**Countering Foreign**

**Terrorist Fighters**

Criminal, Administrative, & Prosecutorial

Strategies to Halt the International Flow of Terrorism

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# Introduction

On September 24, 2014, the Security Council unanimously adopted Resolution 2178 (see Appendix for the full text) to address the phenomena of foreign terrorist fighters (FTF).[[1]](#footnote-1) The resolution, one of the most important, quasi-legislative efforts of the Council since the adoption of Resolution 1373 (2001), was an affirmation not only that terrorism “in all forms and manifestations constitutes one of the most serious threats to international peace and security,” but that member states must “do all they can to resolve conflict and to deny terrorist groups the ability to put down roots and establish safe havens to address better the growing threat posed by terrorism.”[[2]](#footnote-2) The Council systemically emphasizes that in countering the threat posed by terrorism, it is vital that counter terrorism measures comply with one’s obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law.[[3]](#footnote-3)

The need for Resolution 2178 stemmed from the unparalleled flow of fighters to conflict area such as the Syrian Arab Republic, Iraq, the Horn of Africa, Libya, Yemen, Iraq, Afghanistan, and elsewhere. These fighters, “not only exacerbate existing conflicts, but also often return home possessing new skills and connections, increasing the threat of home –grown terrorist attacks. Terrorist networks forged in the conflicts of today could pose a threat for decades to come.”[[4]](#footnote-4) Concern with FTF is not new as the July 7 bombing underlined the threat posed by foreign fighters in that even though those responsible for the London attacks were Yorkshiremen a large aspect of their radicalization occurred outside of the United Kingdom. Nevertheless, the attack galvanized the British government to recognize a need for a shift in policy in respect to minority communities.[[5]](#footnote-5) In demanding that the member states address the phenomena of the FTF, the Council used its Chapter VII authority to reaffirm the need for member states to use domestic and international laws to engage in effective border control, monitor international travel, engage in anti-corruption tactics, impose sanctions and prohibitions, share intelligence, and adopt measures to prevent individuals from traveling abroad to engage in acts of violent extremism, such as joining Islamic State to fight in Syria, Iraq, and elsewhere.

Concern has been expressed that states may Resolution 2178 and use Art. 103 (primacy clause)[[6]](#footnote-6) of the UN to adopt “a wave of domestic legislation which may go even further beyond the requirements of the resolution,”.[[7]](#footnote-7) That is, because Security Council Resolutions are constitutive documents, authorizing and demanding action and compliance by member states[[8]](#footnote-8) adopting them may come at a cost to an individual right or freedom.[[9]](#footnote-9) Some states as a way address the threat posed by the foreign fighters has threatened to revoke a person’s nationality. In doing so, a number of fundamental issues emerged beginning as to whether a state has the authority to revoke one’s nationality, especially in those systems where nationality is birth-based and the way in which the revocation had taken place (was there due process, and if so, in what manner).[[10]](#footnote-10)

This report provides a review of select number of countries based on geographical divisions, on how they sought to fulfil their 2178 obligations. The report describes and analyzes what prosecutorial/judicial and administrative measures have been taken. In developing the assessment, it is generally recognized that states have four responses – criminal prosecution, war model, executive measures, exit (deportation or exclusion) model – to the FTF phenomena.[[11]](#footnote-11)

# Findings

# **NORTH AMERICA**

# **United States of America**

The United States’s strategy for Foreign Fighters focuses on four objectives: (1) identification, (2) prevention, (3) detection, and (4) disruption.[[12]](#footnote-12) The intended outcome of this strategy is to prevent the emergence of other terrorist sanctuaries and build a culture of resilience. According to 2015 Homeland Security Committee Task Force Report, the U.S. does not have programs like other countries to address radicalization. This could be explained by constitutional reasons where de-radicalization programs could violate a citizen’s First Amendment rights.[[13]](#footnote-13)

Instead, the U.S. focuses on prevention.Currently, the Department of Homeland Security (DHS) supports community based programs designed to encourage people to share suspicious information with law enforcement, and hosts workshops and provide grants.[[14]](#footnote-14) In June 2015, the US government has submitted a call for non-government organizations (NGOs) to apply for a program through the State Department’s Bureau of Counterterrorism to “assist in the returning foreign terrorist fighters into communities.’[[15]](#footnote-15) In 2011, the U.S. Department of Justice announced a new anti-terrorism initiative, Countering Violent Extremism (CVE), or the Strong Cities Network, which aims to deter U.S. residents from joining "violent extremist" groups by bringing community and religious leaders together with law enforcement, health professionals, teachers and social service employees. The intention behind this is to create communities where members can help each other identify signs of radicalization and build resilience to radicalization (exchange ideas, best practices, etc.).[[16]](#footnote-16) In 2014, the CVE initiative launched in three pilot cities: Boston, Minneapolis, and Los Angeles,[[17]](#footnote-17) and in 2015 New York joined.[[18]](#footnote-18)

Relevant legislation includes the Visa Waiver Program Improvement and Terrorist Travel Prevention Act, (H.R. 158) which was passed by the U.S. House of Representatives on December 9, 2015. This Act requires citizens of Iraq or Syria, or anyone who has visited Iraq or Syria in the past five years, to undergo the full visa process, including stringent screening. It also requires any country that participates in the Visa Waiver Program to share counter terrorism info with the United States. Moreover, it requires anyone applying for a visa waiver to be checked against INTERPOL databases. It also introduces the use of biometrics in enhancing passport security. The Act still needs to be passed by the U.S. Senate.

Another piece of legislation, the Foreign Fighter Review Act of 2016, was submitted for review into the House on Jan. 2, 2016. It has since been received in the Senate and read twice, when it was then referred to the Committee on Homeland Security and Governmental Affairs. This bill would direct DHS to initiate a review of known instances since 2011 in which a person has traveled, or attempted to travel, to a conflict zone in Iraq or Syria from the United States to join or provide material support or resources to a foreign terrorist organization.

Continuing this trend, theEnhancing Overseas Traveler Vetting Act was also submitted to the House on Jan. 2, 2016. If passed, it would authorize DHS and the Department of State (DOS) to do two things: (1) to develop open-source software based on U.S. Customs and Border Protection’s global travel targeting and analysis systems and the State Department's watch listing, identification, and screening systems to facilitate the vetting of travelers against terrorist watch lists and law enforcement databases, enhance border management, and improve targeting and analysis; and (2) make such software and any related technical assistance or training available to foreign governments or multilateral organizations for such purposes. With regards to legal responses to Foreign Fighters and Returnees, Senate Democrats have called for DHS to “immediately require social media background checks” as part of the screening process that all foreigners seek in obtaining American Visas.[[19]](#footnote-19)

Since many of these legislative initiatives are still under review, however, the U.S. is currently relying on a “hard” criminal justice approach to combating the Foreign Fighters phenomenon in the form of its anti-material support to terrorism statutes. Accordingly, instead of concentrating on reforming or dissuading potential terrorists, the so called “soft” approach, the United States is vigorously charging them to the fullest extent of available law. Most notably, the U.S. has been prosecuting individuals under title 18 United States Code, (Crimes and Criminal Procedures) specifically sections 2339A and 2339B. In this regard, section 2339A makes it a crime to provide support in the form of money, training, property, services, or any other beneficial assistance to specific terrorists, while 2339B makes it a crime to provide this same support to terrorist organizations. To illustrate how the United States has utilized these statutes, the following are cases involving individuals engaged in terrorist activities.

Jaelyn Delshaun Young, 20, of Starkville, Mississippi, pleaded guilty today in the Northern District of Mississippi to conspiring to provide material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization. Young pleaded guilty before Chief U.S. District Judge Sharion Aycock of the Northern District of Mississippi to conspiring with Muhammad Oda Dakhlalla to provide material support to ISIL. Dakhlalla pleaded guilty to the same charge on March 13, 2016. Young was remanded to the custody of the U.S. Marshals Service to await sentencing, which will be scheduled at a later date. The investigation was conducted by the FBI’s Jackson Division Joint Terrorism Task Force and the Washington Field Office. The case is being prosecuted by Assistant U.S. Attorneys Clay Joyner and Bob Norman of the Northern District of Mississippi and Trial Attorney Rebecca Magnone of the National Security Division’s Counterterrorism Section.[[20]](#footnote-20)

Joseph Hassan Farrokh, 28, of Woodbridge, Virginia, pleaded guilty today to conspiring to provide material support and resources to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization. The plea was accepted by U.S. District Judge Anthony J. Trenga of the Eastern District of Virginia. The case is being prosecuted by Assistant U.S. Attorneys Gordon Kromberg and Dennis Fitzpatrick of the Eastern District of Virginia, along with Trial Attorney D. Andrew Sigler of the National Security Division’s Counterterrorism Section.[[21]](#footnote-21)

Aws Mohammed Younis Al-Jayab, 23, of Sacramento, California, was indicted today in the Northern District of Illinois for attempting to provide material support to acts of violence overseas. The case in Chicago is being prosecuted by Assistant U.S. Attorneys Barry Jonas and Shoba Pillay of the Northern District of Illinois and Trial Attorney D. Andrew Sigler of the National Security Division’s Counterterrorism Section.[[22]](#footnote-22)

Abdul Malik Abdul Kareem, 44, of Phoenix, was found guilty today by a federal jury of one count each of the following five crimes: conspiracy to provide material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization; conspiracy to transport firearms and ammunition in interstate commerce with the intent to commit murder and aggravated assault; transporting firearms and ammunition in interstate commerce with the intent to commit murder and aggravated assault; making false statements to the FBI; and being a felon in possession of a firearm. The case was investigated by the FBI, and the prosecution was handled by Assistant U.S. Attorneys Joseph Koehler and Kristen Brook of the District of Arizona, with assistance provided by Trial Attorney Rebecca Magnone of the National Security Division’s Counterterrorism Section.[[23]](#footnote-23)

Mufid Elfgeeh, 32, of Rochester, New York, was sentenced to 270 months in prison by U.S. District Judge Elizabeth A. Wolford of the Western District of New York for attempting to provide material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization. The case was investigated by the FBI’s Rochester Joint Terrorism Task Force (JTTF). The case was prosecuted by Assistant U.S. Attorneys Brett A. Harvey and Frank H. Sherman of the Western District of New York with the assistance of Trial Attorney Paul Casey of the National Security Division’s Counterterrorism Section.[[24]](#footnote-24)

Muhammad Oda Dakhlalla, 23, of Starkville, Mississippi, pleaded guilty today in U.S. District Court in Aberdeen, Mississippi, to conspiring to provide material support to a designated foreign terrorist organization. The investigation was conducted by the FBI’s Jackson Division Joint Terrorism Task Force and the Washington Field Office. The case is being prosecuted by the U.S. Attorney’s Office of the Northern District of Mississippi and the National Security Division’s Counterterrorism Section.[[25]](#footnote-25)

A jury in the Eastern District of New York today found Tairod Nathan Webster Pugh, 48, of Neptune, New Jersey, a veteran of the U.S. Air Force, guilty of attempting to provide material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization, and obstructing an official proceeding. The government’s case is being prosecuted by Assistant U.S. Attorneys Samuel P. Nitze, Tiana A. Demas and Mark Bini of the Eastern District of New York, with assistance provided by Trial Attorney Larry Schneider of the National Security Division’s Counterterrorism Section.[[26]](#footnote-26)

Cheng Le, 22, of Manhattan, New York, was sentenced today to 16 years in prison for attempting to acquire ricin, postal fraud and identity theft in relation to a terrorism offense. Le was convicted on Aug. 27, 2015, following a four-day jury trial before U.S. District Judge Alison J. Nathan of the Southern District of New York, who imposed today’s sentence. Le’s trial conviction marked the first time in the Southern District of New York a defendant had been convicted at trial of attempting to possess a biological toxin for use as a weapon or of aggravated identity theft during and in relation to a terrorism offense. This prosecution is being handled by Assistant U.S. Attorneys Ilan Graff and Andrew D. Beaty of the Southern District of New York and Trial Attorney Joseph Kaster of the National Security Division’s Counterterrorism Section.

Abdirizak Mohamed Warsame, 20, of Egan, Minnesota, pleaded guilty to an information charging him with conspiracy to provide material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization. The defendant pleaded guilty before Senior U.S. District Judge Michael J. Davis of the District of Minnesota. Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Andrew M. Luger of the District of Minnesota and Special Agent in Charge Richard T. Thornton of the FBI’s Minneapolis Division made the announcement.[[27]](#footnote-27)

Nisreen Assad Ibrahim Bahar, aka Umm Sayyaf, 25, an Iraqi citizen and wife of Abu Sayyaf, a senior leader within the Islamic State of Iraq and the Levant (ISIL) until his death last year, was charged by criminal complaint for her role in a conspiracy that resulted in the death of American citizen Kayla Jean Mueller in February 2015. Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Dana J. Boente of the Eastern District of Virginia and Assistant Director in Charge Paul M. Abbate of the FBI’s Washington Field Office made the announcement.[[28]](#footnote-28)

John T. Booker Jr., 21, of Topeka, Kansas, pleaded guilty to attempting to detonate a vehicle bomb on the Fort Riley military base in Manhattan, Kansas. Assistant Attorney General for National Security John P. Carlin and U.S. Attorney Barry Grissom of the District of Kansas made the announcement. Booker pleaded guilty before U.S. District Judge Carlos Murguia of the District of Kansas to one count of attempted use of a weapon of mass destruction and one count of attempted destruction of government property by fire or explosion. Sentencing will be scheduled at a later date. The parties have stipulated to a sentence of 30 years in federal prison.[[29]](#footnote-29)

Mahdi Hashi, 26, a Somali national, was sentenced to nine years in prison by U.S. District Judge John Gleeson of the Eastern District of New York for conspiring to provide material support to al-Shabaab, a designated foreign terrorist organization. The defendant traveled from the United Kingdom to Somalia to join the terrorist group. While in Somalia, the defendant was affiliated with the American jihadist Omar Hamami and his band of American fighters, as well as individuals associated with al-Shabaab’s suicide bomber program. The sentence was announced by Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Robert L. Capers of the Eastern District of New York and Assistant Director in Charge Diego Rodriguez of the FBI’s New York Field Office.[[30]](#footnote-30)

Ardit Ferizi, 20, a citizen of Kosovo, made his initial appearance before U.S. Magistrate Judge Ivan D. Davis of the Eastern District of Virginia on charges alleging that he provided material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization, and committed computer hacking and identity theft violations in conjunction with the theft and release of personally identifiable information (PII) of U.S. service members and federal employees. Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Dana J. Boente of the Eastern District of Virginia, Assistant Director in Charge Paul M. Abbate of the FBI’s Washington Field Office, and Special Agent in Charge Michelle S. Klimt of the FBI’s Jacksonville Florida Division made the announcement.[[31]](#footnote-31)

Joseph Hassan Farrokh, 28, and Mahmoud Amin Mohamed Elhassan, 25, both of Woodbridge, Virginia, were charged for criminal activity relating to Farrokh’s attempt to travel to Syria to join the Islamic State of Iraq and the Levant (ISIL). The charges were announced by Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Dana J. Boente of the Eastern District of Virginia and Assistant Director in Charge Paul M. Abbate of the FBI’s Washington Field Office.[[32]](#footnote-32)

A grand jury in Sacramento, California, returned an indictment charging Aws Mohammed Younis Al-Jayab, 23, of Sacramento, with one count of making a false statement involving international terrorism, Assistant Attorney General for National Security John P. Carlin and U.S. Attorney Benjamin B. Wagner of the Eastern District of California announced. Al-Jayab is in custody and is scheduled for arraignment on Jan. 22, 2016, at 2:00 PM PST before U.S. Magistrate Judge Kendall J. Newman of the Eastern District of California. He was arrested by criminal complaint on Jan. 7, 2016.[[33]](#footnote-33)

Minh Quang Pham, aka Amin, 33, pleaded guilty in the Southern District of New York to terrorism charges based on Pham’s efforts in support of al Qaeda in the Arabian Peninsula (AQAP), a designated foreign terrorist organization. Pham was arrested in the United Kingdom on June 29, 2012, and was extradited to the United States on Feb. 26, 2015. Pham pleaded guilty to one count of providing material support to AQAP, one count of conspiring to receive military training from AQAP and one count of possessing and using a machine gun in furtherance of crimes of violence. The plea was announced by Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Preet Bharara of the Southern District of New York and Assistant Director in Charge Paul M. Abbate of the FBI’s Washington Field Office.[[34]](#footnote-34)

A federal grand jury returned an indictment charging Mohamed Elshinawy, 30, of Edgewood, Maryland, with conspiring to provide and with providing material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization; terrorism financing; and making false statements in connection with a terrorism matter. The indictment was announced by Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Rod J. Rosenstein of the District of Maryland and Special Agent in Charge Kevin Perkins of the FBI’s Baltimore Division.[[35]](#footnote-35)

Maalik Alim Jones, 31, of Maryland, was indicted based on his alleged support of al Shabaab, a designated foreign terrorist organization based in Somalia that is allied with al Qaeda. Jones, a U.S. citizen, was presented before Chief U.S. Magistrate Judge Frank Maas of the Southern District of New York on Dec. 19, 2015, pursuant to a criminal complaint. The charges were announced today by Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Preet Bharara of the Southern District of New York, Assistant Director in Charge Diego Rodriguez of the FBI’s New York Field Office and Commissioner William J. Bratton of the New York City Police Department.[[36]](#footnote-36)

Fazliddin Kurbanov, 33, an Uzbek national, was sentenced to 25 years in federal prison by Senior U.S. District Judge Edward J. Lodge of the District of Idaho for conspiring and attempting to provide material support to a designated foreign terrorist organization and possessing an unregistered destructive device. Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Wendy J. Olson of the District of Idaho and Special Agent in Charge Eric Barnhart of the FBI’s Salt Lake City Division made the announcement. Judge Lodge also sentenced Kurbanov to a term of supervised release of three years and imposed a fine of $250,000. Kurbanov, who was convicted in August 2015 after a 20-day trial, will also face deportation proceedings at the end of his prison sentence.[[37]](#footnote-37)

Omar Faraj Saeed Al Hardan, 24, a Palestinian born in Iraq, has been charged in a three-count indictment alleging that he attempted to provide material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization. Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Kenneth Magidson of the Southern District of Texas, Special Agent in Charge Perrye K. Turner of the FBI’s Houston Division and Special Agent in Charge Brian M. Moskowitz of Immigration and Customs Enforcement's Homeland Security Investigations (HSI) in Houston made the announcement.[[38]](#footnote-38)

A Sacramento, California, resident was arrested on a federal charge of making a false statement involving international terrorism. Aws Mohammed Younis Al-Jayab, 23, is charged in a complaint that was unsealed today in the U.S. District Court of the Eastern District of California following his arrest. He will have his initial appearance tomorrow at 2:00 p.m. PST in Sacramento. The arrest was announced by Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Benjamin B. Wagner of the Eastern District of California and Special Agent in Charge Monica M. Miller of the FBI’s Sacramento Division.[[39]](#footnote-39)

U.S. District Judge Michael J. Davis and Daniel Koehler, director of the German Institute on Radicalization and De-radicalization Studies (GIRDS), have begun to collaborate on an intervention study program. The cases of Abdullahi Yusef, Hanad Musse, Zacharia Abdurahman, and Abdirizak Mohamed Warsame prompted Judge Davis to contact GIRDS regarding, what they are now calling, the “Terrorism Disengagement and De-Radicalization Program. Described as a new approach to pre-sentencing, this is the first of its kind in the U.S. The program will consist of “necessary interviews with the defendant [s], family members, friends, teachers, and/or agents of the government and review of appropriate documentation and reports…” It is meant to be tailored “to the individual defendant’s circumstances and underlying radicalization factors.”

