.pdf> [1.3.2016].
- Kruglanski, A., Gelfand, M., Belanger, J., Sheveland, A., Hetiarachchi, M. and Gunaratna, R. "The Psychology of Radicalization and Deradicalization: How Significance Quest Impacts Violent Extremism". *Advances in Political Psychology* 34, no. 1, (2014), pp. 69-93.
- The Law Library of Congress. "Treatment of Foreign Fighters in Selected Jurisdictions". Global Legal Research Center, December 2014, <https://www.loc.gov/law/help/foreign-fighters/treatment-of-foreign-fighters.pdf> [1.3.2016].
- Lister, C. "Returning Foreign Fighters: Criminalization or Reintegration?". *Brookings Institution Policy Briefing* (2015), <http://www.brookings.edu/~media/research/files/papers/2015/08/13-foreign-fighters-lister/en-fighters-web.pdf> [1.3.2016].
- Maher S. "British Foreign Fighters in Syria", *ICSR Insight* (2013), <http://icsr.info/projects/western-foreign-fighters-syria/> [1.3.2016].

- Meik Amit Intelligence and Terrorism Information Center. "Foreign Fighters in Syria", 207/13, December 2013, http://www.terrorism-info.org.il/Data/articles/Art_20607/E_207_13_1157524947.pdf [1.3.2016].
- Mendelsohn, B. "Foreign Fighters–Recent Trends", *Foreign Policy Research Institute*, August 2012, <http://www.fpri.org/article/2012/08/foreign-fighters-recent-trends/> [1.3.2016].
- Mercy Corps. "From Jordan to Jihad: The Lure of Syria's Violent Extremist Groups". Mercy Corps Policy Brief (2015), <http://peace-and-conflict.jliflc.com/resources/from-jordan-to-jihad-the-lure-of-syrias-violent-extremist-groups/> [1.3.2016].
- Neumann, P. R. "Foreign fighter total in Syria/Iraq Now exceeds 20,000; surpasses Afghanistan conflict in the 1980s". *ICSR Insight* (2015), <http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/> [1 March 2016].
- Official Journal of the European Communities. "Council Framework Decision of 13 June 2002 on Combating Terrorism (2002/475/JHA)". 22 June 2002, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002F0475&from=EN> [4.11.2015].
- Ostayen P. van. "Belgian Fighters in Syria and Iraq ~ October 2015. A new statistical update on Belgian fighters in Syria and Iraq", <https://pietervanostaeyen.wordpress.com/2015/10/11/belgian-fighters-in-syria-and-iraq-october-2015/> [1.3.2016].
- Paulussen, C. "Responding to Foreign Fighters: A Quick Overview for People with Little Time". Perspectives, The International Centre for Counter-Terrorism – The Hague, 26 May 2015, <http://icct.nl/publication/responding-to-foreign-fighters-a-quick-overview-for-people-with-little-time/> [1.3.2016].
- Presidency, Council of the European Union. "Revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism". 19 May 2014, <http://data.consilium.europa.eu/doc/document/ST-9956-2014-INIT/en/pdf> [4.11.2015].
- Presidency and Counter-Terrorism Coordinator. "The European Union Counter-Terrorism Strategy". 30 November 2005, <http://register.consilium.europa.eu/doc/srv?!=EN&f=ST%2014469%202005%20REV%204> [21.10.2015].
- Rademakers M. "An exploratory research on the motivations of Dutch Syrian fighters". *Leiden University*, Master Thesis (March 2014).
- Radicalisation Awareness Network. "The RAN Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration". November 2013, <http://www.icct.nl/download/file/RAN-Declaration-Good-Practices-for-Engagement-with-Foreign-Fighters.pdf> [15.10.2015].
- Ranstorp M., L. Gustafsson and P. Hyllengren. "From the Welfare State to the Caliphate". *Foreign Policy*, 3 February 2015, http://foreignpolicy.com/2015/02/23/from_the_welfare_state_to_the_caliphate_sweden_islamic_state_syria_iraq_foreign_fighters/ [1.3.2016].
- Reinares, F. and C. García-Calvo. "The Spanish Foreign Fighter Contingent in Syria". *CTC Sentinel* 7, no. 1 (2014), pp. 12-14, <https://www.ctc.usma.edu/v2/wp-content/uploads/2014/01/CTCSentinelVol7Iss1.pdf> [1.3.2016].

