A Waiting Game:

Assessing and Responding to the Threat from Returning Foreign Fighters in the Western Balkans

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Introduction

The emergence over the last several years of the foreign fighter phenomenon, in Syria and Iraq and to some extent in Ukraine, has brought with it a number of threats – both known and unknown. Now, after some fighters have returned home and dynamics in conflict zones have shifted, there is uncertainty about the roles former fighters may assume in the communities to which they return. Yet, questions about whether and how these individuals will reintegrate into society can only be answered over time. What's more, the number of current foreign fighters or their family members who aspire to return to their places of origin is unclear, as well as the routes returnees use at this point, given increased security measures. But, for those who have or will yet return, governments and societies must have the capacity to manage returnees and successfully engage in rehabilitating and reintegrating them.

The systems and mechanisms developed to address the phenomenon of foreign fighters, and to counter terrorism and extremism more generally, reflect the four pillars of the EU counterterrorism strategy – prevention, protection, pursuit, and response. Among other things, this model envisions tackling the root psychosocial factors that can lead to radicalization, increasing hard security measures and intelligence sharing, and building judicial and corrections capacities. This whole-of-government approach, combined with active efforts to increase cooperation between state-level agencies and civil society, is most likely to generate sustainable and multi-disciplinary rehabilitation and reintegration programs.

The Western Balkans has contributed in no small measure to the foreign fighter phenomenon, and is thus coping with the associated risks and challenges. This report looks at key trends and developments related to the return of foreign fighters from the six Western Balkans jurisdictions – Albania, Bosnia and Herzegovina, The Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, and Serbia – and the capacity and possibilities for their disengagement, de-radicalization, rehabilitation, and reintegration. What kinds of programmes exist in custodial and non-custodial environments?

What counter-messaging is delivered in school curricula? What kind of support is available for the families of foreign fighters? By analyzing the flow of foreign fighters and their families, alongside context-driven political and social circumstances in the region, the authors identified opportunities and obstacles to the successful rehabilitation and reintegration of returnees. Some key findings and recommendations are included, and are intended to assist national and international stakeholders in creating and implementing future action plans and programmes.

Methodology

This study is based on a combination of desk research, questionnaires, semi-structured interviews, as well as field visits to the Western Balkans: Albania, Bosnia and Herzegovina, The Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, and Serbia. The aim of this research was to map the needs and provide an assessment of capacities in the region related to the disengagement, de-radicalization, rehabilitation, and reintegration of former foreign fighters. To that end, more than 60 interviews and consultations were conducted with prison wardens, correctional officers, prison psychologists, social workers, law enforcement and intelligence officials, and national P/CVE coordinators.

In addition to interviews, a questionnaire was also sent to regional and international experts, policy-makers, and embassies, as well as to EU, OSCE, and RCC representatives with insight into the underlying issues on which this research was focused. The questionnaire was also sent to relevant authorities in the Western Balkans six studied, offering an opportunity for honest self-reflection about the capacities and willingness of governments in the region to address the issues that must be confronted to reduce the threat posed by returning foreign fighters.

Interviews' transcripts were analyzed using both content and discourse analysis, enabling researchers to gain a more in-depth understanding of the foreign fighter phenomenon in a social context.

The authors would like to thank all the participants in this research who shared their views and expertise and helped us compile this report.

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Findings and Recommendations

KEY FINDINGS

▸ Overall, it is believed that from the end of 2012 until the end of 2017, some 1,000 individuals (men, women, children, and elderly) from the Western Balkans traveled to Syria and Iraq. Approximately 300 have returned, more than 200 have been killed, and some 400 remain there. A number of individuals are also missing. And, following the collapse of remaining ISIL/DAESH strongholds Mosul and Deir ez-Zor, we can assume that the ranks of current Western Balkans foreign fighting contingents have been further decimated.

▸ The pace of the departure of citizens from this region to Syria and Iraq slowed down in 2015, and almost completely stopped by mid-2016. No new registered departures from the Western Balkans have occurred since then.

▸ The decline in traffic to and from Syria and Iraq can be attributed to: (a) intensified regional and international efforts to criminally prosecute aspiring fighters and returnees; (b) an escalation of fighting in the conflict zones, which are now more difficult to cross into and out of; and (c) the gradual exhaustion of the pool of individuals from the region willing to fight in Syria and Iraq.

▸ Contrary to widespread expectations and alarming media predictions, a massive and uncontrolled influx of foreign fighters returning to the Western Balkans from Syria and Iraq is unlikely to occur.