# Canada

Canada’s strategy for Foreign Fighters focuses on six principles: (1) building resilience, (2) prosecuting act of terrorism, (3) adhering to rule of law, (4) cooperating with domestic and international partnerships, (5) engaging in proportionate and measured responses, and (6) adopting a flexible and forward looking approach. The principal goal of Canada’s strategy is to build resilience against terrorist. In its efforts to achieve this, the country has adopted an approach that uses “repressive” measures to prevent people from leaving or punish those who already did. Such measures include thwarting foreign fighters from traveling to and from Canada, and revoking passports or citizenship of dual nationals who do engage in violent extremism.

As part of its strategy to prevent the radicalization of Canadians, the country has two de-radicalization programs: CAN-bridge and the “12 Step Detox Program.[[40]](#footnote-40)” Canadian Muslim Activist, Muhammad Robert Heft, developed these programs to provide domestic outreach, training, workshops, and seminars for Muslim communities and government agencies. The “12 Step Program” is specifically offered in mosques for youth Islamic radicals. A Toronto Mosque *Masjid el Noor*, provides a 12 step radicalization prevention program that adopts the Sufi approach of psycho-spiritual rehabilitation therapy. *Public Safety Canada,*a coordinating agency that partners with public safety agencies launched a campaign that uses real life narratives from those with experiences with violent extremism for purposes of initiating conversation and opportunities for community intervention for de-radicalization.

Canada has made a number of legislative changes to address the growing problem of foreign fighters in conflicts like Syria and Iraq. In September 2004, Canada’s passport regulations, the Canadian Passport Order, was amended to give Canada’s Citizenship and Immigration Minister explicit authority to “refuse or revoke a passport if the Minister is of the opinion that such action is necessary for the national security of Canada or another country.”[[41]](#footnote-41) Canada’s Criminal Code was amended in 2013, pursuant to Bill S-7, the Combating Terrorism Act, to make it a criminal offense for a person to leave or attempt to leave Canada in order to participate in the activity of a terrorist group. For the purposes of the Act, a terrorist group is defined as any entity or association of individuals that engages in terrorist activity as is laid out in Canada’s Anti-Terrorism Act of 2001, or Bill C-36. A person convicted of such an offense is liable for imprisonment for a term of up to ten years.[[42]](#footnote-42)

Canada’s Foreign Enlistment Actalso prohibits an individual from enlisting, leaving Canada, or intending to leave Canada to enlist “with a foreign state at war with a friendly state.” The government has also proposed further changes to Canada’s Criminal Code to “allow for more preventative action,” (such as making it a hate speech crime to say that terrorist acts are justified) and has suggested lowering the legal threshold “to allow for preventive detention of suspected foreign fighters who are intent on traveling abroad to participate in terror activity.”[[43]](#footnote-43)

On June 19, 2014, Royal Assent was given to Bill C-24, which made amendments to Canada’s Citizenship Act (among other laws such as the Income Tax Act and the Immigration Refugee Protection Act) that allow the government to revoke the citizenship of dual nationals “who are convicted of terrorism, high treason, and spying offences (depending on the sentence received), or who take up arms against Canada.”[[44]](#footnote-44) A key element of the Canadian Border Security Agency’s (CBSA) approach to combat irregular migration is its “multiple borders strategy” that strives to “push the border out” so that people posing a risk to Canada's security and prosperity are identified as far away from the actual border as possible, ideally before a person departs their country of origin.

Admissibility screening occurs prior to the arrival of an individual in Canada, or immediately after arrival, to ensure that those who are inadmissible do not enter or cannot remain in Canada. As part of its enforcement mandate, CBSA officers carry out removal orders, with security and admissibility cases given top priority. Under “Beyond the Border: A Shared Vision for Perimeter and Security and Competitiveness,” Canada and the U.S. are working on a number of initiatives to deny terrorists the ability to use either country as a transit point to circumvent restrictions imposed by the other.

Similar to the situation in Australia, the relative newness of Canada’s legislative measures to stem the flow of foreign fighters to the Middle East has resulted in few charges. The first person to be prosecuted under Canada’s Combating Terrorism Act was a 25-year-old man named Hasibullah Yusufzai, who was charged with leaving or attempting to leave Canada to engage in terrorism in July 2014 after using a stolen passport to fly to Syria. Although Yusufzai's case is still pending, should he be convicted, he faces up to 14 years in prison.

After Yusufzai, the next person to be charged under the Combating Terrorism Act was a 24 year old man Carlos Larm. Like his predecessor, Larm is also being prosecuted with leaving or attempting to leave Canada to engage in terrorism. Additionally, he is being charged with participating in the activities of a terrorist group, both offenses for which he was indicted with in January 2015. His case is also pending.

# AUSTRALIA

Australia’s strategy for Foreign Fighters focuses on prevention and recovery. The aims of the counter-terrorism strategy are: (1) challenge violent extremist ideologies, (2) stop people from becoming terrorists, (3) engage in information sharing and capacity and capability building, (4) disrupt terrorist activity, and (5) effective response and recovery. The intended outcome of this strategy is to anticipate or minimize harm by either detaining an individual for a short period of time to prevent an imminent terrorist attack from occurring or preserve evidence of a recent terrorist act for prosecution purposes. (Criminal code act 1995, s. 105.1). When prosecution or imprisonment is not possible, Australia will surveil the returnees.[[45]](#footnote-45)

As part of the country’s strategy, the Australian government started the “Building Community Resilience Program” in 2014, which seeks to de-radicalize people convicted of terrorism offenses, specifically the program called “Living Safe Together” which works with prisoners before and after their release.[[46]](#footnote-46) The *Living Safe Together Program*focuses on diverting individuals from violent extremism, addressing the drivers of radicalization, assisting at-risk individuals (particularly inmates detained for violent extremism reasons), rehabilitation, and providing support services for the individual to return to society[[47]](#footnote-47). In 2015 the Australian Government appropriated around $13.4 million to this program for the purposes of assessing at-risk individuals and referring them to support services to reject violent extremism, and $21.7 million for CVE efforts such as promoting counter narratives and removing online extremist material.

With regards to relevant legislation, the Australian Parliament passed the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014 on October 30, 2014. The legislation changed a number of existing laws in order to aid the government in combating the threat posed by Australians participating in foreign conflicts abroad.[[48]](#footnote-48) Key provisions in the legislation include amendments to the Criminal Code Act of 1995, the Australian Passport Act of 2005, and the Crimes Act of 1914. For example, the Criminal Code Act of 1995 was modified to create the new offenses of “advocating terrorism” and of entering or remaining in a “declared area” of a foreign country in which a terrorist organization is engaging in hostile activity.[[49]](#footnote-49) For the purposes of the first new offense, “advocating terrorism” is defined as urging, promoting, encouraging, or counseling another to engage in a terrorist offense with reckless disregard as to whether or not they will commit the offense. This is lower than the intent requirement of traditional incitement offenses.

For the second new offense, what constitutes a “declared area” is to be determined at the discretion of the Foreign Affairs Minister. As such, when he/she is satisfied that a terrorist organization as listed under the criminal code is operating in a region or country, such space is deemed a “declared area.” Furthermore, the Criminal Code Act of 1995 was also changed to add extensions to the applicability of both its control order regime and the preventative detention order regime until September 2018, when the relevant provisions (as amended by the 2014 bill) will expire if they are not extended again through legislation passed by the Parliament.[[50]](#footnote-50)

The Australian Passports Act of 2005, on the other hand, was modified to introduce the power to suspend a person’s Australian travel documents for fourteen days if requested by the Director-General of Security. Further amendments that are under review will allow the government to choose not to notify a person if their passport application has been denied or if a passport has been canceled if such notification would adversely affect an investigation into a terrorism offense or endanger national security. The law already allows for a person’s Australian passport to be canceled if it is suspected that the individual is liable to engage in conduct that might negatively affect national security.[[51]](#footnote-51) Finally, the Crimes Act 1914 was amended to introduce a delayed notification search warrant system in addition to lowering the legal threshold necessary to arrest a person without a warrant for terrorism offenses.[[52]](#footnote-52)

A further bill, the Counter-Terrorism Legislation Amendment Bill (No. 1) 2015, was introduced in the Parliament on November 12, 2015. Acting as a follow up to the Counter-Terrorism Legislation Amendment Bill (No. 1) of 2014, this new legislation aims to expand the Criminal Code Act 1995 even further, as well as to modify the Crimes Act 1914, the Surveillance Act 2004, the Telecommunication Act 1917, the Australian Security Intelligence Organisation Act 1979, the Classification Act 1995, the National Security Information Act 2004, the Taxation Administration Act 1953, the Administration Appeals Tribunal Act 1975, and the Public Interest Disclosure Act 2013.

Although this amendment clarifies some of these laws, and therefore limits the power of the Australian government to prosecute suspected terrorists in some respects, (such as by clarifying the meaning of “imminence” for gaining a preventative detention order, and by clarifying the threshold requirements for the issue of a delayed notification search warrant) its net effect is to dramatically increase Australia’s ability to combat terrorism. It does this by greatly increasing the government’s surveillance capabilities, as well as its ability to classify and conceal information.[[53]](#footnote-53) The bill is currently undergoing its second reading in the Australian Senate, and is awaiting affirmation.

Due to the recent nature of these legislative actions, however, there have been very few charges made under the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014, and no convictions so far. The first Australian to be charged under the new laws was Jamie Williams, who was indicted for violating section 119.1(4) of the federal criminal code, which makes it an offense to enter a foreign country with the intention of engaging in a hostile activity in that or any other foreign country. Williams had been stopped at Melbourne airport on December 28, 2014 for trying to join Kurdish forces fighting ISIS, and was subsequently detained awaiting trial. Despite the strong evidence found against him, however, in October 2016 Australian Federal Attorney General George Brandis ordered that the charges be dropped against Williams because of the negative publicity that might result from prosecuting someone for trying to fight ISIS. As such, the effectiveness of Australia’s foreign fighter legislation has been brought into question.

Besides Williams, the only other person to be indicted under the new laws is Adam Brookman, a 39-year-old who was extradited from Turkey in July 2015 after allegedly providing medical services to ISIS militants, as well as performing guard duty at one of the terrorist group’s facilities. After returning to Australia Brookman was charged with one count of knowingly providing support to a terrorist organization and one count of performing services with the intention of supporting a person to engage in a hostile activity in a foreign state, the combined punishment of which is 20 years in prison. Brookman is currently in jail awaiting a committal hearing in April 2016.

# EUROPE

**United Kingdom**

The United Kingdom’s strategy for Foreign Fighters focuses on four objectives: Prevent, Protect, Prepare, and Pursue. The country’s counterterrorism strategy, CONTEST, which seeks to prevent suspects from traveling to or from the United Kingdom, manage already suspected extremists, combat the ideology of Islamist extremism, and provide services for countering radicalization and recruitment. With this plan, the intended goal is to Prevent (stop people from becoming or supporting terrorists), Protect (strengthen infrastructure and build resilience against a terrorist attack), Pursue (stop attacks from occurring), and Prepare (mitigate the impact of a terrorist attack).

As part of CONTEST, the United Kingdom created CHANNEL, the rehabilitation program**.** This program is a multilateral effort from local police and community members to identify at risk individuals and provide the appropriate services for rehabilitation. The process in which individuals are determined eligible to receive services is comprised of four steps: (1) identification (screening referrals and nominations), (2) assessment (determine suitability and vulnerability based on 3 criteria: engagement, intent and capability), (3) multi-agency panel (review risk and identify appropriate support package), and (4) delivery of support. Examples of services include counseling, anger management sessions, and employment/housing assistance. The Prison staff and National Probation Services could also make recommendations as part of the identification step. In addition to CHANNEL, there are several campaigns aimed at preventing individuals from engaging in violent extremism such as the *Syria Awareness Campaign,*[[54]](#footnote-54) *Families Matter*,[[55]](#footnote-55) and *Pathfinder* program.

Antiterrorism legislation in the United Kingdom covers a large number of criminal offenses connected with terrorism. For example, under the Terrorism Act of 2000, it is a criminal offense for any British national to travel abroad to commit or prepare a terrorist offense, or to obtain training for the purpose of committing terrorism, and suspects may be prosecuted in the UK for other acts of terrorism, even if the acts are committed overseas.[[56]](#footnote-56)

Any acts to prepare, or assist others to prepare, for terrorism are also criminal offenses, punishable by up to life imprisonment. In addition, the Terrorism Acts provide the police power to take terrorism prevention and investigation measures (TPIMs), which are restrictions imposed on a person, such as the requirement to reside at a specific property and limitations on travel.[[57]](#footnote-57) The police have the authority to stop and question individuals they suspect of engaging in terrorism at British ports and borders. The Home Secretary can also use the Royal Prerogative to strip a person of his/her British passport and therefore disrupt any overseas travel activity.[[58]](#footnote-58)

Relevant legislation includes: British Nationality Act permits the Secretary of State to deprive a person of his/her British citizenship, unless it would render him/her stateless, if the Secretary of State is satisfied that the person has “done anything seriously prejudicial to the interests of the UK or a British Overseas Territory.” The Secretary of State can also take British citizenship away if obtained through naturalization by fraud, false representation, or concealment of a material fact, such as past involvement with terrorist activities. To address the issue of British citizens fighting for terrorist organizations overseas, the Home Secretary has also noted that the government may utilize the Treason Act in cases where terrorists have pledged allegiance to another organization.[[59]](#footnote-59)

Despite these expansive laws, an estimated five hundred British nationals have traveled to Iraq and Syria to fight on behalf of militant groups, including IS, revealing a gap in the ability of legislation to manage such individuals. David Cameron is calling for new laws to close this gap by providing authorities with greater powers to prevent individuals suspected of being terrorists from traveling overseas.[[60]](#footnote-60) The aim of these laws is to disrupt terrorist activities by preventing individuals from traveling abroad to fight in the first instance. Proposed measures include providing police with the power to confiscate the passports of suspected terrorists at UK borders and extending the TPIMs to include the power to relocate suspects. Other measures include requiring terrorists to take part in a “de-radicalization” program and, controversially, blocking the return of British citizens to UK soil, regardless of whether they have dual nationality, if they are suspected of terrorism overseas.[[61]](#footnote-61)

A Facebook profile in the name of Hassan Munir was identified as containing a film of an improvised explosive device (IED) explosion. Further investigations revealed two other Facebook accounts linked to Mr. Munir, both of which displayed material which was of an extremist nature. One account was removed by Facebook but other postings continued to appear on Mr. Munir's live account including videos of IEDs and of a woman being stoned to death. Counter Terrorism Unit officers visited Mr. Munir at his home address. He was advised regarding his material posted online but did not wish to engage with the officers. Four days later Mr. Munir posted to his Facebook page a link to a magazine called Dabiq 4, a 56 page publication distributed by ISIL's media arm that glorifies their actions. It included an account of a speech by the official spokesman for ISIL, Shaykh Abu Muhammad al-Adnani ash-Shami, which amounts to a direct instruction to ISIL followers to commit acts of terrorism against non-believers, especially in the West. Mr. Munir was arrested and admitted posting the link to Dabiq 4 in a location that was accessible to both the public and friends. He pleaded guilty to an offence of disseminating a terrorist publication contrary to section 2 Terrorism Act 2006. He was sentenced to 18 months' imprisonment and required to comply with notification provisions under terrorism legislation for a period of 10 years.[[62]](#footnote-62)

Miss Khan was found guilty after trial of two offences contrary to section 17 of the Terrorism Act 2000 in that she tried to arrange to send a male in Syria two amounts of £500, whilst having at least a reasonable suspicion he was participating in the ongoing conflict in Syria. Miss Khan was sentenced to 21 months' imprisonment for each offence, suspended for two years, with a two-year supervision requirement, and notification under terrorism legislation. The judge made it clear that he was taking an exceptional course of action because of Miss Khan's personal mitigation.[[63]](#footnote-63)

On 1 April 2014 Mr. Shajira was stopped under Schedule 7 of the Terrorism Act 2000 on his return from a holiday in Lanzarote. His mobile phone was seized. Based on chat on social media found on the mobile phone, it was clear that Mr. Shajira had agreed to supply his brother in Syria with a pair of walking shoes. They discussed the type of shoes that would be needed, which shops sold them and Mr. Shajira sent photographs of a number of shoes to his brother, showing him the options that were available. Mr. Shajira was charged with one offence contrary to section 17 of the Terrorism Act 2000, in that he had entered into an arrangement to supply shoes knowing or having reasonable cause to believe that they would be used for terrorism. Mr. Shajira admitted that he had entered into an arrangement to supply shoes. He was sentenced to 12 months' imprisonment (reduced from 16 months because of his guilty plea), which was suspended for two years, with a supervision requirement and an unpaid work requirement of 200 hours, to be completed within 12 months. He was also made subject to notification under terrorism legislation for a period of 10 years. The sentencing judge commented that an offence of this nature, whatever the property arranged for must attract a custodial sentence. It was only because of Mr. Shajira's personal circumstances that prevented this being immediate.[[64]](#footnote-64)

Mr. Saboor was charged with one offence contrary to section 17 of the Terrorism Act 2000, in that he had entered into an arrangement to make available a pair of ballistic glasses which he had reasonable cause to believe would be used for acts of terrorism. Ballistic glasses are usually used by the military. Mr. Saboor entered into discussion using social media with a person he knew was in Syria and participating in the on-going conflict. Mr. Saboor offered to supply a pair of ballistic glasses which would protect the wearer's eyes from shrapnel or similar and which could have various lenses fitted into them for different environments and prescription lenses. Mr. Saboor sent a picture of the glasses and asked the other person for his prescription, so he could get the glasses made up for him. Mr. Saboor denied that his actions equated to entering into an arrangement but was found guilty after trial and sentenced to 21 months' imprisonment and notification under terrorism legislation.