Reinares, F. and C. García-Calvo. "Terroristas, redes y organizaciones: facetas de la actual movilización yihadista en España". *Real Instituto Elcano* (2015), <http://www.ara.cat/2015/11/16/1468733114.pdf?hash=2e5b10a8439c0b731c040217b4dbd75c8bdceb97> [1 March 2016].

Roggio, B. "ISIS names Danish, French suicide bombers killed in 'Ninewa Division'". *The Long War Journal*, 20 May 2014, http://www.longwarjournal.org/archives/2014/05/isis_names_danish_fr.php [1.3.2016].

Saarinen, J. "The Finnish foreign fighter contingent in Syria and Iraq", *Terrorism Monitor* 13, no. 18 (2015), pp. 3-5.

Sageman, M. *Understanding Terror Networks*. Philadelphia: University of Pennsylvania Press, 2004.

Sageman, M. *Leaderless Jihad: Terror Networks in the Twenty-First Century*. Philadelphia: University of Pennsylvania Press, 2008.

Schmid, A. P. "Foreign (Terrorist) Fighter Estimates: Conceptual and Data Issues", *The International Centre for Counter-Terrorism – The Hague* 6, no. 4 (2015).

Schmid, A. P. and J. Tinnes. "Foreign (Terrorist) Fighters with IS: A European Perspective", *The International Centre for Counter-Terrorism – The Hague* 6, no. 8 (2015).

Sherwood, H., Lavelle, S., Willsher, K., Knight, B., French, M., and L. Gambino. "Schoolgirl jihadis: the female Islamists leaving home to join Isis fighters". *The Guardian*, 29 September 2014, <http://www.theguardian.com/world/2014/sep/29/schoolgirl-jihadis-female-islamists-leaving-home-join-isis-iraq-syria> [10.11.2015].

Sinkkonen, T. "War on Two Fronts. The EU Perspective on the Foreign Terrorist Fighters of ISIL". The Finnish Institute of International Affairs, Briefing Paper 166, January 2015, http://www.fiia.fi/en/publication/470/war_on_two_fronts/ [1.3.2016].

The Soufan Group. "Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq". December 2015, http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf [1.3.2016].

The Soufan Group. "TSG IntelBrief: Recalibrating the Terror Threat Radar". 7 December 2015, <http://soufangroup.com/tsg-intelbrief-recalibrating-the-terror-threat-radar/> [1.3.2016].

The Soufan Group. "TSG IntelBrief: The Murky Challenge of Returning Foreign Fighters". 9 December 2015, <http://soufangroup.com/tsg-intelbrief-the-murky-challenge-of-returning-foreign-fighters/> [1.3.2016].

UK Home Affairs Committee. "Oral evidence: Counter-terrorism in Europe, HC 933". 13 January 2015, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/counterterrorism-in-europe/oral/17575.html> [16.10.2015].

Vidino, L. "Foreign Fighters: An Overview of Responses in Eleven Countries". Center for Security Studies, ETH Zurich, March 2014, http://www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/Foreign_Fighters_2014.pdf [1.3.2016].

Vliedren, G. van. "How Belgium Became a Top Exporter of Jihad". *Terrorism Monitor* 13, no. 11 (2015), pp. 3-5.

Vries, R. B. de. "Achtergrond, aard en dreiging van de Nederlandse Syriëgang". *Militaire Spectator* 184, no. 6 (2015), pp. 285-96.

Weenink A. W. "Behavioral Problems and Disorders among Radicals in Police Files". *Perspectives on Terrorism* 9, no. 2 (2015), pp. 17-33.

Weggemans, D., Bakker, E. and P. Grol. "Who Are They and Why do They Go?: The Radicalisation and Preparatory Processes of Dutch Jihadist Foreign Fighters". *Perspectives on Terrorism* 8, no. 4 (2014), pp. 100-110.

Wright, L. *The Looming Tower: Al-Qaeda and the Road to 9/11*. New York: Vintage Books, 2007.

The Foreign Fighters Phenomenon in the European Union Profiles, Threats & Policies

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