▸ In recent years, law enforcement agencies tasked with combating terrorism in the region have gradually enhanced their investigative capacities, increasing personnel and developing cyber-counterterrorism capabilities. Border control has also been improved, so that major border crossings are better equipped and border police are better trained.

▸ Since 2012, security agencies in the region have thwarted a number of terrorist plots against civilians and critical infrastructure, and dozens of aspiring foreign fighters have been blocked from traveling. Hundreds of terrorism-related suspects and militants have been detained and questioned throughout the region, with dozens charged and sentenced for their involvement in radicalization, recruitment, financing for, and participating in terrorist groups such as ISIL/DAESH or *Jabhat Fateh al-Sham* (formerly known as the al-Nusra Front).

▸ Since 2016 alone, courts in Albania, Bosnia and Herzegovina, Kosovo*, and The Former Yugoslav Republic of Macedonia have found tens of individuals guilty for offenses related to foreign fighting and terrorism, issuing sentences totaling more than 380 years of imprisonment and incarcerating more than 70 individuals in prisons throughout the Western Balkans.

▸ Most Western Balkans law enforcement agencies seek to further develop and benefit from cooperation with Interpol, Europol, and Frontex, rather than relying on *ad hoc* intermediary bodies. Upon the request of officials from the region, Interpol has published 140 notices for citizens suspected of terrorism-related activities in Syria and Iraq.

▸ Some among the Western Balkans six warn that attempts have been made by terrorism-related suspects who are citizens of other countries to enter the Western Balkans and use it as a safe haven or transfer zone.

▸ Judicial policy across the region remains non-standardized. Plea bargains are sometimes given in exchange for lesser prison sentences; but this practice is viewed as damaging to the overall aims of P/CVE because short sentences can undermine the deterrent effect of criminalizing terrorist-related activities.

▸ In handling ideologically radicalized and sometimes violent inmates, regional prisons so far lack any special regulations, and are largely unaware of recommendations or best practices in the treatment of such inmates, including regarding their placement among general prison populations. In many instances, prison authorities seem to have devised their own approaches to dealing with these inmates, typically by limiting their opportunities for social interaction with other prisoners, while still protecting their rights.

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- The admission process in prisons does not always submit incoming detainees to an initial psychosocial and/or security risk assessment. This can leave prison authorities without any knowledge of the behavioural patterns of incoming inmates, or of any propensity they have for violence. However, newly arrived inmates are subject to up to a one-month observation period at a number of prisons in the region, during which their social and medical history is compiled, based on input from social services, police, and judicial officials.

- Correctional facilities in the region also suffer from overcrowding and a lack of rehabilitative programs for prisoners, and are generally poorly maintained. A lack of disengagement, rehabilitation, and social reintegration programs for radicalized individuals raises particular concerns, as the experiences of other countries indicate that radicalization toward violent extremism can and does occur swiftly in prisons.

- Instances of radicalized inmates influencing other prisoners were reported in the region, including those convicted of crimes unrelated to terrorism or violent extremism. Some prisoners may even perceive convicted returnees from Syria and Iraq as proven leaders and heroes, and be more susceptible to narratives promoted by these figures. If so, even just limited presence of returnee prisoners could create a new platform for ideological radicalization and recruitment.

- Sources indicate that religious officials rarely engage with prisoners or provide inmates with religious services, other than during regular weekly services. Thus, prisoners often self-organize and establish their own prison congregations, usually led by self-proclaimed or self-trained inmates.

- Prison authorities typically refrain from interfering in the spiritual matters of inmates, including returnees, in order to avoid infringing on their freedom of religion. The involvement of prison authorities in religious activities that take place in prisons is often limited only to providing a place for prayer, but affords them no insight into the services themselves, the competencies of those leading services, or the religious materials (books, brochures, DVDs) used by the prison population. Still, correctional authorities in some regional prisons have imposed restrictions on the religious content that is available to Muslim prisoners, so that they can access just the Qur'an.

- During their incarceration, ideologically radicalized inmates are generally not compelled, even occasionally, to interact with prison psychologists or social workers. In some cases, a single psychologist serves the needs of up to 200 prisoners, and their job is limited to acute crisis intervention, or in the words of one prison professional, to "putting out fires." One-on-one work with inmates is often limited only to diagnosing and medicating a prisoner.

- In all of the Western Balkans six there is a lack of resources and the specialized knowledge necessary for correctional officials, psychologists, social workers, and other stakeholders to successfully engage in de-radicalization, rehabilitation, and reintegration programmes.