Usman Choudhary sent a copy of a book called 'Join the Caravan' (Second Edition) to a male called Christopher Weston who was serving a sentence of imprisonment. 'Join the Caravan' is a book written by Sheikh Abdullah Azzam. It is an instruction to 'Join the Caravan' of mujahedeen (jihadi fighters) and martyrs (those who die fighting jihad). The book did not reach Weston as it was opened and blocked by the prison authorities. Mr. Choudhary was arrested and police recovered a further copy of Join the Caravan (First Edition). He pleaded guilty to one offence of disseminating a terrorist publication, contrary to section 2 of the Terrorism Act 2006, for sending the book into the prison and was sentenced to 9 months' imprisonment.[[65]](#footnote-65)

On 3 June 2014 the Evening Standard printed an article accompanied with the image posted by the group Rayat Al Tawheed saying that Abu Daighum Al Britani, who they described as 'a suspected senior London member of Rayat Al Tawheed had been killed'. Rayat Al Tawheed are a group of mostly British Jihadists who travelled to Syria to fight alongside Daesh (Islamic State). The image was of two masked men, one of whom was Mr. Khawaja. On the same day Mr. Khawaja and Mr. Bhatti were stopped entering the UK at Dover in a hire car. The subsequent investigation of media devices showed Mr. Khawaja in Syria, handling machine guns, anti-aircraft weaponry and a tank. He featured in a promotional video called 'Five Star Jihad' made and distributed by Rayat Al Tawheed to encourage others to join them for Jihad. He also featured in a short video distributed on social media by Rayat al Tawheed where he is seen picking out of a bag some of the heads of those who have clearly been executed. In messaging Mr. Khawaja made it clear that his wish was to never return to the UK, yet in June 2014 he returned assisted by Mr. Bhatti who had arranged for a phone to be sent to him and to fund the purchase of a 'Klash' [AK 47 rifle]. Mr. Bhatti hired a car and drove to Bulgaria to collect Mr. Khawaja. Their return journey was contrived to avoid detection by the authorities. Whilst in Syria Mr. Khawaja communicated extensively on social media with Mr. Ali. During these discussions Mr. Ali agreed to send money and other items that would assist Mr. Khawaja, although he never did so. Mr. Khawaja pleaded guilty to preparation of terrorist acts contrary to section 5 of Terrorism Act 2006, in relation to his conduct before travelling and was sentenced to 12 years' imprisonment , with an extended 5 years supervision; attending a terrorist training camp, contrary to section 8 of the Terrorism Act 2006 and was sentenced to 7 years' imprisonment concurrent; receiving weapons training contrary to section 54 of the Terrorism Act 2000 and was sentenced to 7 years' imprisonment concurrent and possessing a firearm for terrorist purposes, contrary to section 57 of the Terrorism Act 2000 and was sentenced to 11 years' imprisonment concurrent. Mr. Bhatti pleaded guilty to an offence of assisting an offender, contrary to section 4 of the Criminal Law Act 1967 and was sentenced to 21 months' imprisonment custody. An appeal in relation to this sentence was dismissed. Mr. Ali pleaded guilty to entering a funding arrangement with Mr. Khawaja contrary to section 17 of the Terrorism Act 2000 and was sentenced to 21 months' imprisonment.[[66]](#footnote-66)

Satinderbir Singh started a thread on his Facebook profile about the risks to Sikh girls should they go out with men from the Muslim community. Approximately 40 people participated in the Facebook conversation over a period of about six hours. During that time Satinderbir Singh, Harjinder Singh Athwal and Damanpreet Singh's postings were of such a nature as to incite religious hatred and were threatening in content. Shortly afterward a dummy Facebook profile was created for a 15 or 16 year old Sikh girl. The intention was that when Muslim men interacted with the profile they would be challenged about their behavior. However, it was two Sikh men that interacted with the profile. One of the men was followed, threatened, humiliated at work, and, what was clear from extensive communications data found by the police, was that a plan had been hatched to attack this man with weapons. The second victim set up a meeting with whom he thought was a girl, but was targeted and attacked by Mr. Banning, Mr. Damanpreet Singh and Mr. Athwal who used nunchucks and an imitation firearm. An arsenal of over 100 hand held weapons, nunchucks, knives, stun guns, knuckle dusters and batons were later found at Mr. Bannings' address. Satinderbir Singh, Harjinder Singh Athwel and Damanpreet Singh pleaded guilty to publishing material intended to stir up religious hatred, contrary to section 29C of the Public Order Act 1986. Satinderbir Singh was sentenced to 15 months' imprisonment, Harjinder Singh Athwel to 18 months' imprisonment and Damanpreet Singh to 15 months' imprisonment. Harjinder Singh Athwel, Damanpreet Singh, Parwinder Banning and Mehul Lodia pleaded guilty to conspiracy to commit actual bodily harm, contrary to section 1 of the Criminal Law Act 1977 and section 47 of the Offences against the Person Act 1986. Harjinder Singh Athwel was sentenced to 30 months' imprisonment concurrent, Damanpreet Singh to 30 months' imprisonment concurrent, Parwinder Banning to 30 months' imprisonment and Mehul Lodia to 30 months' imprisonment. Harjinder Singh Athwel, Damanpreet Singh and Parwinder Banning pleaded guilty to assault occasioning actual bodily harm, contrary to section 47 of the Offences against the Person Act 1861. Harjinder Singh Athwel was sentenced to 30 months' imprisonment concurrent, Damanpreet Singh to 30 months' imprisonment concurrent and Parwinder Banning to 30 months' imprisonment concurrent. Mr. Banning also pleaded guilty to possessing an imitation firearm with intent to cause fear of violence, contrary to section 16A of Firearms Act 1968 and received 18 months' imprisonment consecutive, and importing offensive weapons for which he received a further 3 years and 6 months, making his total sentence one of 7 years' imprisonment.

# France

France is in the process of developing and changing their action plan for returning foreign fighters. Those who return to France are systematically questioned by French intelligence and law enforcement authorities, following which they are almost always detained and charged with conspiracy with a terrorist enterprise (Council of the European Union, 2015). Once charged, they are subject to further investigation by specialized investigative magistrates in preparation for trial. Approximately fifty suspects have been detained as of October 7, 2014, although it is unclear how likely they are to be found guilty at trial. In France, 2,680 additional jobs related to counterterrorism will be created over the next three years and €425 million for this purpose.[[67]](#footnote-67) As well as additional resources being put into this area, France has also developed a national, public campaign to combat radical jihadism, http://www.stop-djihadisme.gouv.fr/. The website gives general information about the issue, people to contact with questions, and action plans to complete smaller goals against combating radical jihadism.

France’s main source of counter-terrorism legislation is found in their Criminal Penal Code, Book IV, Title II. Under Article 421-1, the following offenses are defined as acts of terror, when committed intentionally, in connection with a person or collective, with the purpose of seriously disturbing the peace through intimidation or terror: (1) willful attacks on life or the physical integrity of a person, unlawfully detaining or abducting a person, or hijacking vessels, planes, or other modes of transportation; (2) extortion, theft, destruction, defacement, and computer offenses; (3) an offense committed by combat organizations; (4) producing or possessing machines or explosive devices; (5) receiving the product of an offense in subsections (1)-(4); (6) money laundering; and (7) insider trading.[[68]](#footnote-68)

Article 421-3 increases the sentences for acts of terrorism as follows: (1) to life imprisonment if the non-terrorist offense is punishable by imprisonment of thirty years; (2) to thirty years if the non-terrorist offense is punishable by twenty years; (3) to twenty years if the non-terrorist offense is punishable by fifteen years; (4) to fifteen years if the non-terrorist offense is punishable by ten years; (5) to ten years if the non-terrorist offense is punishable by seven years; (6) to seven if the non-terrorist offense is punishable by 5 years; or (7) the sentence is doubled if the non-terrorist offense is punishable by a maximum of three years.[[69]](#footnote-69)

Article 421-2 further defines an act of terror as intentionally introducing any “substance liable to imperil human or animal health, or natural environment,” through the atmosphere, soil, food or water to seriously disturb public peace through terror or intimidation.[[70]](#footnote-70) Under Article 421-4 this offense is punishable by twenty years in prison and a fine 350,000 euros. If a person had died as a result, the offense carries a life imprisonment sentence and a fine of 750,000 euros.[[71]](#footnote-71) Article 421-2-1 provides that participating in a group or association “with a view to the preparation, marked by one or more material actions” is an act of terror and is punishable under Article 421-5 for ten years in prison and a fine of 225,000 euros.[[72]](#footnote-72) However the punishment is increased if the person was a leader or organizer, with a sentence of twenty years in prison and a fine of 500,000 euros[[73]](#footnote-73). Article 421-2-2 provides that financing a terrorist organization through the providing of, collecting, or managing funds or property knowing that they are to be in whole or in part for the commission of an act of terrorism, is an act of terrorism.[[74]](#footnote-74) Article 421-2-2 is also punishable under Article 421-5 with a sentence of 10 years in prison and a 225,000 euro fine or if a leader or organizer, 20 years in prison and 500,000 euro fine.[[75]](#footnote-75) Article 421-2-3 provides that “being unable to account for resources corresponding to one’s lifestyle when habitually in close contact with a person or persons” who engage in acts of terror is punishable by 7 years imprisonment and fine of 100,000 euros.[[76]](#footnote-76)

Chapter II of Title II of Book IV sets out Special Provisions relevant to terrorism. Article 422-1 provides that a person who attempted to commit an act of terror will not be punished if they informed the administrative or judicial authorities and makes it possible to prevent the offense and to identify the other people committing the offense.[[77]](#footnote-77) Article 422-2 provides that the sentence will be reduced by half if the accomplice or perpetrator notifies the administrative or judicial authorities and makes it possible for the loss of life or permanent injuries to be avoided or the criminal behavior stopped.[[78]](#footnote-78) If the penalty had been a life imprisonment sentence, the penalty will be reduced to twenty years in prison.[[79]](#footnote-79)

Article 422-3 of Chapter II of Title II of Book IV provides that natural persons who commit offenses defined as acts of terror are subject to the following penalties: (1)“forfeiture of civic, civil and family rights” with the maximum period of forfeiture for a felony is fifteen years and ten years for a misdemeanor; (2) prohibited from holding a public office or undertaking a social or professional activity in the “course of which or on the occasion of the performance of which the offense was committed” with a maximum prohibition of ten years; and (3) banishment from an area for a maximum period of fifteen years for a felony and ten years for a misdemeanor.[[80]](#footnote-80)

Article 422-4 provides that an alien who commits an offense defined as an act of terror is to be banished from French territory either permanently or for a maximum of ten years[[81]](#footnote-81). Under Article 422-5 legal persons may be criminally liable for acts of terrorism and are subject to a fine, penalties, and prohibition[[82]](#footnote-82). Article 422-6 provides that natural and legal persons who are convicted of an act or terror are further penalized with the confiscation of all or part of their property, “whatever its nature, movable or immovable, severally or jointly owned”[[83]](#footnote-83). Under Article 422-7 the financial or property sanction imposed on the convicted person is to be allocated into a contingency fund set up for the victims of acts of terrorism.[[84]](#footnote-84)

Serious terrorism-related offenses are tried in France’s Court of Assize under a panel of three judges and without a jury.[[85]](#footnote-85) A person suspected of terrorism can be held in police custody, or pre-charge detention, for an extended period of 96 hours (as opposed to only 24 hours) if there is a plausible reason for suspecting that the person has been involved in the commission of the offense.[[86]](#footnote-86) Police custody can be extended to a period of six days if there is serious danger of an imminent attack on France or abroad, or if international co-operation makes custody essential.[[87]](#footnote-87) The right to a lawyer is immediate for terrorist offenses, but can be deferred for a period of 72 hours if there are compelling reasons relating to the investigation such as facilitating the gathering or conservation of evidence, or to prevent serious bodily harm.[[88]](#footnote-88) Under Law 96-647 France is able to take preemptive action and detain persons it believes to be criminally associated in relation to a terrorist activity.[[89]](#footnote-89)

For serious offenses, including terrorism offenses, an investigating magistrate conducts an impartial investigation in whether the alleged crime is worthy of prosecution.[[90]](#footnote-90) The investigative magistrates have broad powers in which they can authorize searches, wiretaps, and subpoenas without additional approval.[[91]](#footnote-91) The investigating magistrate can also authorize detention, pre-charge or pretrial.[[92]](#footnote-92) Pre-trial detention can be authorized if there is a need to preserve evidence, protect witnesses, or prevent the defendant from fleeing.[[93]](#footnote-93) Pre-trial detention can last as long as four years.[[94]](#footnote-94) In order to prevent abuse an independent magistrate, the Liberty and Detention Judge must hold a hearing every four to six months to determine whether the investigation is moving at a reasonable pace.[[95]](#footnote-95)

France’s proposed two constitutional amendments which have passed the National Assembly, France’s lower house of the parliament.[[96]](#footnote-96) One of the proposed amendments which would place France’s state of emergency powers within the Constitution, passed 317-199 when voted on in a package of other unnamed amendments.[[97]](#footnote-97) The second proposed amendment would strip the nationality of convicted terrorists. was passed 162-148.[[98]](#footnote-98) The proposed amendments must still pass in the upper house and then by three-fifths of both houses brought together.[[99]](#footnote-99)

France takes a “hard” criminal justice approach to the context of terrorist acts. This is evident by the more severe penalties that are imposed for offenses committed with the intent of disturbing the peace through intimidation or terror. In many situations, the punishment is double the sentence that the offense normally would hold. The only exception is if an individual informs the proper authorities and is able to prevent the attack from happening. The proposed amendments have the potential of creating an even harsher approach and could extend as far as human rights violations. With the extension of the state-of-emergency, Human Rights Watch alleges that the police “have used their new emergency powers in abusive, discriminatory, and unjustified ways”.[[100]](#footnote-100) Human rights groups are also concerned with the broad powers of investigating judges, who are supposed to be impartial investigators but in practice often act like prosecutors.[[101]](#footnote-101)

The proposed amendments are a response to the terrorist attack in Paris on November 13, 2015. Judge Marc Trevedic, who had spent ten years leading counter-terrorism investigations for France’s national court, had stated shortly after the November attack that security agencies are overworked and are no longer able to cope.[[102]](#footnote-102) Trevedic told CBS reporters that, “during the last few years, we realized that we are not coping anymore. Those who were really under surveillance… we were not even able to stop them from going to Syria… we couldn’t stop them from coming back”.[[103]](#footnote-103) According to the Soufan Group as of May 2015 1,700 people left France to fight in Syria and Iraq, with approximately 500 people returning to France.[[104]](#footnote-104) In the year 2014 the Soufan Group reported that there were approximately 700 foreign fighters in Syrian and Iraq from France.[[105]](#footnote-105) Arguably, France’s largest problem is their intelligence gathering ability and border control. In the aftermath of the November Paris attack, France’s President François Hollande urged for a tightening of the Schengen Agreement, including identity checks of people moving within Europe.[[106]](#footnote-106) France also advocated for the adoption of the Passenger Names Record system for trains, planes, and ships.[[107]](#footnote-107) The European Parliament’s Committee on Liberties, Justice, and Home Affairs voted on the Passenger Names Record proposal, endorsing it by 38 to 19.[[108]](#footnote-108) The PNR proposal will be voted on by the Parliament as a whole sometime in the beginning of 2016.[[109]](#footnote-109)

According to the Europol, the European Union’s law enforcements agency, in 2014 there were 188 arrests of religiously inspired terrorist offenses and 238 total arrests of terrorist offenses committed by religiously inspired, left wing, right wing, or separatist persons.[[110]](#footnote-110) In 2014 France convicted 37 people of terrorist offenses, 33 of which were religiously inspired.[[111]](#footnote-111) One reason why there is such a large gap between arrests and convictions in 2014 could be due to the length of detention allowed in terrorist cases. If pre-trial detention can last for a period of four years, it is unlikely that all 238 total arrests had been tried by the end of the year.