- In some instances, there are no standard operating procedures requiring prison authorities to notify local communities, including the police, of the imminent release (temporary or permanent) of an inmate – including a returnee – from prison. Also, the personal files of former inmates are not always forwarded to the communities they reside in after incarceration, but are kept in prison archives that are inaccessible without special permission.

- There are few if any rehabilitation and reintegration programmes meeting the needs of both returnees and their families. Notably lacking are programmes for non-combatant returnees (women and children) who made up one-third of the Western Balkans' contingent in Syria and Iraq.

- Generally, the fight against radicalization into violent extremism in the Western Balkans has shifted away from hard security and law enforcement responses toward more prevention-centered interventions. However, current P/CVE efforts in the region, including those aimed at rehabilitating and reintegrating returning foreign fighters still suffer from a number of problems, including:

  ✦ overly politicized, securitized, and bureaucratized approaches;
  ✦ a lack of strategic coordination between activities and goals;
  ✦ a lack of regional awareness, understanding, and capacities;
  ✦ an over-centralization of P/CVE efforts on the national level;
  ✦ short-term projects and activities;
  ✦ ill-informed and disengaged local authorities;
  ✦ an inadequate role for regional think tanks and researchers;

Source: RCC-commissioned Study "A Waiting Game: Assessing and Responding to the Threat from Returning Foreign Fighters in the Western Balkans"

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+ ever-increasing involvement by various international entities that often fail to understand the context and are pursuing unclear goals, thereby undermining other efforts; and

+ insufficient coordination, monitoring, and evaluation of ongoing projects, both domestically and regionally.

RECOMMENDATIONS

▸ Governments in the region are advised to upgrade their P/CVE strategies, including as they relate to rehabilitation and reintegration efforts, to **evolve from a *whole-of-government* to a *whole-of-society* approach**. Such an approach raises awareness of radicalization among community stakeholders and builds internal capacities to fight it, and recognizes that there is no one single organization, institution, or government agency capable to tackle violent extremism alone. This requires that **governments, private organizations, and civil society work together**, with each actor playing a different role based on their ability to engage with various communities or target audiences.

▸ Any commitment to preventing and countering radicalization into violent extremism must be measured against the real extent of risks and challenges. Despite widespread public perceptions, often shaped by media and political elites, that *any* risk requires significant intervention, it can be counterproductive to overcommit efforts and resources.

▸ Instead of narrowly addressing the inadequacies in correctional institutions that have been revealed in the context of returning foreign fighters, **improvements to the procedures and conditions in prisons should take a longer view** and should address the needs of all inmates – from the implementation of new intake assessment procedures, to professional training for correctional officers, to the development of updated penal policies.[1]

▸ A number of practitioners and experts are skeptical that successful de-radicalization programmes exist, and instead advocate a focus on disengagement (from violence), which is generally thought to be easier to achieve. In other words, this introduces permanent changes to a person's behavior rather than to their mindset. To that end, **disengagement programs aimed at encouraging individuals to abandon and denounce violence should be developed**. These programs should target not only convicted former fighters, but anyone incarcerated for extremist violence or hate crimes.

▸ Still, rehabilitation programs should also be developed, and should **incorporate a broad range of cross-disciplinary experts who closely coordinate to support an individual's cognitive and vocational skills training and eventual employment assistance**. Where possible and appropriate, families should also be integrated into rehabilitation programs.

▸ In addition, states in the region may consider developing **transition programs designed to encourage close partnerships between families, civil society organizations, and communities**, and meant to enable the continued treatment of formerly radicalized inmates after they leave the prison setting.

▸ Regardless of whether an individual is subject to rehabilitation and reintegration processes in a custodial or non-custodial environment, many specialists recommend that all returning foreign fighters should be submitted to a psychological evaluation immediately upon reentering their respective places of origin. There is a high likelihood that returnees from conflict zones have already developed some symptoms of posttraumatic stress disorder (PTSD), and the success or failure of their reintegration and rehabilitation could depend on early diagnosis and timely treatment of these symptoms.

▸ Given the everyday responsibilities of correctional officers, the extent of their contacts with prisoners, and the relationships formed in the process, the engagement of these officers can both assist and hamper the rehabilitation and reintegration processes that occur in prisons. **Correctional officers of all ranks and responsibilities should be provided with proper specialist training** to help them better understand their role and the opportunities they have to positively impact radicalized inmates.

▸ Given the overall lack of rehabilitation and reintegration programmes in prisons, some experts say the need is even greater for the **development and introduction of post-penal programs** focused on rehabilitating and reintegrating former foreign fighters.