# Belgium

In Belgium, some city councils have deleted individuals known to have travelled to Syria from the residence register, thus stripping them of access to social welfare. Belgium has gone a step further and criminalized participation in a terrorist group, public incitement to commit a terrorist crime, recruiting terrorists and providing training to them.[[112]](#footnote-112) The using of these characteristics to prosecute individual foreign fighters has proved problematic since travelling to a conflict area is normally not a crime per se, unless there are grounds to prove an attempt at committing a specific offense.[[113]](#footnote-113) In the aftermath of an incident in Verviers where two presumed foreign fighters were killed by police, the Belgian government issued a press release on January 1, 2015 detailing 12 measures against radicalism and terrorism.[[114]](#footnote-114)

Belgium’s Penal Code, Book 2, Iter Title defines terrorist offenses.[[115]](#footnote-115) Under Article 137 § 1 a terrorist offense is committed intentionally with the aim of intimidating a population, destabilizing or destroying fundamental constitutional, political, economic, or social structures.[[116]](#footnote-116) Under Article 137 § 2 terrorist offenses include: (1) voluntary homicide or intentional assault; (2) hostage taking; (3) massive destruction; (4) capturing aircraft; (5) seizing a ship through by fraud, violence, or threats to the caption; (6) manufacturing, storing, transporting, or using explosives; (7) manufacturing, trading, or carrying arms and ammunition; and (8) producing, developing and stockpiling biological and toxic weapons.[[117]](#footnote-117)

Article 138 §1 establishes the penalties for the offenses under Article 137 § 2.[[118]](#footnote-118) If the offense is considered a terrorist act the penalty is increased as follows: (1) to one to three years if the penalty for a non-terrorist offense was a fine; (2) to imprisonment not exceeding three years if the penalty for a non-terrorist offense was imprisonment of six months; (3) to imprisonment of three years if the penalty for a non-terrorist offense was imprisonment for one year; (4) to imprisonment not exceeding five years if the penalty for a non-terrorist offense was imprisonment for three years; (5) to imprisonment for five to ten years if the penalty for a non-terrorist offense was a maximum of five years imprisonment; (6) to imprisonment of ten to fifteen years if the penalty for a non-terrorist offense was imprisonment for five to ten years; (7) to imprisonment of fifteen to twenty years if the penalty for a non-terrorist offense was imprisonment of ten to fifteen years; (8) to imprisonment of fifteen to twenty years if the penalty for a non-terrorist offense was imprisonment of ten to twenty years; (9) to imprisonment of twenty to thirty years if the penalty for a non-terrorist offense was imprisonment of fifteen to twenty years; or (10) to life imprisonment if the penalty for a non-terrorist offense was imprisonment of twenty to thirty years.[[119]](#footnote-119)

Article 137 § 3 criminalizes the following terrorist offenses (penalized under Article 138 § 2): (1) Causing a flood that destroys infrastructure, public or private property, transportation systems, endangers human life, or results in major economic loss which is punishable with imprisonment of fifteen to twenty years; (2) capturing other means of transportation (other than an aircraft or ship) which is punishable with imprisonment of fifteen to twenty years; (3) manufacturing, transporting, supplying, possessing or researching and developing chemical or nuclear weapons which is punishable with imprisonment (does not specific duration); (4) releasing dangerous substances that would endanger human life which is punishable with imprisonment (does not specify time); (5) disrupting water supply, electricity, or other fundamental natural resources which would endanger human life is punishable with imprisonment of fifteen to twenty years; (6) threatening to commit an offense under Aricle 137 § 2 if the threat was a misdemeanor offense it is punishable with imprisonment of three to five months or if it involved a criminal penalty it is punishable with imprisonment of five to ten years.[[120]](#footnote-120)

A terrorist group is defined under Article 139 as a group or association of more than two people, established over time, acting with the purpose of committing acts of terror as defined under Article 137.[[121]](#footnote-121) Under Article 140 §1 participating in a terrorist group, including providing information or material resources, or financing a terrorist group, with the knowledge that participation contributes to the commission of a crime or offense is punishable by five to ten years in prison with a fine between one hundred and five thousand euros.[[122]](#footnote-122) Section 2 of Article 140 provides being a leader of a terrorist group is punishable by fifteen to twenty years in prison and a fine between one thousand and two hundred thousand euros.[[123]](#footnote-123) Any person who provides material resources or financial assistance to a terrorist group will be punished with five to ten years in prison and a fine between one hundred euros and five thousand euros under Article 141.[[124]](#footnote-124)

Belgium also takes a “hard” criminal justice approach in the context of terrorist offenses. This is evident by the increased penalties, often doubling the penalty, for terrorism offenses. In February 2015 a Belgian judge ruled that Sharia4Belgium was a terrorist group and sentenced the leader to 12 years in prison.[[125]](#footnote-125) The leader, Fouad Belkacem, had not been directly linked to any specific terrorist attack, but was found to be responsible for the recruitment and radicalization of young men and encouraging them to enter the battlefield in Syria.[[126]](#footnote-126) Another 45 defendants were accused of belonging to Sharia4Belgium, but only eight of them were in the courtroom with the others presumed dead or on the battlefield.[[127]](#footnote-127) Of the eight, seven were sentenced to three to five years in prison and one was acquitted.[[128]](#footnote-128) Additionally the court ordered for the arrest of 37 defendants who were not present, and tried in absentia, and sentenced them to 15 years in prison.[[129]](#footnote-129)

The example of Fouad Belkacem demonstrates Belgium’s “hard” criminal justice approach to foreign fighters. Belkacem had never left Belgium, was not directly linked to a specific terrorist attack, and was still found guilty of a terrorist offense, the recruitment and radicalization of foreign fighters.[[130]](#footnote-130) This approach is in line with the Resolution 2178, as the Resolution calls upon states to stem and prevent the recruitment of foreign fighters. The arrest and 15-year prison sentence has the potential of serving as a deterrent. Arguably the deterrent effect has not proven to be strong enough. Sharia4Belgium still remains a problem for Belgian authorities, but recruitment has also spread through social media, with jihadists already in Syria contacting family and friends through social media sites.[[131]](#footnote-131)

According to the Soufan Group, as of October 2015 as many as 470 people have left Belgium to go to Iraq and Syria as foreign fighters.[[132]](#footnote-132) This is almost double the number of foreign fighters of Belgian nationality from the year before; in 2014 there were approximately 250 foreign fighters of Belgian descent, according to the Soufan Group.[[133]](#footnote-133) There has also been 118 foreign fighters who have returned to Belgium.[[134]](#footnote-134) According to Europol, in 2014 Belgium arrested 71 people for religiously inspired terrorist offenses and a total of 72 terrorism related offenses.[[135]](#footnote-135) There were 35 convictions for religiously inspired terrorist offenses and a total of 46 convictions of terrorism related offenses.[[136]](#footnote-136)

In wake of the recent terrorist attacks in Belgium it is likely that these policies and action plans will change or more resources will be poured into them. From the information outwardly available to the public, Belgium has taken one of the strictest stances on returnees, criminalizing their actions and stripping them of social welfare. It may be that France or Sweden also takes these measures, but Belgium has been quite forward with their vision and plans to handle foreign fighters. In several pamphlets and shortened reports from Belgium a comprehensive and step by step action plan was spelled out. The information was easy to attain and could be read in several languages. Belgium was very transparent and good at communicating their action plan to the subject. Like all other countries though, besides Denmark, how the action plan is really put into action and it effectiveness is not available or does not exist.

What Belgium is missing from the information available online and in government material is how foreign fighters are prosecuted or investigated once they return. This aspect may transition more into legislation, but there lacks a clear connection between their action plan and legal legislation. This may be problematic because the characteristics and tactics used to capture and punish foreign fighters through the action plan like removing citizenship or freezing national funds could conflict with current or future legislation.

Finally, similar to Denmark and Sweden, Belgium has a decentralized action plan for dealing with foreign fighters. This will be put to the test over the next couple of months as Belgium tries to stabilize and instill confidence back into Europe. This decentralized action plan could lead to inconsistencies in implementation and what kinds of consequences returnees face. There is a lack of information about how local sectors implement the plan and how they coordinate with national entities. This information is crucial to figure out the effectiveness and efficiency of the action plans and the potential it has to keep Belgium safe in the future.

# Sweden

In a response to a report by the Defense College on how to counter violent extremism (CVE), the Swedish government appointed former Social Democratic Party leader Mona Sahlin as its national CVE coordinator in July 2014.[[137]](#footnote-137) The Swedish government has tasked the coordinator to improve collaboration among agencies, local authorities, and organizations at the national, regional, and local level about efforts to prevent and counter violent extremism.[[138]](#footnote-138) The Swedish government is investigating how to enhance existing legislation to mitigate the risks from foreign terrorist fighters. Some local communities are striving to cultivate trusted relations with relevant community actors, to empower those “best-placed” to affect change, and to develop effective reintegration programs for returning foreign terrorist fighters.[[139]](#footnote-139) These efforts are not coordinated at the national level, however.

Sweden’s Act on Criminal Responsibility for Terrorist Offenses provides that a person commits a terrorist act if it might “seriously damage a state or intergovernmental organization” with the intent to: (1) seriously intimidate the population; (2) “unduly compel a public authority or an intergovernmental organization to perform an act or abstain from acting;” or (3) destroy or seriously destabilize fundamental constitutional, political, social or economic structures.[[140]](#footnote-140)

The penalty of a terrorist act is imprisonment for four to ten years or for life, unless the offense is less serious than the penalty is two to six years in prison.[[141]](#footnote-141) The following are considered terrorist offenses under Section 3 of the Act: (1) murder; (2) manslaughter; (3) gross assault; (4) kidnapping; (5) unlawful deprivation of liberty; (6) gross infliction of damage; (7) arson and gross arson; (8) devastation endangering the public; (9) sabotage and gross sabotage; (10) hijacking and air traffic or maritime sabotage; (11) airport sabotage; (12) spreading poison or a contagious substance; (13) unlawful handling of chemical weapons; (14) intentional weapons offenses; (15) smuggling and grave smuggling; (16) unlawful threats; and (17) intentional offenses under the Act on Inflammable Explosive Goods, the Military Equipment Act and the Act on Control of Dual-Use Items and Technical Assistance.[[142]](#footnote-142)

Sweden’s Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offenses and other Particularly Serious Crimes in pertinent part includes terrorist offenses under its definition of serious crimes. Terrorist offenses include hijacking, gross sabotage, air traffic or maritime sabotage, and airport sabotage.[[143]](#footnote-143) Under Section 3 of the Act, a person who urges the public to commit a serious crime, including terrorist offenses, shall be imprisoned for two years maximum.[[144]](#footnote-144) A person who recruits another person to commit a serious crime, including terrorist offenses, is also imprisoned for two years at the most under Section 4.[[145]](#footnote-145) Section 5 provides that a person who provide training for the production of explosives, weapons, or hazardous substances that are to be used in serious crimes, including terrorist offenses, shall be imprisoned for at most two years.[[146]](#footnote-146)

Sweden takes a “hard” criminal justice approach on terrorism offenses as well. Sweden’s criminal justice approach is considered “hard” because it criminalizes terrorist offenses and incarcerates convicted defendants. In December 2015 a court in Sweden found two Swedish nationals guilty of “terror crime” murders in the deaths of two prisoners in Syria in 2013.[[147]](#footnote-147) Both were convicted for actively taking part in the murders even though neither wielded the knife, but instead gave directions for the murder.[[148]](#footnote-148) Both defendants were sentenced to life in prison.[[149]](#footnote-149) Sweden thus is capable of convicting terrorist offenses under its criminal law.

According to the Soufan group, as of October 2015 300 people have left Sweden to fight in Iraq or Syria.[[150]](#footnote-150) This is a significant increase from 2014 where there were only approximately 30 foreign fighters of Swedish nationality in Iraq and Syria.[[151]](#footnote-151) As many as 115 foreign fighters have returned to Sweden.[[152]](#footnote-152) It remains unclear whether the 115 foreign fighters have been convicted of any terrorist offenses.

In a response to a report by the Defense College on how to counter violent extremism (CVE), the Swedish government appointed former Social Democratic Party leader Mona Sahlin as its national CVE coordinator in July 2014.[[153]](#footnote-153) The Swedish government has tasked the coordinator to improve collaboration among agencies, local authorities, and organizations at the national, regional, and local level about efforts to prevent and counter violent extremism.[[154]](#footnote-154) The Swedish government is investigating how to enhance existing legislation to mitigate the risks from foreign terrorist fighters. Some local communities are striving to cultivate trusted relations with relevant community actors, to empower those “best-placed” to affect change, and to develop effective reintegration programs for returning foreign terrorist fighters.[[155]](#footnote-155) These efforts are not coordinated at the national level, however.

# The Netherlands

The Netherlands’ approach to countering radicalization to violence and violent extremism is integrated into their government’s efforts to.[[156]](#footnote-156) Their national programs to pro-violent extremists online and across mediums were created to allow local governments to tailor the specific measures of outreach to their area.[[157]](#footnote-157) The action plan’s thirty-eight proposed measures and actions are broadly divided into five groups. Among them are several measures to address would-be and returned foreign fighters:

CVE is integrated into the Dutch government’s approach to terrorism. The government’s strategy on CVE was the Comprehensive Action Program to Combat Jihadism presented in August 2014, which contains eight proposed measures focused on detecting radicalization and preventing new people from becoming foreign fighters. These include, “increased cooperation with Muslim communities, strengthening existing networks of local and national key figures, providing support to concerned citizens, supporting education institutions, setting up expert centers on social tensions and radicalization, directing actions at high-risk areas, mobilizing societal opposition and enhancing resilience against radicalization and tensions, and stimulating social debate about the values of democracy such as rule of law”.[[158]](#footnote-158)

Netherlands’ Act of 24 June 2004, the Crimes of Terrorism Act, amended Netherlands’ Penal Code.[[159]](#footnote-159) Under Section 83 of the Penal Code a terrorist defense is defined as any serious offense including: (1) an attack committed with the intention of taking the the life or liberty of the King, Queen, or the Regent; (2) an attack committed with the intent of surrendering the kingdom to a foreign power; (3) an attack committed with the intent of overthrowing the constitutional form of government or the order of succession to the thrown; (4) committing or threatening an act of violence to disrupt a meeting of Acting Council of Government or to compel it to refrain from making a decision, prevents a member from attending the meeting, or removes a member for the meeting; (5) committing or threatening an act of violence to disrupt the meeting of the Council of Ministers or to compel it to refrain from making a decision, preventing a member from attending the meeting or removing a member from the meeting; (6) conspiracy to commit an offense listed in subsections (1)-(5); (7) an attack on the King’s consort, heir, or spouse which results in the person’s death or if the attack had been premeditated; (8) an attack on a head of a friendly nation if the attack results in the person’s death if the attack had been premeditated; (9) an attack on the life of an internationally protected person if the attack resulted in the person’s death if the attack had been premeditated; (10) committing or threatening an act of violence to disrupt a meeting of one or both Chambers of the States General or to compel it to refrain from making a decision, prevents a member from attending a meeting, or removes a member from a meeting; (11) conspiracy to commit an offense under subsections (7)-(10); (12) intentionally setting a fire, causing an explosion or flood; (13) intentionally exposing people, animals, plants, soil, water, or air to radioactive materials; (14) intentionally endangering mechanically propelled traffic on a railroad that results in death; (15) intentionally destroying, damaging, or removing signs, signals, or aids utilized for the safety of shipping or aviation which is likely to endanger safety or results in death; (16) intentionally causing a vessel, aircraft, or vehicle, to sink, run aground, be wrecked, or rendered unusable; (17) intentionally and with premeditation taking the life of another.[[160]](#footnote-160) Offenses under subsections (1)-(5), (7)-(10), and (12)-(17) are punishable by life imprisonment, imprisonment not to exceed thirty years, or a fine.[[161]](#footnote-161) Offenses under subsections (7) and (11) are punishable by imprisonment not exceeding ten years or a fine.[[162]](#footnote-162)

The Netherlands had some of the most extensive information available about their national action plan and how it is implemented at the local levels. Like Belgium, information was available in multiple languages. Their national website leads to multiple links for legislation about foreign fighters and returnees. The CVE website created by the Netherlands unlike other countries is a hub for all information about foreign fighters, reporting, legislation, detection, contacts and important information about the national plan. The Netherlands’ action plan is also directly linked and coordinated with the legislation about returnees. Although, most information on the website was published in 2014 and may be outdated, the Netherlands provided the simplest process for all local entities and private citizens to find information and learn about the country’s action plan for foreign fighters.

What may prove to muddle the Netherlands’ action plan is the criteria for identifying and decreasing radicalization in high risk neighborhoods. The government as stated their plan to target Muslim neighborhoods to decrease the likelihood of radicalization. From a social perspective their viewpoint is not only stereotyping, which could lead to community backlash, but could lead to a gap in intelligence on who potential foreign fighters are and why they become foreign fighters. This characterization of need may not be carried out to the extent described on their action plan website, but that type of language could alienate certain populations in the Netherlands. What the Netherlands does really well, though, is the comprehensiveness of their action plan in terms of their coordination with civil society and multiple government agencies. The structure of this action plan could be used so that there was a similar structure and process across countries in a smaller region. This would allow for a better flow of information, coordination across governments and possibly create a safer society in European countries.

The Netherlands also takes a “hard” criminal justice approach to terrorism offenses. In December 2015 a Dutch court found nine defendants guilty of terrorism related offenses.[[163]](#footnote-163) Six of the nine were convicted as members of a network attempting to recruit young men to fight with the Islamic State.[[164]](#footnote-164) The other three defendants were described as followers of that network.[[165]](#footnote-165) Three defendants were sentenced to six years in prison, one defendant to five years in prison, two defendants to two years in prison, one defendant to 155 days in prison, one defendant to 43 days in prison, and the last defendant was sentenced to seven days in prison.[[166]](#footnote-166) This appears to be a drastic shift from their rehabilitation approach that they adopted in 2014. In December 2014 the New York Times reported that Denmark was “shunning punishment in favor of rehabilitation.[[167]](#footnote-167)

According to the Soufan Group, as of October 2015 220 people from the Netherlands have left to Iraq and Syria as foreign fighters.[[168]](#footnote-168) This is almost double the number of foreign fighters from the Netherlands; in 2014 there were approximately 120 foreign fighters from the Netherlands.[[169]](#footnote-169) There have been 40 foreign fighters who have returned to the Netherlands.[[170]](#footnote-170) According to Europol, in 2014 the Netherlands arrested a total of 17 people for terrorism related offenses, all of which were religiously inspired.[[171]](#footnote-171) There were also a total of 5 convictions, all of which were for religiously inspired terrorism offenses.[[172]](#footnote-172)

# Denmark

Denmark stands apart with its long-established “counter-radicalization strategy” as returnees have been “repatriated, offered employment and treatment for injuries”.[[173]](#footnote-173) Denmark has a long-established counter-radicalization strategy and has applied the “so- called Aarhus model”.[[174]](#footnote-174) Foreign fighters wishing to return have been repatriated, offered employment and treatment for injuries. A Danish crime prevention advisor, “referred to the practice of preventive arrests in the UK, comparing this with Danish practice: 'We are actually embracing them when they come home. the Ministry of Justice and the Ministry of Children, Gender Equality, Integration, and Social Affairs presented an Action Plan to prevent radicalization and violent extremism’”.[[175]](#footnote-175) This plan details 12 specific areas for improving CVE efforts domestically. This change is expected to improve cooperation between social workers, local law enforcement, schools, and national counterterrorism experts. The Action Plan also funds additional training for recognizing signs of radicalization to violence.[[176]](#footnote-176)

Other parts of the action plan include “monitoring of online extremist content; improving prevention methods by providing mentors, and encouraging youth to attend youth dialogues; and establishing a new exit center to help those at risk of radicalization”.[[177]](#footnote-177) The third wave of efforts includes creating a ‘Nordic Ministerial Network’ to coordinate CVE efforts across the region and begin specific engagement with developing countries through Denmark’s foreign aid.[[178]](#footnote-178) The new CVE action plan hopes to mobilize the general population by increasing conversation with the government and CVE leadership, and creating a new national hotline for parents and caregivers to report concerns.[[179]](#footnote-179) The measure would also provide training for the population on how to recognize radicalization and react appropriately.[[180]](#footnote-180) Denmark’s CVE Action Plan now includes funding for law enforcement to provide strategic communication and counter narratives for online and offline efforts.[[181]](#footnote-181) The exit program uses individuals who can debunk the “glorification of terrorism” and the “mystique of becoming a foreign terrorist fighter”, as well as support for an NGO that promotes stories of victims of terrorism.[[182]](#footnote-182)

Terrorist acts are punishable under the Danish Criminal Code.[[183]](#footnote-183) An act of terrorism is defined under Section 114 as, an act committed with the intent to: (1) seriously intimidate a population; (2) unlawfully compel Danish, foreign authorities, or international organizations to do or abstain from doing any act; or (3) destabilize or destroy the fundamental constitutional, political, economic, or social structures of a country or international organization.[[184]](#footnote-184)

An offense of terrorism is punishable up to a life imprisonment.[[185]](#footnote-185) Financing terrorist organizations is punishable under the Criminal Code.[[186]](#footnote-186) A person is liable for a sentence of imprisonment up to ten years if the person directly or indirectly supports, makes money, provides for, or collects funds for a terrorist group.[[187]](#footnote-187) The only requirement here is that the terrorist group benefits from the money or service.[[188]](#footnote-188) The Criminal Code also prohibits recruitment for terrorism as well as the training and instructing on terrorism. A person may be liable for imprisonment up to ten years if the person recruits another to commit or further terrorist acts or if the person trains, teaches, or instructs another to commit terrorist acts.[[189]](#footnote-189) If it is an aggravating circumstances a term of 16 years in prison may be imposed.[[190]](#footnote-190) A person found to be advancing the criminal activity of a terrorist group may be punishable for a term of imprisonment up to six years.[[191]](#footnote-191)

Denmark largely stands alone in the structure and purpose of its national action plan for foreign fighters. The abundance of information about the plan from Denmark is largely from articles, news segments and reports by analysts and journalists from other countries interested in their unique program. The rehabilitation action plan works to change the way foreign fighters are viewed and how they should be treated upon returning to Denmark. Unfortunately, this plan is almost solely reactive instead of preventative. Denmark hopes to debunk why citizens become foreign fighters after they are foreign fighters and do not seem to use that information in order to prevent more citizens from becoming foreign fighters. Although, they may be characterized as foreign fighters, potential returnees have the potential to conduct acts of terror upon returning that a rehabilitation could not prevent.

With the rising number of acts of terror happening across Europe Denmark is unlikely to keep their open and rehabilitative program without plans to prevent foreign fighters, in coordination with their terrorism sector of the government. Denmark may very likely leave themselves vulnerable to acts of terror is their action plan does not lead to consequences for foreign fighters. At the very least an action plan of this manner could leave the country vulnerable and unorganized if a terrorist or returning foreign fighter was to attack the country.

Denmark takes a “hard” criminal approach on terrorism offenses as it criminalizes terrorist offenses, Denmark also takes a “soft” approach regarding returnees. According to Denmark’s crime prevention advisor Denmark planned to adopt a rehabilitation program for returnees in 2014.[[192]](#footnote-192) Part of the rehabilitation program keeps information secret unless there is evidence that would like the individual to an upcoming attack.[[193]](#footnote-193) The crime prevention advisor stated that besides information of an attack, “we have a principle that no information goes to the secret service because we can’t work with people if they think we are passing on information”.[[194]](#footnote-194) This particular aspect of the rehabilitation program is problematic because it does not allow for communication with other countries on security concerns.

According to the Soufan Group, as of October 2015 as many as 125 people have left Denmark to go to Iraq and Syria as foreign fighters.[[195]](#footnote-195) In 2014 as many as 100 foreign fighters were Denmark nationals.[[196]](#footnote-196) There have also been 62 foreign fighters that have returned to Denmark.[[197]](#footnote-197) According to Europol, in 2014 Denmark arrested one person for terrorism related offenses, this particular terrorist offense had been religiously inspired.[[198]](#footnote-198) In 2014 there were a total of 13 convictions for terrorism related offenses, three of which were religiously inspired.[[199]](#footnote-199)

# Germany

The threat from violent extremism increased in connection with the threat posed by domestic radical groups as well as foreign terrorist fighters. Germany investigated, arrested, and prosecuted a sharply increased number of terrorist suspects and disrupted terrorist-related groups within its borders, many of whom were connected to al-Qa’ida (AQ), the Islamic State in Iraq and the Levant (ISIL), other violent Islamist extremists, Kurdish nationalist, and neo-Nazi terrorist organizations.[[200]](#footnote-200) Security officials estimated over 550 residents in Germany have departed the country to participate in the conflicts in Syria and Iraq, the majority of which joined violent Islamist extremist groups in the fighting there.[[201]](#footnote-201) A third of these may have already returned to Germany.   
 Germany is a member of the Global Coalition to Counter ISIL and has provided arms, material support, and training to Kurdish security forces. The German government has committed support for further counter-ISIL training efforts in Iraq.[[202]](#footnote-202) Germany voiced its support for UNSCRs 2170 and 2178 and is currently preparing legislative amendments to specifically criminalize terrorist finance and foreign terrorist fighter travel, although German law already criminalizes both the provision of financial or material support for terrorist groups or acts as well as attendance at terrorist training camps.[[203]](#footnote-203) Germany is a founding member of the Global Counterterrorism Forum (GCTF) and supported the GCTF good practices on foreign terrorist fighters.

Domestically, the German government has increased enforcement efforts to prevent, interdict, and counter foreign terrorist fighter travel and has voiced support for strengthening EU and Schengen measures to do so.[[204]](#footnote-204) In September of 2014, the Ministry of Interior issued a ban against actions in support of ISIL, making it explicitly illegal to join, recruit, provide material support for, propagandize for, or display the symbols of ISIL.[[205]](#footnote-205) German security officials actively made use of existing provisions allowing them to seize passports of those deemed to pose a security risk and began preparatory work on other measures to block travel, such as limitations on national identification cards.[[206]](#footnote-206)

The Federal and State Ministries of Interior have formed a working group to ensure coordination and more effective support for efforts to analyze and counter the appeal of violent extremism, which meets regularly to compile and disseminate information and best practices.[[207]](#footnote-207)   
 In North-Rhine Westphalia, Germany’s most populous state with 17 million residents, state authorities continued and expanded the work of the “Pathfinder” initiative to work with communities to engage individuals believed to be susceptible to radicalization to violence.[[208]](#footnote-208) In some cities, NGOs or community organizations implement the programs, while in others, city government offices do so. In addition, North-Rhine Westphalia continued other programs to improve civic education and to provide opportunities for at-risk youth.[[209]](#footnote-209) In Berlin, the Violence Prevention Network runs a training program that serves ideologically motivated perpetrators both during and after detention.[[210]](#footnote-210) In 2014, the state of Hesse opened a state-wide “Violence Prevention Network” supported by a counseling center in Frankfurt.[[211]](#footnote-211)

The German Criminal Code criminalizes the formation of terrorist organizations. Section 129a of the German Criminal Code provides that: (1) those who form or participate in an organization and commits murder, genocide, crimes against humanity, war crimes, or crimes against person liberty is liable for one to one to ten years imprisonment; (2) those who form or participate in an organization and causes, with the intent to seriously intimidate the public, coerce an official, or to significantly destroy the fundamental structures of a state or international organization, serious physical or mental harm, endangers the public, commits offenses against the environment, and or commits offenses under the Weapons of War Control Act or Weapons Act will be liable for a term of imprisonment of one to ten years.[[212]](#footnote-212) Section 129a further provides that if the organization threatens to commit an offense under subsections (1) and (2) the penalty is six to five years imprisonment.[[213]](#footnote-213) Ringleader’s of terrorist organizations are sentenced to no less than three years imprisonment for offenses under subsection (1) and (2) and one to ten years imprisonment for the threat of committing an offense under subsections (1) and (2).[[214]](#footnote-214) Those who provide support to terrorist organizations for offenses under subsection (1) and (2) may be sentenced to six months to ten years imprisonment.[[215]](#footnote-215) Those who support a terrorist organization’s threat to commit an offense under subsections (1) and (2) may be liable to a term of imprisonment not to exceed five years or a fine.[[216]](#footnote-216) Recruiters for terrorist organizations who commit offenses under subsections (1) and (2) will be liable to imprisonment from six months to five years.[[217]](#footnote-217) Under Section 129a the court also has discretion to order the loss of the ability to vote, hold public office, and be elected in public elections.[[218]](#footnote-218)

Subsection 129b provides that Sections 129a “shall apply to organizations abroad”.[[219]](#footnote-219) However, if the offense is committed by a terrorist organization outside of the member states of the European Union, Section 129a only applies if the victim or offender is German, the victim or offender are located within Germany, or if part of the offense was committed in the Federal Republic of Germany.[[220]](#footnote-220) Section 129b further requires the prosecutor to receive authorization from the Federal Ministry of Justice to bring the charges.[[221]](#footnote-221) The authorization can be granted for the specific case and for further prosecutions against a specific organization.[[222]](#footnote-222) The Federal Ministry of Justice must determine whether the terrorist organizations aims were directed against the fundamental values of state order, such as human dignity, or against the peaceful coexistence of nations, before determining whether to give authorization.[[223]](#footnote-223)

Three new provisions were added to the German Criminal Code in August 2009 by the Act on the Prosecution of the Preparation of Serious Violent Acts Endangering the State.[[224]](#footnote-224) The Act added Section 89a, Section 89b, and Section 91 to the German Criminal Code.[[225]](#footnote-225) Section 89a, of the German Criminal Code provides that those who prepare serious offenses (offenses against life, offenses against personal freedom with the intent to impair, or capable of impairing, security or existence of a state or international organization, or abolishes/undermines the legal effect of constitutional principles) is liable to six months to ten years imprisonment.[[226]](#footnote-226) In order for the offender to be liable in preparing a serious offense that endangers the state, the offender must (1) instruct another or receive instructions for producing or using firearms, explosive devices, radioactive substances, nuclear fission material, or any other substance detrimental to health; (2) produce or obtain a facility for the storage of weapons, devices or substances previously listed; (3) store or obtain the substances or objects necessary for producing such weapons, devices, substances, or facilities; accepting, collecting or providing funds for the commission of an offense.[[227]](#footnote-227) Less serious offenses are liable to a term of imprisonment of three months to five years or the court may mitigate the sentence if the offender voluntarily gives up further preparation, substantially reduces the danger caused, or prevents the completion of the offense.[[228]](#footnote-228) The same framework found in Section 129b applies to offenses under Section 89a if committed abroad.[[229]](#footnote-229)

Section 89b provides that: (1) those who intend to receive instructions for the purpose of committing a serious offense defined under section 89(a)(2) and establishes or maintains contacts with an organization defined under section 129a is liable to a fine or a sentence of imprisonment not to exceed three years.[[230]](#footnote-230) Section 89b dos not apply however if the contacts exclusively serve the “fulfillment of lawful or professional or official duties”.[[231]](#footnote-231) The same framework found in Section 129b applies to offenses under Section 89b if committed abroad.[[232]](#footnote-232)

Section 91 of the German Criminal Code provides that those who display, supply, or obtain written material capable of serving as an instruction to commit a serious violent offense endangering the state and serve to encourage or awaken the preparedness of others to commit such an offense are liable to a fine or a term of imprisonment not to exceed three years. Section 91 does not apply of the written material serves an educational purpose, serves the arts and sciences, is part of research or teaching, is reporting historical or current events, or serves the fulfilment of lawful professional or official duties.[[233]](#footnote-233)

Germany also takes a “hard” criminal justice approach for terrorist offenses. German’s “hard” criminal justice approach is evident from the sentences of imprisonment. A softer approach would be rehabilitation of offenses rather than lengthy terms of imprisonment. However, according to a German prosecutor, it is difficult to convict returnees on murder charges because of the lack of evidence.[[234]](#footnote-234) The problem that German prosecutors are facing is the collection of evidence, especially if the offenses are committed in war zones.[[235]](#footnote-235)

According to the Soufan Group, as of November 2015, there are 760 foreign fighters in Syria and Iraq of German nationality.[[236]](#footnote-236) This number has significantly increased from the past year.[[237]](#footnote-237) In 2014 there were 250 foreign fighters from Germany in Syria and Iraq.[[238]](#footnote-238) Additionally, over 200 foreign fighters have returned to Germany.[[239]](#footnote-239) According to Europol, in 2014 Germany arrested 10 religiously inspired terrorist offenses and also convicted ten religiously inspired terrorist offenses.[[240]](#footnote-240)

# Finland

While Finland does not have as many citizens traveling to fight in Iraq and Syria, at least 60 Finnish passport holders are estimated to be fighting with the Islamic State.[[241]](#footnote-241) In December 2014, four Somalis living in Finland were convicted of financing terrorist acts, with one also convicted of recruitment to commit terrorism and planning to commit terrorist acts. It was the first terrorism trial in the country’s history. Similar to Denmark, Finland adheres to a much softer re-integration philosophy. This philosophy could be summarized with the slogan: “Let’s talk and help to (re-)integrate”.[[242]](#footnote-242) Unlike the Netherlands or the Western Balkans for instance, the Finnish government cannot prevent any of its citizens from traveling to Syria with the purpose of taking an active role in terrorist groups.[[243]](#footnote-243) Previously, Finnish foreign fighter returnees were not criminalized under Finnish Law. As of 2014, Finland has criminalized a long list of activities that could be connected with a terrorist organization like providing education for the facilitation of terrorist acts.[[244]](#footnote-244)

Finland elevated its terrorism threat assessment for the second time in 18 months in November of 2015. According to the Finnish Security Intelligence Service (FSIS) the terrorist threat against Finland is increasingly complex, and while the threat of “structured attacks by terrorist organizations” remains low by the FSIS assessment, the risk posed by “individual terrorist actions” is rising.[[245]](#footnote-245) This is only the second time that the FSIS has elevated the country’s security alert. It came ten days ahead of the Paris attacks, and several months before the recent events in Brussels. FSIS has focused the majority of their resources and intelligence on preventing Finnish citizens’ ability to travel to war zones.[[246]](#footnote-246) Finland is concerned about the possible threat of blowback from its nationals who return home after fighting with IS in Syria. The head of FSIS said the Helsinki police plans to “start a mentoring program to prevent radicalization, and said that the key to dealing with returning IS militants is to reintegrate the individual back into society”.[[247]](#footnote-247)

Finland’s main source of counter-terrorism legislation is contained in the Criminal Code of Finland, specifically under Chapter 34a which was added in 2003. Section 1 provides that offenses made with a terrorist intent in a manner that is likely to cause serious harm to the State or organization and: (1) makes an unlawful threat or false report shall be sentenced to at least four months but not exceeding three years imprisonment; (2) intentionally or deliberately causes an explosive offense shall be sentenced to at least four months but not exceeding four years imprisonment; (3) commits aggravated theft (including for temporary use) of a vehicle for use for the transportation of goods, sabotage, endangering health, aggravate property damage, or a firearms offense shall be sentenced to at least four months but not exceeding six years imprisonment; (4) violates a ban on chemical or biological weapons or engages in aggravated pollution of the environment shall be sentenced to at least four months but not exceeding eight years imprisonment; (5) commits aggravated human trafficking, aggravated assault, taking of a hostage, aggravated endangerment of health, hijacking, or aggravated sabotage with a nuclear weapon shall be imprisoned for at least two years but not exceeding twelve years imprisonment; (6) commits “the offense of killing” shall be sentenced to at least eight years or for life imprisonment; (7) commits homicide shall be sentenced to at least eight years or life imprisonment, or if committed with a terrorist intent shall be sentenced to life imprisonment.[[248]](#footnote-248)

Section 2 of Chapter 34a provides that a person shall be sentenced for to a fine or a term of imprisonment not to exceed three years if in order to commit an offense referenced in section 1, subsection 1(2) - (7) or subsection 2, the person (1) prepares or agrees to commit such an offense; (2) prepares, transports, posses, acquires, uses, or gives an explosive, biological, chemical, or toxin weapon, a firearm or other dangerous objects or substances; (3) acquires materials needed to prepare a nuclear explosive, chemical, biological, or toxin weapon.[[249]](#footnote-249)

Section 3 of Chapter 34a provides that: (1) a person who directs a terrorist group or the commission of an offense under Section 1, subsection 1(2)-(7) or Section 1, subsection 2 or an attempt of such offenses shall be sentenced to at least two years but not exceeding twelve years imprisonment; (2) a person who directs a terrorist group or the commission of the offense defined under Section 1, subsection 1(1) shall be sentenced to at least four months but not exceeding six years imprisonment; (3) a person sentenced for directing a terrorist group shall also be sentenced for the offense under Section 1 and Section 2 of Chapter 34a or for a punishable attempt of such offenses.[[250]](#footnote-250)

Section 4 of Chapter 34a provides that: (1) A person shall be sentenced to at least four months but not exceeding eight years imprisonment (unless the offense is punishable under section 1 or 2 or a more severe punishment is decreed elsewhere) if the person in order to promote, or is aware that the activity promotes, criminal activity under Section 1 or Section 2 and seeks to supply or supplies terrorist groups with weapons, explosives, ammunitions, or other dangerous materials, seeks to obtain or obtains facilities or means of transport, or seeks to obtain information conducive to causing serious harm, or gives financial or legal advice (legal advice does not include the functions of legal counsel in connection with a pre-trial investigation of an offense or court proceedings).[[251]](#footnote-251)

Section 4a of Chapter 34 provides that a person, in order to promote or is aware that the activity promotes, the criminal activity referred to in section 1 or 2, who attempts to provide or provides training in the preparation or use of firearms, explosives, or poisonous or other noxious substances, shall be sentenced to at least four months but not exceeding eight years imprisonment (unless the offense is punishable under section 1 or 2 or a more severe punishment is decreed elsewhere).[[252]](#footnote-252) Section 4b provides that a person, in order to promote, or is aware that the activity promotes, the criminal activity referred to in section 1 or 2, organizes or establishes a terrorist group, or attempts to recruit or recruits persons into a terrorist group shall be sentenced at least four months but not exceeding eight years imprisonment(unless the offense is punishable under section 1 or 2 or a more severe punishment is decreed elsewhere).[[253]](#footnote-253)

Section 5 of Chapter 34a provides that: (1) a person shall be sentenced to at least four months but not exceeding eight years imprisonment if the person directly or indirectly collects or provides funds to finance or is aware that these shall finance the taking of a hostage, hijacking, or offenses such as aggravated sabotage, sabotage, traffic sabotage, nuclear explosive offenses, aggravated endangerment of health, homicide, murder, aggravated assault, aggravated deprivation of liberty, deprivation of liberty, aggravated trafficking of persons, disturbing the public peace or threat of such offenses which violate various Treaties; (2) a person who commits the previously listed offenses shall be sentenced for financing terrorism.[[254]](#footnote-254)

Section 6 of Chapter 34a defines a terrorist intent as (1) “causing serious fear among the population,” (2) unlawfully forcing the government of a state or international organization to perform or abstain from performing an act; (3) unlawfully amend or overturn a constitution of a state or seriously destabilize legal order or to cause serious harm to fundamental state structures; (4) cause extensive harm to the finances or fundamental structures of international organizations.[[255]](#footnote-255) A terrorist group is defined as a structured group of at least three persons “established over a period of time” and acting “in concert” to commit offenses under section 1.[[256]](#footnote-256)

Finland takes a “hard” criminal justice approach to terrorist offenses. Finland’s criminal justice approach is considered “hard” rather than soft because of the imprisonment terms for terrorist offenses. Additionally, those who aid terrorist organizations, including providing legal and financial advice, can serve a sentence of up to eight years in prison. However, according to a Finnish public-broadcasting company, four persons charged with sending money to terrorist organization, al-Shabbaab in Somalia and Kenya, were acquitted on appeal.[[257]](#footnote-257) The lower court’s conviction had been overturned because of lack of evidence and because Finland had not criminalized the financially supporting of a terrorist group when the crime was committed.[[258]](#footnote-258) Additionally, the appellate court overturned a conviction for recruiting for terrorist organization for lack of evidence at trial.[[259]](#footnote-259) This, however, is not completely indicative of all future terrorist offense trials in Finland because new legislation has been put in place which specifically criminalizes supporting a terrorist organization. One problem that could continue to occur is the amount of evidence needed to uphold a conviction. Collecting evidence could prove difficult, especially the closer the individual is to the battlefield. While Finland currently has the legislation in place to criminalize terrorist offenses, it may be difficult to enforce procedurally.

According to the Soufan Group, as of August 2015, 70 foreign fighters in Syria and Iraq are from Finland.[[260]](#footnote-260) The number of foreign fighters of Finnish nationality has increased since 2014, where there were approximately 25 foreign fighters in Iraq and Syria of Finnish nationality.[[261]](#footnote-261) Additionally, approximately 25 foreign fighters have returned to Finland.[[262]](#footnote-262) According to Europol, in 2014 Finland arrested four people of religiously inspired terrorist offenses and also convicted four people of religiously inspired terrorist offenses.[[263]](#footnote-263)

# Russia Federation

The Russian government has continued to make Russia’s counter terrorism and foreign fighter efforts a priority. This was especially true in light of the incident-free February 2014 Sochi Winter Olympic Games, organized in proximity to areas of the North Caucasus where ongoing violence and violent extremist activity had occurred, resulting in heightened concern over potential terrorist activity targeting the Games.[[264]](#footnote-264) The emergence and strengthening of the Islamic State in Iraq and the Levant (ISIL) in Syria and Iraq has prompted some official Russian responses about ISIL’s potential to influence with domestic insurgent groups and foreign fighters.[[265]](#footnote-265)   
 On December 29, Russia’s Supreme Court issued a ruling recognizing ISIL as a terrorist organization and banned its domestic activity. With the ruling, participation in ISIL activities became a criminal offense under Russian legislation.[[266]](#footnote-266) In addition, Russia also took measures to address the issue of foreign terrorist fighters, which included law enforcement and judicial actions that resulted in the conviction of at least four Russian citizens, all of whom were sentenced to prison terms.[[267]](#footnote-267) Additional arrests were made but comprehensive information on foreign fighter cases was not publicly available.

Sergei Lavrov, Foreign Minister of the Russian Federation, said that “Russia has long advocated consistent combat against all forms of terrorism, and for that reason has opposed interventions that armed terrorists. Foreign terrorist fighters have increased since the intervention in Libya and elsewhere in the Middle East”.[[268]](#footnote-268) Pointing to a need to comprehensively combat all terrorists, he proposed an international forum that took a holistic view of the problem and addressed long-standing problems such as the Israeli-Palestinian conflict that helped create a climate conducive to extremism.[[269]](#footnote-269)

In terms of structural organization, the FSB International Cooperation Directorate, through a joint relationship with the National Antiterrorism Committee (NAC), has developed the “International Counterterrorism Database” (Russian acronym: MBD), which holds both an unclassified and a restricted section.[[270]](#footnote-270) The MBD is a repository of terrorism events, subjects, organizations, and methods to which international intelligence and law enforcement agencies can contribute. The FSB promotes this as the only international database that adheres to UNSCR 2178.[[271]](#footnote-271)

Russia also issued passwords in compliance with International Civil Aviation Organization/EU (ICAO/EU), which had enhanced security features.[[272]](#footnote-272) On December 10, 2014, a Presidential Order went into effect to collect passports issued at Russian embassies in the UK, Denmark, Burma, and Namibia, in addition to requiring passenger fingerprint scanning at Moscow’s Vnukovo airport. “This initial collection was reportedly a pilot program for an envisioned worldwide rollout, but federal legislation has yet to authorize or fund this program”.[[273]](#footnote-273)

Russia has also taken measures to prevent the domestic financing of terrorism. Russian banks must report suspicious transactions to the Federal Financial Monitoring Service (Rosfinmonitoring), a financial intelligence unit and member of the Egmont Group whose head reports directly to the President of Russia. Rosfinmonitoring receives reports from all non-profit organizations.[[274]](#footnote-274) Additionally, in order to tighten down on terrorism funding, the Federal Financial Monitoring Service has lowered the reporting threshold to approximately $1,700 US dollars as of December 2014 for Russian NGOs that receive money and in-kind assistance from abroad or send money abroad.[[275]](#footnote-275)

The Russian government as of 2014 has made efforts to create international cooperation in terms of foreign fighters and terrorism. Russia has continued to work in regional and multilateral groups to address terrorism. Russia participated in Global Counterterrorism Forum activities, as well as in a meeting of experts from the Anti-Terrorism Centers of the OSCE.[[276]](#footnote-276) The Russian government supported UN Security Council Resolutions 2170 and 2178.

On March 6, 2006 the Russian Federation enacted into Federal Law No. 35-FZ of March 6, 2006 On Counteraction of Terrorism. Article 3 of the Act defines terrorism as the ideology of violence and the practice of influencing decisions adopted by “state power bodies,” local self-government bodies, or international organizations “connected with frightening the population” and/or other unlawful violent actions.[[277]](#footnote-277) A terrorist act is defined as making an explosion, arson, or other actions related to frightening the public and posing the risk of loss, causing substantial damage to property, as well as other serious consequences, “for the purpose of unlawful influences upon the adoption of a decision by state power bodies,” local self-governments, or international organizations, as well as threatening to commit the actions for the same purpose.[[278]](#footnote-278) Counteraction against terrorism is defined as the activity of states or local governments aimed at preventing terrorism, detecting and removing the reasons and conditions conducive to the commission of acts of terrorism.[[279]](#footnote-279)

Terrorist acts are also criminalized under Chapter 24 of the Criminal Code of the Russian Federation. Article 205 provides defines an act of terrorism as making an explosion, arson, or other act that intimidates the public, endangers human life, causes substantial property damage, and other grave consequences to influence decision-making authorities and international organizations, or threats to commit such act and is punishable for eight to twelve years imprisonment.[[280]](#footnote-280) If a terrorist offense is committed by a conspiracy or with the use of firearms the acts are punishable with ten to twenty years imprisonment.[[281]](#footnote-281) A terrorist offense committed by an organized group or involved the negligent death of a person or other serious consequences and are associated with nuclear facilities, radioactive substances, nuclear materials, toxins, poisons, hazardous chemicals or biological substances shall be punishable with fifteen to twenty years or life imprisonment.[[282]](#footnote-282)

Article 205.1 of Chapter 24 provides that: (1) recruitment or other involvement of a person in arming or training a person to commit an offense under Articles 205, 206, 211, 277, 278, 279, and 360 of this code or financing terrorism is punishable to four to eight years imprisonment; if the person commits the previous offenses using his official position the person shall be punished to seven to fifteen years imprisonment with a fine of up tot one million rubles or the salary or income for a period of up to five years.[[283]](#footnote-283)

Article 205.2 of Chapter 24 provides that: (1) public justification of terrorist activity is punishable by a fine not to exceed three hundred thousand rubles or salary or income for a period of up to three years or a term of imprisonment not to exceed four years; (2) if public justification of terrorist activity is committed with the use of the media it is punishable with a fine of one hundred thousand to five hundred thousand rubles or the salary or income for up to four years, or a term of imprisonment not to exceed five years with disqualification to hold certain positions or engage in certain activities for a period of three years.[[284]](#footnote-284)

The Russian Federation takes a “hard” criminal justice approach for terrorist offenses. The Russian Federation’s “hard” criminal justice approach is evident from the imprisonment sentences for terrorist offenses. Recruiting for terrorist organizations carries a prison sentence of four to eight years. A “soft” approach would rehabilitate individuals rather than imprison them.

According to the Soufan Group, as of September 2015, there are 2400 foreign fighters in Syria and Iraq of Russian nationality.[[285]](#footnote-285) This is a significant increase from the previous year.[[286]](#footnote-286) In 2014 there were approximately 800 foreign fighters from the Russian Federation.[[287]](#footnote-287)

# **MIDDLE EAST**

# **Saudi Arabia**

Saudi Arabia’s Royal Decree No 44(a) 2014 penalizes individual who (1) join extremist organizations, (2) participate in military operations with such organizations, and (3) support the organization materially or assist in recruitment.[[288]](#footnote-288) In its 2015 Initiatives and Actions to Combat Terrorism Report, the Kingdom focuses on policies aimed at providing de-radicalization and rehabilitation services. Initiatives include the “Public Awareness Campaign (public campaign that reinforces the values of Islam and education citizens of the dangers of extremism and terrorism), “Global Interfaith Dialogue Initiative,” and a Rehabilitation Program intended to reintegrate individuals who have engaged in extremism back into Saudi society.

One of its main rehabilitation center is the Mohammed Bin Naif Counseling and Care Center, which began in 2005 by the Interior Ministry. It seeks to reintegrate convicted terrorists with “religious re-education, psychological counseling, and assistance in finding a job, vocational training, art therapy, sports, and religious re-education.[[289]](#footnote-289)” The de-radicalization process in the Kingdom of Saudi Arabia adopts two approaches: *Munasaha*(Providing Advice)*and Sakinah* (Easing of Tension). The Munusaha campaign (started in 2004) provides assistance to returnees to contribute back to society through religious counseling and correctional programs. This idea behind this approach is based on the Saudi societal values of mercy and forgiveness. The Sakinah campaign (started in 2007) is a preventative approach where individuals interact with Islamic scholars for the purposes of being steered away from extremist sources and thoughts. In November 2007, Prince Muhammad bin Nayef claimed a 90% success rate (less than 2% recidivism rate). However, the Middle East Institute reports that closer to*a 12% recidivism rate.*This is because the “effectiveness of the rehabilitation campaign is limited mainly to minor offenders and jihadist supporters and sympathizers who may already be looking for a way out of jihadism, having been disillusioned by the circumstances leading to their capture.”[[290]](#footnote-290)

# **Lebanon**

Lebanon’s strategy for Foreign Fighters includes three elements: national unity, professionalism of security forces, and theological courage.[[291]](#footnote-291) The aim of this strategy is to limit the threat of violent extremism by securing borders, prevent recruitment, and strengthen the security institutions involved in counterterrorism (i.e. Lebanese Armed Forces, Internal Security Force, and the Central Bank).[[292]](#footnote-292) Although there is no official national strategy, the Minister of Interior has discussed working with the Internal Security Force (ISF), Lebanese Armed Forces (LAF), and Directorate for General Security (DGS) to develop a social media strategy to prevent extremist recruitment aimed at Sunni youth.[[293]](#footnote-293)

Moreover, Lebanon has an official de-radicalization institution, Dar Al-Fatwa, which was tasked with providing guidance and religious education to Lebanese Sunni Muslims.[[294]](#footnote-294) However, the institution has been under scrutiny for scandals in 2014. As a result of the Dar Al-Fatwa’s decreased influence and capabilities, places of worship have been led by unqualified religious leaders. Critics have also stated that the Dar Al-Fatwa’s scandals have facilitated the emergence of more radical Islamic groups such as the Hayay al Ulama al Muslimin, or League of Muslim Scholars.[[295]](#footnote-295) Overall, counterterrorism efforts have been difficult considering the current political vacuum that has left the country leaderless and vulnerable to the growing power of its largest terrorist organization, Hezbollah.

# **Qatar**

Qatar’s strategy for Foreign Fighters focuses on addressing the issues of counterterrorist financing and cybersecurity. In 2014, Qatar restructured its national counterterrorism committee to address those issues, in addition to internal security and civil aviation threats.[[296]](#footnote-296) The National Anti-Terrorism Committee (NATC) is under the authority of the Ministry of Interior and is made up of 10 government ministries and institutions. This committee is tasked with creating the state’s counterterrorism policy, facilitating interagency cooperation, participating in international conferences on terrorism, and fulfilling Qatar’s obligations to combat terrorism. The intentions of Qatar’s strategy are to use the rule of law and law enforcement agencies in order make immigration policies restrictive and expand the capabilities of monitoring and disrupting violent extremism. With regards to restrictive immigration policies, Qatar has its own watch list to screen passengers suspected of terrorism, conducts extensive background checks on visa applications, uses biometric scans at the Doha International Airport, and has agreed to work with Interpol to check validity of passports.[[297]](#footnote-297) With regards to capabilities, Qatar relies on technology to provide advanced electronic surveillance capacity for its security services.

In addition to these intentions, the government also works with the media on strategic communications efforts to counter violent extremism. Article 7 of Law 3 of 2004 on combating terrorism punishes the citizens of Qatar for joining any terrorist organization abroad with imprisonment ranging from five to fifteen years, or 10 to fifteen years if they actually received any military training from the groups while abroad. The law also provides grounds for execution of the individuals if they are found to be using any military training they received to engage in an attack within Qatar itself.[[298]](#footnote-298)

# Turkey

Due to the ongoing conflict in Syria Turkey has voiced concern over the threat of ISIL (Islamic State of Iraq and the Levant).It shares a long border with Syria. Turkey has served as a transit point for FTFs willing to travel to Syria and join the ISIL cause.[[299]](#footnote-299) The government in Turkey has tried to stop FTFs from travelling to Syria and Iraq by use of a “banned from entry list” as well as the use of “Risk Analysis Units” to detect suspected FTFs at airports, land border crossings and border cities.[[300]](#footnote-300)

There are also claims that in fact Turkey is aiding ISIL and turns a blind eye on FTFs for three strategic reasons. First, Turkey wants to contain the emergence of Iran in Middle East whose population and government is largely shiite speaking.[[301]](#footnote-301)Iran supports the Asad led regime. It also wants to contain the Kurdish self- determination who are spread in four countries in the region including Turkey. The PKK has been fighting for independence from Turkey for a while now. Therefore, by supporting ISIL, the Turkish government is able to stifle any Kurdish advancement.

Lastly, Turkey has fallen out with their once bosom ally, the Asad led Syria. Turkey is of the view that by getting rid of Asad (who is an alawite muslim, a variant of shiite speaking muslims) the advancement of the shiite nation will be contained.[[302]](#footnote-302)

Among the measures that Turkey has taken to stop FTFs is creating visa restrictions for Iraqis crossing through its borders.[[303]](#footnote-303)This move has also stemmed the flow of migrants and refugees to Europe. Those with valid Schengen visas or valid visas for America, Britain and Ireland are exempted. Unfortunately, this still does not effectively stem the flow of FTFs because it is difficult to know genuine refugees or migrants from FTFs even with water proof screening.

Turkey’s counterterrorism law does not have a provision on FTFs or returnees. The last time it was amended was in 2013 to bring it in compliance with European Union freedom of information standards.[[304]](#footnote-304)For a long time Turkey’s counter terrorism efforts were inward looking. The government focused on PKK, domestic dissidents, journalists and activists who were labelled terrorists for fighting executive excesses.[[305]](#footnote-305) Without a comprehensive law that is in keeping with the new challenges of fighting terrorism such as FTFs and returnees, any other measures taken will prove counterproductive.

On 03/19/2016 Turkey signed an agreement with the European Union (EU) to stop and return “irregular migrants” and “migrants not in need of international protection” in exchange for refugees to be resettled from Turkey. Under the agreement, Ankara would take back all refugees and others, including Syrians, who cross to Greece illegally across the sea. In return, the EU would take in thousands of Syrian refugees directly from Turkey and reward it with more money, early visa-free travel and faster progress in EU membership talks. This EU hopes this will stop the flow of refugees to the continent.[[306]](#footnote-306)

This agreement does not make reference to FTFs but there is no doubt that a major objective of this development is to stop FTFs from transiting through Turkey and Greece. The downside to this agreement is that Greece was not involved and the UNHCR has expressed reservations with regard to Greece’s incapacity to process refugee and asylum requests and provide decent camps for refugees.[[307]](#footnote-307) Turkey has also struggled to stop the outflow of refugees within the limits of the law and there are reports that now it is turning to violent and illegal measures. Hence, this deal has been labelled as inconsistent and highly legally questionable in cases where refugees are to be returned.[[308]](#footnote-308)

Furthermore, the new arrangement does not still provide a water tight screening process to detect FTFs who may hide under the tag of being a refugee.

The success of combating FTFs in Turkey will largely depend on investigating claims that Turkey is supporting ISIL. If it turns out to be true this will jeopardize Turkey’s commitment with respect to UNSC 2178.This claims need to be investigated.

Secondly, at the heart of UNSC 2178 is co-operation of States in combating FTFs such as co-operation with source countries of FTFs. There is no evidence that Turkey is working closely with the source countries such as intelligence sharing. Turkey needs to have a robust international relations approach with the source countries of FTFs and win their co-operation in this fight.

Lastly, the EU-Turkey deal meant to curb the influx of illegal migrants falls short of mechanisms that Turkey will put in place to isolate genuine migrants or refugees from FTFs who are crossing through its territory. This shortcoming needs to be sufficiently addressed so that proper screening is achieved.

# AFRICA

# Nigeria

Nigeria’s strategy for Foreign Fighters is intended to adopt non-military strategies in the fight against terrorism and violent extremism.[[309]](#footnote-309) The strategy has been described as a “soft approach” to counterterrorism that emphasizes counter radicalization, de-radicalization, and strategic communications.[[310]](#footnote-310) This was formed following the evolution and rise to prominence of Boko Haram.[[311]](#footnote-311) Referred to as the National Counterterrorism Strategy (NACTEST), the intention of the national strategy seeks to prevent people from becoming terrorist in the first place. Retired Colonel Sambo Dasuki, also National Security Advisor of Nigeria, describes “four streams” of the strategy: (1) de-radicalization of convicted terrorists awaiting trial; (2) counter-terrorism thinking in society; (3) capacity building through strategic communications for military and law enforcement; and (4) development of an economic revitalization program.[[312]](#footnote-312) The country has also established a monitoring and evaluating framework to record the efficacy of the counter terrorism/violent extremism strategy.

In addition to a national plan, Nigeria is also receiving collaborative assistance from the UNODC for countering violent extremism capacity building.[[313]](#footnote-313) This collaborative assistance has led the Nigerian government to pass legislation like such as the Terrorism Prevention Bill, which was passed in 2011.[[314]](#footnote-314) Under this law, the Nigerian President can declare an individual “Suspected International Terrorist” (SIT).[[315]](#footnote-315) The criteria for declaring someone an SIT is varied but includes: current or previous involvement in acts of international terrorism, affiliation with a known international terrorist group, links to any terrorist group that is a threat to Nigeria’s security, or if the person’s name is added to a UN Security Council resolution or any African Union and Economic Community of West African States document. If a SIT is a citizen of Nigeria, but not by natural birth their citizenship can be revoked.[[316]](#footnote-316)

# Tunisia

Tunisia, the unique survivor of the "Arab Spring", is today facing the increasing threat of terrorism both inside and outside its borders. The government has claimed terrorism as one of its priorities. With 3000 officially acknowledged figures of foreign fighters who have recently travelled to Iraq/Syria updated its legislation in which they integrated consideration for foreign fighters[[317]](#footnote-317). The Republic’s Assembly of the Representatives of the People voted an Organic Law n° 2015-26 of August 7th 2015 on the fight against terrorism and preventing money laundering.[[318]](#footnote-318) The main articles dealing with terrorist acts related to foreign fighters’ punishments are 31st to 37th. However, they are related to the various definitions of terrorist infractions detailed in the previous ones. The main actions punished by this law are a following:

* homage and glorification in public of terrorist offense or its author or organization
* adheres knowingly on the territory or outside the territory of the Republic, in any capacity whether in a group or organized terrorist
* receives, sends or helps in any capacity whatsoever in the territory or outside the territory of the Republic, military training
* use the territory of the Republic or of a foreign state to recruit or train a person or group of persons to commit terrorist offenses under this Act on the territory or outside the territory
* travel outside Tunisian territory to commit terrorist offenses
* enter or cross the territory of the Republic to travel abroad with the aim of committing terrorist
* disclose or provide, directly or indirectly, information
* prepare a meeting place or arrangement for members of an organization or helps them to hide them or facilitating their escape, or provide them shelter, or ensure their impunity,

Article 67 establishes the “National Commission for the Fight against Terrorism” as the main organ of national and international coordination under the authority of the Presidency of the Government. Its members are broadly selected as to represent all the involved actors on the national scene.

Tunisia participates in multilateral arrangements like the Global Counterterrorism Forum (GCTF). It has also increased its intelligence sharing with the United States and the European anti-terrorism agencies.[[319]](#footnote-319) Alongside France they pledged to intensify the cooperation as to prevent the countries’ citizens to become foreign fighters with an intensification of their security services cooperation in addition to the implementation of counter-and de-radilicalization programmes.[[320]](#footnote-320)

Articles 83 makes the judges designated in the Judicial Pole against Terrorism as those with the jurisdiction over the recognition of terrorist acts outside the country in the following cases:

* if committed by a Tunisian citizen;
* if committed against Tunisian parties or interests;
* if the victim is of Tunisian nationality or if committed against Tunisian interests;
* if committed against foreigners or foreign interests, by a stranger or stateless person habitually resident in Tunisia or by a foreign or a stateless person in the country whose extradition was not requested by foreign authorities competent in a legal manner before a final judgment is rendered in against him by the competent Tunisian courts.

However, article 86 specifies that Public action cannot be initiated against the perpetrators of terrorist acts and related crimes if they show that they have been definitively judged abroad, and if convicted, they have served their full sentence, or it is prescribed or that was the subject of grace measures.

In addition to these legal changes, Tunisia took some non-legal measures in its fight against foreign fighters. The most important is the travel ban on young people under 35 unless a father’s authorization is certified by the local municipality to be authentic.[[321]](#footnote-321)

The country is also developing a strategy on how to deal with the returning foreign fighters. With almost 500 fighters that returned by October 2014, Tunisian authorities created a database as to be able to monitor their activities and movements. An amnesty programme has been to de-radicalize, de-mobilize and re-integrate the returnees who relinquish their weapons or who has not killed anyone without being applicable to former members of Al-Qaeda and of Ansar Al-Sharia in Tunisia.[[322]](#footnote-322)

Libya, where ISIS is countering the recognized government’s attacks – it crashed two MIG-23 air fighters during the week of February 8, 2016 – constitutes the biggest threat to Tunisian and Regional Security. Tunisia has been in 2015 the target of numerous attacks by ISIS fighters that had trained in Libya:[[323]](#footnote-323)

* March 18, 2015: Assailants attacked the Bardo Museum in Tunis. 19 dead, including 17 tourists, and 43 injured.[[324]](#footnote-324)
* June 26, 2015: Shooter attacked a hotel in El-Kantaoui Port. 38 dead foreign tourists and 39 injured.[[325]](#footnote-325)
* November 24, 2015: Explosion of a bus of the presidential guard in the capital Tunis.​​ 13 dead from the presidential guard.[[326]](#footnote-326)

Conscious of this threat and how its neighbor is becoming the new ISIS territory, Tunisia finalized building an “obstacles system” enforcing its control over its borders with Libya.

Finally, Tunisia’s actual challenge is to deal with its internal economic stability that generates local anger. It might be a catalyst for interior terrorist acts and the development of foreign fighters.

# ****Morocco****

**Since 9/11 events Morocco has committed, like many other countries, to prepare legislation for the fight against terrorism. On October 14, 2001, the Moroccan government has filed, with the League of Arab States (LAS) in Cairo, the instruments of ratification of the Arab Convention against Terrorism, adopted April 22, 1998 by the Council of Ministers of Justice of the LAS. Similarly, the Moroccan government has ratified, on November 13, 2001, four treaties fight against International terrorist acts. On 23 January 2003, the Council of Ministers adopted and filed to the parliament a draft of the law against terrorism, but the movement of objections, consisting of civil society, human rights organizations, unions and political products, have managed to regrow. Following the terrorist attacks in Casablanca May 16, 2003, the law 03-03 was voted with unanimity. The law 86-14 of 20 May 2015 amended and supplemented certain provisions of the Code of Criminal Procedure (Code Penal) relating to the fight against terrorism.** **it stifles the anti-terrorist legal corpus with proactive rules while expanding the field of repression outside the national territory. The law was introduced into the consolidated version of June 4th 2015 of the Code of Criminal Procedure which is the main source of the following.** [[327]](#footnote-327)

Definitions of terrorist acts and infractions:

Constitute acts of terrorism where they are intentionally related to an individual or collective undertaking the purpose of seriously undermining the public order through intimidation, terror or violence, the following offenses

**The link with foreign fighters**

The Moroccan law punishes whoever, under the above definition of terrorism acts, commit the following offenses.[[328]](#footnote-328) The fact of rallying or try to rally individually or collectively, in an organized or not, entities, organizations, bands and groups, terrorists, whatever their form, object, or where they are located, even if terrorist acts are not intended to prejudice the Kingdom of Morocco or interests;

The fact of receiving or attempting to receive training or training in whatever form, nature or duration within or outside the Kingdom of Morocco, to commit an act of terrorism inside or outside the United independently of the occurrence of such an act;

Makes the use by any means whatsoever, cause or form or attempt to recruit, train or train one or more people, for their rallying to entities, organizations, bands or groups terrorist inside or outside of the terrorism of the Kingdom of Morocco.

The above acts are punishable by imprisonment of five to ten years and a fine of 5,000 to 10,000 dirhams (500 to 1000 USD).

These penalties shall be doubled when it comes to enlist or train a minor or when, to proceed, the supervision of schools, institutes or educational centers or training of any kind, has been exploited. However, when the offender is a corporation, it is liable to a fine of one million to 10 million dirhams (100 000 to 1 million USD) and pronouncing against him the dissolution as well as the security measures provided by the same law.

The same law punishes with imprisonment from 2 to 6 years and a fine of 10,000 to 200,000 dirhams (1 000 to 20 000 USD), whoever glorifies acts constituting terrorist offenses by speeches, shouts or threats in the places or meetings public or by writings, printed sold, distributed or offered for sale or displayed in public places or meetings or by posters exposed to public view by the various means of audio-visual and electronic information. Moreover, whoever does propaganda, advocating or promoting a person, entity, organization, band or terrorist group will have the same punishment.[[329]](#footnote-329) Moreover, the law punishes whoever provides a person author, co-author or accomplice of a terrorist act or weapons, ammunition or instruments of the offense, or financial contributions, livelihoods, correspondence or transportation or a place of assembly, housing or retirement or to help them access the proceeds of their crimes, or, otherwise, provides knowing assistance. However, in the two last points the law does not specify how it will deal with these terrorists if the acts are made outside the territory even if looks like it can be generalized to foreign actions.

The **Code of Criminal Procedure is a consolidated document of 236 pages with laws from different times dealing with different aspects. How it addresses the terrorism acts is combination of the past last laws and many of their updates which makes it difficult to analyze. A further work might give a better consolidation of the judicial aspect while it can address the other aspects of how the returning fighters are treated.**

# ASIA

# India

India, unlike many of its neighboring countries, has stringent anti-terror laws. The Unlawful Activities Act (UAPA) of 1967 is the principal legislation dealing with terrorism.[[330]](#footnote-330) While foreign terrorist fighters are not specifically mentioned in the legislation, the Unlawful Activities Act does provide a framework for dealing with the “funding, membership, and support of designated terrorist organizations.” Additionally, the Indian government banned 39 organizations, including ISIL, under the UAPA.[[331]](#footnote-331) As a result, nearly 150 youths suspected of sympathizing with ISIL are under state surveillance. By December 2015, 23 Indians had joined ISIL’s ranks of foreign fighters, six of whom were allegedly killed. A few have also left ISIL, citing discrimination and poor treatment as the main reasons for their desertion.

India criminally punishes acts of terror committed by Indian citizens both domestically and abroad. Currently, any citizen convicted of a crime under the UAPA can have their passport confiscated. Passports can also be confiscated if their possession is deemed potentially harmful to the state’s “sovereignty or security.” Additionally, section 10 of India’s Citizenship Act allows the state to revoke citizenship of any person who is found to be “1. Disloyal to the constitution; 2. Communication or assistance with an enemy of which India is at war; or 3. Where the citizen has within five years after registration or naturalization been sentenced in any country to imprisonment for a term of not less than two years.” However, India is limited in it’s ability to implement these penalties, as it is against international law to render a person stateless by revoking their only passport or their citizenship. Finally, depending on the severity of their involvement, those convicted of acts of terror may face incarceration or the death penalty. However, execution rates remain low, with less than 10 executions in the last 30 years. According to the President of the All-India Anti-Terrorist Front, the reason for this is that executions are inherently political, with many politicians worried about losing a portion of their constituency if they condone the execution of convicted terrorists.[[332]](#footnote-332) Similarly, this seems to be the reason that India has been reluctant to implement new legislation that deals with the issue of terrorism and foreign fighters specifically.[[333]](#footnote-333)

While India has expressed concerns that its marginalized Muslim population is at an increased risk of radicalization by groups like ISIL, India has had a relatively low number of instances of citizens travelling abroad to join extremist organizations.[[334]](#footnote-334) The majority of the legislation, while broadly covering the foreign terrorist fighter phenomenon, primarily deals with the issue of regional groups that threaten Indian domestic and international interests. The most concerning groups at present are Lashkar-e-Taiba (LET) and the Haqqani Network, both of whom are suspected to be supported by Pakistani intelligence agency ISI.[[335]](#footnote-335) LET is most well known for the 2008 Mumbai bombings, but primarily operates in Kashmir and Jammu.[[336]](#footnote-336) The Haqqani Network, alleged to be the leading Taliban group in Pakistan, targets Indian interests abroad, including the 2008 suicide bombing at the Indian embassy in Kabul.[[337]](#footnote-337)

To mitigate the risk of radicalization faced by many Indian citizens, the government has implemented a series of CVE initiatives at the state and local level. These anti-radicalization measures primarily come in the form of ensuring madrassas adhere to a “quality and modern” curriculum. Additionally, India has taken several steps to de-radicalize former extremists through rehabilitation and reintegration programs.[[338]](#footnote-338)

With the second largest Muslim population in the world, India is heralded for its remarkably low radicalization rate.[[339]](#footnote-339) However, the recent rise in nationalist rhetoric could change this, as demonstrated by the arrest of JNU’s student union president after protests against the hanging of Afzal Guru in February.[[340]](#footnote-340)

# Pakistan

Pakistan presents a unique case in regards to foreign terrorist fighters as it both imports and exports them. Shiite groups from Pakistan and Afghanistan have joined the forces backing Assad in Syria.[[341]](#footnote-341) They are recruited by Iran to protect Shia holy sites in the Levant and are drawn to the fight not by ideology, but by the promise of compensation in the form of Iranian residency permits and comparatively high salaries. Currently, there are more Pakistani and Afghan foreign fighters supporting Assad than there are western foreign fighters supporting ISIL. Iran is capitalizing on sectarian tensions in Afghanistan and Pakistan in an attempt to expand its regional influence. Iran is positioning itself to fill the AfPak power vacuum by undermining the US’s influence through funding for infrastructure programs and security services.

Conversely, the mountainous terrain of the Durand Line serves as a safe haven for foreign fighters from the Gulf in their jihad against Western influence. Both countries have been opportunistic in their relationship with foreign terrorist groups like al-Qaeda. Regional legislation, while stringent in its goals, is rarely implemented with the same vigor. Pakistan’s 1997 Anti-Terrorism Act (ATA) defines terrorism, but makes no mention of foreign fighters.[[342]](#footnote-342) The ATA has proven to be rather ineffective, as its broad definition of terrorism leads to overtaxed court systems and low conviction rates. These low conviction rates perpetuate the perception that even if one is caught committing an act of terrorism, one is unlikely to be punished. In this sense, the ATA is hardly the deterrent it was created to be. Additionally, in the Punjab, according to the provincial Prosecutor General, the acquittal rate is nearly 75% on terrorism cases.[[343]](#footnote-343)

Beyond the need for a more succinct definition of terrorism that allows courts to more easily convict suspects, the government of Pakistan needs to enforce section 11E.1A of the ATA, regarding the restriction of banned militant organizations. This five-point action plan serves to “dismantle, contain, prevent, educate, and reintegrate militants.”[[344]](#footnote-344) Currently, little is being done to restrict or disband known and banned militant organizations. Likely, this is due to their usefulness in certain contested areas including Kashmir and Jammu. Pakistan relies on various non-state actors, including militant groups, to provoke India in Kashmir and Jammu with the goal of reclaiming the Muslim majority territory.[[345]](#footnote-345) Additionally, ISI employs various segments of the Taliban to conduct cross-border drug trades and to foster support in Afghanistan so they are more easily able to fill the power vacuum created by the inevitable US withdrawal. This reliance on militant organizations for regional stability, security and influence further complicates Pakistan’s ability to combat the terrorist threat it faces.

Pakistan established several rehabilitation centers aimed at deradicalizing Taliban prisoners in the Swat Valley. Beyond breaking down the Taliban’s extremist ideology, the rehabilitation centers also work to educate former prisoners through “secondary education, vocational training, corrective religious instruction and psychiatric counseling.”[[346]](#footnote-346)

In response to international pressure, Pakistan has developed a twenty-point broad-based Counterterrorism National Action Plan[[347]](#footnote-347) and amended its constitution to allow for the creation of special courts to try those convicted of committing acts of terrorism.[[348]](#footnote-348) Pakistan appears to be externally committed to combatting terrorism in an effort to maintain the flow of foreign aid. Internally however, Pakistan seems to lack the strength of governance, infrastructure, and resources needed to implement the laws it has passed with any consistency. Terrorism is currently punishable by execution in Pakistan, which is widely controversial in its effectiveness as a deterrent.[[349]](#footnote-349) Additionally, while the rate of capital punishment has increased significantly since the moratorium was lifted last year, the number of terrorists executed remains exceptionally low, signifying internal reluctance to comply with international norms. Consequently, Pakistan remains entangled in global terrorism issues.

# Sri Lanka

The Island nation of Sri Lanka had been in a state of civil war until the 2009 military defeat of the Liberation Tigers of Tamil Eelam.[[350]](#footnote-350) Since this defeat the Sri Lankan government has kept a strong counterterrorism stance and military presence in post conflict areas.[[351]](#footnote-351) Nearly all of the focus of the government has been on perceived threats from LTTE resurgence and sympathizers. Therefore, little attention has been given to the current foreign fighter phenomenon.

A great volume of outside pressure has been related to human rights abuse allegations and the concomitant International Criminal Court trials.[[352]](#footnote-352) This focus on human rights abuses combined with a lack of incidents pertaining to Sri Lankan foreign fighters may partially explain the lack of attention devoted to the foreign fighter phenomenon.[[353]](#footnote-353)

Although not much attention has been given to the threat of foreign fighters in Sri Lanka the All Ceylon Jamiyyathul Ulama (ACJU), a Muslim clerics organization, has worked to create a counter narrative. The ACJU and other groups have publicly denounced ISIS and regularly push for the preaching of unity and peace among the Muslim population in Sri Lanka. This is especially important with the historical marginalization of Muslims in Sri Lanka.

Sri Lanka’s ability to prosecute foreign fighters under its existing legal structure essentially complies with Resolution 2178. However, the existing laws have been criticized as too harsh or draconian, which caused a movement to repeal pieces of the legal structure like The Prevention of Terrorism Act, the centerpiece to Sri Lanka’s antiterrorism legal structure. The redrafting of the PTA still does not seem to focus on the prosecution of outside threats however. The thrust seems to be yet another way to foster peace and reconciliation between the former LTTE and the government and most of the conversation revolves around LTTE member being detained under the PTA and what to do with them.

Moreover, Sri Lanka has a strong domestic reintegration program designed to bring former members of the LTTE back in to the folds of Sri Lankan society. Therefore, it appears as though Sri Lanka has the resources and infrastructure in place to deal with the foreign fighter problem, however the issue has yet to be addressed due to a perceived lack of threat from foreign fighters and overwhelming pressure regarding human rights abuses and residuals from the civil war.

# Indonesia

The archipelagic nation of Indonesia is home to over 250 million people with roughly 90% of the population being Muslim.[[354]](#footnote-354) Around 700 Indonesian citizens have traveled to join the fight in Syria and Iraq.[[355]](#footnote-355) However, some analysts believe the number to be closer to 500.[[356]](#footnote-356) There are also an estimated 160 fighters who have returned back to Indonesia.[[357]](#footnote-357) This is a significant percentage of returnees where experts state that the number of total foreign fighter from Southeast Asia is around 600. “Up to 50 of these fighters have since returned to Indonesia, some claiming disillusionment because they did not receive the pay they were promised. Another hundred, including women and children, were apparently deported from Turkey before they could cross the border into Syria.”[[358]](#footnote-358)

The threat faced in Indonesia can be broken down into two elements. In one aspect there is a threat of ISIS sympathizers and supporters who may be influenced to carry out attacks in Indonesia in the name of ISIS. The other aspect is in regard to foreign fighters that have left Indonesia may later return to commit further acts of terror or to recruit others to join in the cause. Indonesia seems to approach this second problem from a regional perspective.

Due to its daunting geography, Indonesia presents a unique security challenge with over 17,500 islands, 6,000 of them being inhabited.[[359]](#footnote-359) Generally, the further one travels from the capital city of Jarkarta the more challenging security becomes. The more difficult it is to patrol waterways, to patrol uninhabited islands, and to generally put together an image of what may be going on along the outermost edges of the nation. To overcome this Indonesia has taken many steps and committed to a regional partnership. By partnering with neighboring nations Indonesia is better able to address waterway patrolling, patrolling uninhabited islands and the outermost edges of its nation where it has traditionally had problems with terrorist groups.

Indonesian fighters in Syria, who have formed their own Indonesian-Malaysian unit called “Malay Archipelago”,[[360]](#footnote-360) have declared aims to eventually establish an archipelagic Islamic State in Southeast Asia.[[361]](#footnote-361) “Indeed, most of the major terrorist bombings in Indonesia have involved veterans of conflicts in Afghanistan or the Southern Philippines.”[[362]](#footnote-362)

It appears that Indonesia understands that the perception of self-radicalization is false and that the world of the foreign terrorist fighter is personal and immediate, globalized and multidimensional. This can be seen through the efforts to ban any perceivable connections to ISIS.

In August of 2014 the Yudhoyono administration established a ban on ISIS. This ban was enforced by educational awareness campaigns conducted by the Ministry of Religious Affairs, censoring online materials and blocking websites and videos, as well as joint monitoring high-risk individuals by the Foreign Ministry, the Ministry for Law and Human Rights, and the National Counterterrorism Agency.[[363]](#footnote-363) Enforcement of the ISIS ban has proved more difficult in practice with little to no legal footing to prosecute suspected ISIS sympathizers on.[[364]](#footnote-364) This lack of legal grounding has caused contention with civil liberties of Indonesian citizens, and eventually leads to the arrest and release of those supporting the banned organization. One such instance is that of Chep Hermawan, a known ISIS sympathizer who had been arrested and shortly after released because no case could be mounted to prosecute under the existing legal framework.[[365]](#footnote-365), [[366]](#footnote-366)

This ‘loophole’ in the prosecution of ISIS supporters has led to the attempted revision of the existing 2003 Terrorism Law, which aims to give the National Police the authority to strip citizenship of Indonesian nationals fighting with ISIS in Syria and Iraq.[[367]](#footnote-367) This revision will seemingly attempt to address the ‘loophole’ and allow for prosecutions of those supporting ISIS, planning attacks, or recruiting.[[368]](#footnote-368) Human Rights minister Yasonna also has called for more comprehensive de-radicalization program in detention centers.[[369]](#footnote-369)

Prisons have a propensity to operate as networking nodes of sorts, where people become recruited and radicalized while serving time. “Radicalization in prisons is hardly a new concern for Indonesia, and many similar concerns were heard when the country confronted the Al-Qaeda-linked Jemaah Islamiyah in the 2000s. According to Sidney Jones, a longtime terrorism expert who now directs the Institute for Policy Analysis of Conflict in Jakarta, pro-ISIS networks are still able to freely disseminate information and contacts in Indonesian prisons today since every inmate has ready access to a smartphone, while the dozens released every year after serving their sentences are not monitored by the authorities.”[[370]](#footnote-370)

This ban on ISIS It may also drive support for ISIS and related groups underground where it will be more difficult to manage, track, and gather intelligence on. Strategically, it may make more sense to allow open support for ISIS and foster de-radicalization programs and a popular movement against support for ISIS and like-minded groups. This may help to address root causes of ISIS sympathy rather than topically address the symptoms. More importantly, a legal, or even attempted ban on ISIS clearly defines a struggle against the group and further helps to legitimize its struggle against Indonesia seems to infringe on freedoms of speech and expression.

Earlier this year the Widodo administration released an updated security strategy known as the white paper.[[371]](#footnote-371) According to Law No. 3/2002 white papers are considered a comprehensive statement of defense strategy. In the latest white paper the administration has stated that in order to fight radicalization it aims to give quasi-military training to 100 million of its citizens.[[372]](#footnote-372) In this new program Indonesia hopes to instill the “values of state defense in education, workplace and neighborhood environments”.[[373]](#footnote-373) This state defense program is being implemented to combat non-traditional threats like radicalization and terrorism according to state officials.[[374]](#footnote-374)

The Ministry of foreign affairs states that the national strategy of Indonesia for countering terrorism combines both a hard and soft approach.[[375]](#footnote-375) The soft approach includes the rehabilitation, reintegration, and re-education for inmates convicted of terror related charges.[[376]](#footnote-376) Moreover, the soft approach includes “empowerment of religious leaders and scholars” to provide a counter narrative to combat the jihadi message.[[377]](#footnote-377) The administration has called upon Islamic group to help promote this counter narrative. Widodo has met with leaders of Nahdlatul Ulama, Muhammadiyah, and the Indonesia Ulema Council to garner their support in attempting to stem the radicalization and recruitment attempts of ISIS.

The hard approach is a typical one of imprisonment for crimes of terrorism. The Republic relies on Law No. 15 Year 2003, a reaction to the 2002 Bali Bombings, to prosecute alleged terrorists.[[378]](#footnote-378) The content of 15/2003 covers acts of terrorism, investigation, prosecution, court proceedings, damages, restitution, as well as international cooperation.[[379]](#footnote-379) However, this year amendments expanding the reach of 15/2003 are in The House of Representatives and are expected to pass.[[380]](#footnote-380) This new expansion is in response to a need for a proactive response against those suspected to be involved in attacks or organizing terrorist groups.[[381]](#footnote-381) This proactive response may allow Indonesia to make greater strides in the prevention of ISIS recruitment and attacks on Indonesian soil.

# Philippines

The government of the Philippines condemns the actions perpetrated by ISIS and supports UNSCR 2178, while recognizing that action against foreign terrorist fighters must be taken immediately.[[382]](#footnote-382) The Philippines implemented The Human Security Act (Republic Act No. 9372 in 2007), resulting in the creation of the Anti-Terrorism Council.[[383]](#footnote-383). However, the act does not specifically address the concerns raised in UNSCR 2178 or foreign fighters. The Filipino definition of terrorism is expansive and lacks acuity, though it remains in compliance with the normative definition established by the UN.[[384]](#footnote-384)

In December, ISIL declared the Philippines to be its new “breeding ground” in the release of a video of a training camp in the southern part of the country.[[385]](#footnote-385) With ISILs growing popularity in the Philippines, it is imperative that the government take measures to comply with UNSCR 2178. At this point, no legislative action has been taken.[[386]](#footnote-386) Presumably, this is because the bulk of ISIL’s presence in the Philippines is concentrated on Mindanao, a region that has been plagued with religious violence for over a decade. Additionally, the Philippines has a host of other pressing issues to contend with, including acute and widespread poverty and natural disaster recovery.

# Thailand

Thailand’s counterterrorism cooperation continued to be productive, although domestic political challenges remained the government’s key security priority. In late 2014, Thai security officials expressed moderate concern about the threat to Thailand from the Islamic State in Iraq and the Levant (ISIL), particularly given the reported travel of fighters from neighboring Southeast Asian nations and to the Middle East.[[387]](#footnote-387) There was no confirmed evidence of Thais joining ISIL, however, and no direct evidence of operational linkages between ethno-nationalist Malay Muslim insurgent groups in southern Thailand and ISIL or other international terrorist networks.  
 While Thai officials have long expressed concern that transnational terrorist groups could establish links with southern Thailand-based separatist groups, there have been no indications that transnational terrorist groups were directly involved in the violence in the south, and there was no evidence of direct operational links between southern Thai insurgent groups and regional terrorist networks.[[388]](#footnote-388)

Following the meeting of Counter Terrorism Task Force (CTTF) in 2011 in the United States and Russia, APEC members emphasized the need to advance cooperation in order to combat counterterrorism. Thailand has since taken those recommendations and applied them to four areas, secure supply chains, secure travel, secure finance, secure infrastructure:

1. Secure Supply Chains: During April - June 2012, Royal Thai Navy’s Counter - Piracy Task Unit (RTN CPTU) was dispatched to operate under the banner of Combined Maritime Forces (CMF), an international joint patrol, to protect commercial fleet from piracy attacks off the coast of Somalia and in the Gulf of Aden, two major sea routes connecting Asia to Europe and the Middle East.  
 2. Secure Travel: As a measure to prevent terrorist acts on board an airplane, THAI Airways International provided further training for its staff on cyber threats and launched the public awareness campaign in cyber threats in its website.  
 3. Secure Finance: Anti Money Laundering Office signed an MOU on the exchange of financial intelligence with Financial Unit of Fiji and Norway. AMLO also pushed for the issuance of a KYC/CDD Ministerial Regulation requiring identification of beneficial owners.  
 4. Secure Infrastructure: Ministry of Information and Communication Technology (MICT) established CSOC (Cyber Security Operation Center) to investigate and analyze irregular internet activities such as SPAM, Phishing and Hacking as well as to receive reports and complaints about cyber crimes and the misuse of cyberspace that may pose a threat to national security.[[389]](#footnote-389)

In order to ensure that National Security Council (NSC) of Thailand respond effectively to and reflect truly the ongoing terrorism situation, NSC is revising the Counter-Terrorism Strategy to incorporate new elements and dimensions of counter terrorism work into the new draft.

Terrorist offenses are criminalized under Title I/I, the offense in respect of terrorization, of Thailand’s Penal Code. Section 135/1 of Title I/I provides that (1) a person who aims to threaten the Thai Government, Foreign Government, or International Organization and causes serious injury or disorder, the person will be punished with death, life imprisonment, a term of imprisonment of three to twenty years, or a fine of “six ten thousands Baht to one million Baht” if the person: (a) commits an act of violence or any act that seriously causes danger to life or bodily harm, or seriously deprives any person’s freedom; (b) commits any act to cause serious damage to the transportation system, the communication system or public interest structures; (c) commits any act to cause injury to any State’s property, any person’s property or is likely to cause “an important” economic injury.[[390]](#footnote-390)

Section 135/1 further provides that demonstrations, convocations, protests, arguments, or demands for government aid or justice, do not constitute terrorist offenses.[[391]](#footnote-391)Section 135/2 of Title I/I provides that a person shall be imprisoned for two to ten years or fined “four ten thousands Baht to two hundred thousands Baht,” if the person (1) treated to make a terrorization under circumstances advisable to be believed that such person will do as treatment really;” or (2) “collects forces or arms,” gathers or procures property, receives or gives “a training terrorization,” prepare an other act or conspire with another to terrorize or commit any offence as part of a plan to terrorize or “abet people into a part of terrorization or ones know the terrorist and commit any act to be covered.[[392]](#footnote-392)

Section 135/3 of Title I/I provides that a person who supports the commission of an offense under Section 135/1 or Section 135/2 is liable to the same punishment as the principal of the offense.[[393]](#footnote-393) Section 135/4 provides that “whoever to be the member of a body of persons who there is resolution of or notification subject to Security Council of the United Nations Organization designating as a body of persons to have committed an act as terrorization” and the Thai Government has notification and acknowledged the resolution “such person” shall be sentenced to a term of imprisonment not to exceed seven years and a fine not to exceed “hundred thousands and four ten thousands Baht”.[[394]](#footnote-394)

Thailand also has a “hard” criminal justice approach to terrorist offenses. Sentences for terrorist offenses are as severe as life imprisonment. Thailand’s definition of terrorism may be too narrow, however. Rather than defining terrorist offenses as instilling fear in the public or an attack against the public, Thailand’s understanding of terrorist offenses are limited to those against the government, foreign government, or international organizations.

# Conclusion

# Based on our findings, the international response to Resolution 2178 has been lukewarm at best. Although there is a broad array of support for the resolution in theory, actual legislative action to help stem the flow of foreign fighters to the Middle East has been minimal. As such, more affirmative measures need to be taken in order to carry out the mandate that has been set forth by the Security Council.

# Of the countries investigated in this report, few have enacted legislation to deal with the threat of foreign fighters directly. Those that have are split between a hard justice approach based on statutes and criminal penalties, and a softer approach that is geared more towards preventing individuals from becoming foreign fighters in the first place. While there are pros and cons to both methods, the difference in the two has made the overall international response to the issue disorganized, which has allowed some would-be fighters to slip through the cracks.

# Furthermore, even taking into account those countries that have attempted to address the problem indirectly, more than a few have done so by trying to overhaul old legislative measures, or by using previously drafted statutes in a way that they were not designed. This has made the international response to the foreign fighter phenomenon even more chaotic, with some countries afraid to use the legislative means that they have set aside to deal with the problem less the legislation be declared void as a whole. This has especially been an issue in those countries that have considered the revocation of passports, since in many cases that would lead to some individuals becoming stateless in contradiction of international law.

# Even when legislative measures could be used without fear of their nullification, however, many countries are afraid to use the tools that are available because of perceived backlash, both from a political and public relations point of view. This has compounded compliance with Resolution 2178 even more, since those countries have technically followed the Security Council’s mandate, even though effective action is either sparse or non-existent.

# In conclusion, although the international community has taken some steps to stem the flow of foreign fighters to the Middle East, more action is required. The overall response by the various countries investigated in this report has been disorganized, which limits the effectiveness of any individual nation’s efforts as a whole. Accordingly, more laws, newer laws, and easier implemented laws are required in order for Resolution 2178 to be followed in accordance with the Security Council’s mandate.

1. The Resolution identified a foreign fighter as an individual “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,”. S.C. Res. 2178, ¶ U.N. Doc. S/RES/2178 (Sept. 24, 2014). [↑](#footnote-ref-1)
2. S.C. Res. 2178, ¶ U.N. Doc. S/RES/2178 (Sept. 24, 2014). [↑](#footnote-ref-2)
3. S.C. Res. 2178, ¶ U.N. Doc. S/RES/2178 (Sept. 24, 2014). [↑](#footnote-ref-3)
4. Annex to the letter dated 3 September 2014 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-Genera, Letter dated 3 September 2014 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General. UN Doc S/2014/648 (Sept. 3, 2014). [↑](#footnote-ref-4)
5. See, e.g., Home Office, *Preventing Extremism Together* (London, 2005); Home Office, *Countering International Terrorism* (London, 2006) [↑](#footnote-ref-5)
6. “In the event of a conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.” United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI. See also, *Al-Jedda v. United Kingdom*, Application no. 27021/08, European Court of Human Rights, 7 July 2011 (underling the need for states to abide by their international obligations but not in a manner that would violate their domestic and regional o bligations such as human rights). [↑](#footnote-ref-6)
7. Marko Milanovic, ‘EJIL: Talk! – UN Security Council Adopts Resolution 2178 on Foreign Terrorist Fighters’, 24 September 2014, http://www.ejiltalk.org/un-security-council- adoptsresolution-2178-on-foreign-terrorist-fighters/ (accessed Apr. 6, 2016) [↑](#footnote-ref-7)
8. See, e.g., Jeremy Wright QC, the British Attorney-General claimed in *Al-Dulimi* that UN Security Council resolution should trump the European Convention of Human Rights. ‘Attorney General Appears before European Court of Human Rights’, 10 December 2014, https://www.gov.uk/government/news/attorney-general-appears-before-european-court- ofhuman-rights (accessed Apr. 6, 2015). [↑](#footnote-ref-8)
9. Joined Cases C-402P and C-415/05P, *Yassin Abdullah Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities* [2008] ECR I-(nyr [↑](#footnote-ref-9)
10. See, e.g., Art. 15(1) “Everyone has a right to a nationality.” and Art. 15(2) “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), [↑](#footnote-ref-10)
11. Clive Walker, *The Treatment of Foreign Terror Suspects*, 70 Modern L. Rev. 427, 429-433 (2007). [↑](#footnote-ref-11)
12. Final Report of the Task Force on Combatting Terrorist and Foreign Fighter Travel https://homeland.house.gov/wp-content/uploads/2015/09/TaskForceFinalReport.pdf [↑](#footnote-ref-12)
13. Ibid: p.34-35 [↑](#footnote-ref-13)
14. “U.S. State Department and USAID Supported Initiatives to Counter Violent Extremism.” *U.S. Department of State*, (19 Feb 2015) from http://www.state.gov/r/pa/prs/ps/2015/02/237647.htm [↑](#footnote-ref-14)
15. “Engaging Civil Society in Rehabilitation and Reintegration” *Federal Grants,* (25 Jun 2015)from http://www.federalgrants.com/Engaging-Civil-Society-in-Rehabilitation-and-Reintegration- 52101.html [↑](#footnote-ref-15)
16. “Remarks at the Strong Cities Network International Visitors Leadership Program for Municipal Leaders and Countering Violence Extremism Experts Event.” *U.S. Department of State,* (1 Mar 2016) from http://www.state.gov/secretary/remarks/2016/03/253828.htm [↑](#footnote-ref-16)
17. “What you need to know about CVE.” *CAIR Minnesota,* (11 Feb 2016) from http://www.cairmn.com/civil-rights/cve-toolkit.html [↑](#footnote-ref-17)
18. Ferimo, J. “New York joins terror busting network ‘Strong Cities’ as activists fear program will target Muslims” *Daily News*, (30 Sept 2015) from http://www.nydailynews.com/news/politics/new- york-joins-terror-busting-network-strong-cities-article-1.2379297 [↑](#footnote-ref-18)
19. Democratic Policy & Communications Center: Chairman Senator Char, *Senate Dems Cal on Department of Homeland Security to Immediately Require Social Media Background Checks As Part of Screening Process For All Foreigners Seeking American Visas*, available at http://www.dpcc.senate.gov/?p=issue&id=491 [↑](#footnote-ref-19)
20. The United States Department of Justice, *Justice News*, available at: https://www.justice.gov/justice- news?keys=terror&component=All&topic=All&date%5Bvalue%5D%5Bmonth%5D=&date%5 Bvalue%5D%5Byear%5D=&items\_per\_page=25 [↑](#footnote-ref-20)
21. The United States Department of Justice, *Justice News*, available at: https://www.justice.gov/justice- news?keys=terror&component=All&topic=All&date%5Bvalue%5D%5Bmonth%5D=&date%5 Bvalue%5D%5Byear%5D=&items\_per\_page=25 [↑](#footnote-ref-21)
22. Ibid. [↑](#footnote-ref-22)
23. Ibid. [↑](#footnote-ref-23)
24. Ibid. [↑](#footnote-ref-24)
25. Ibid. [↑](#footnote-ref-25)
26. The United States Department of Justice, *Justice News*, available at: https://www.justice.gov/justice- news?keys=terror&component=All&topic=All&date%5Bvalue%5D%5Bmonth%5D=&date%5 Bvalue%5D%5Byear%5D=&items\_per\_page=25 [↑](#footnote-ref-26)
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