▸ Social services throughout the region are overwhelmed with frequent instances of domestic violence, the fallout from dysfunctional families, and arranging foster care for children in need. Raising the capacities of these services and allocating more resources to them would enable social workers to receive training and engage actively with former foreign fighters and their families, to assume a more proactive role in preparing them for release from prison and re-entry into local communities.

▸ Finally, outside interventions aimed at building capacities in regional institutions and communities should be integrated into already existing public policy structures and services (correctional facilities, schools, social services, mental health centers, etc.), so that the transfer of knowledge and expertise can become institutionally embedded. This will ensure that enhanced capacities are properly employed and sustainable.

[1] Useful insight and best practices for addresing these issues can be found in the Global Counterterrorism Forum's *Rome Memorandum on Good Practices for Rehabilitation.*

Foreign fighters after the fall of the Caliphate: What's next?

At the time of writing of this text in the fall of 2017, the Islamic State is gradually disintegrating in Iraq and Syria, three years after its violent emergence in the summer of 2014. Following weeks of intense bombardment by US-led Coalition forces that saw more than 5,000 bombs, missiles, or artillery rounds fired at Raqqa in August alone (on average, one every eight minutes), ISIL/*Daesh*'s capital finally fell into the hands of advancing US-led militias.[2] Through mid-October, ISIL/*Daesh* has lost 87% of the territory it once held. This brutal end to "the caliphate" – a utopian vision of Islamic theocracy meant to restore and rebuild Muslim society from scratch – was inevitable; but, the organization behind that dream lives on and is transitioning into something many experts have already named ISIL/*Daesh* 2.0.[3] The final outcome of this transition is yet unclear.

The apparent demise of the terrorist para-state has forced many governments to face a number of uncertainties. How will ISIL/*Daesh*, described as "an adaptive hybrid threat," respond to this development?[4] And, what immediate and long-term security threats are likely to emerge? While it is difficult to predict all of the risks and challenges this transition presents, it is safe to assume that their essence and scope are linked to the fate of remaining ISIL/*Daesh* fighters and loyalists.

Most estimates put the overall number of foreign fighters who traveled to Syria and Iraq between 2011 and 2017 at 42,900, from at least 120 countries – including some 7,900 from the West. Among these were more than 5,000 EU citizens and residents, many of whom were accompanied by their families. In the summer of 2017, Turkish author-

ities indicated that even these numbers may be conservative, claiming that, since 2011, they have received inquiries from 146 states regarding nearly 54,000 individuals suspected of attempting to join the civil war in Syria.[5] During one period, from late 2014 through early 2015, the number of fighters flowing into Syria and Iraq every month was estimated to be 2,000. But, by the end of 2016, this influx dropped to "as few as 50," before almost completely stopping in 2017.[6]

Over the past few years, scores of foreign fighters have been killed in battle – in US and Russian airstrikes or at the hand of various international, regional, and local tribal coalitions assembled to help defeat ISIL/*Daesh*. Following the fall of Raqqa, it was revealed that US-led forces charged with the assault on the city had been given tacit instructions on how to deal with foreign fighters: "Kill them on the battlefield." In the words of Brett McGurk, the top US envoy for the anti-ISIL/ *Daesh* coalition, "our mission is to make sure that any foreign fighter who is here, who joined [ISIL/ Daesh] from a foreign country and came into Syria, they will die here in Syria." French Defense Minister Florence Parly shared a similar view, saying: "If the jihadis perish in this fight, I would say that's for the best…. We cannot do anything to prevent their return besides neutralize the maximum number of jihadis in combat."[7]

In the meantime, some foreign fighters have indeed returned to their respective places of origin, and hundreds more are believed to be in prisons and detention centers in Syria, Iraq, Turkey and

Iran.[8] Iraqi authorities have already declared that many prisoners held there will be prosecuted and could be sentenced to death.[9] The key question now, though, is what will happen to the estimated 12,000 ISIL/*Daesh* fighters, local and foreign – of which up to 2,500 are thought to be European – who are still believed to be in Syria and Iraq?[10]

The choices foreign fighters make about their future will probably reflect the motivation that originally brought them to Syria and Iraq in the first place. The more zealous among them are apt to continue to pursue the goal enshrined in the Islamic State's motto, of "remaining and expanding" (*baqiya wa tatamadad* in Arabic). Experts on the ground in Syria and Iraq claim that these fighters "are much more likely to fight to the death or melt away in the hope of fighting another day."[11] Even before the loss of Mosul in the summer of 2017, ISIL/*Daesh* revealed a contingency plan of *inhiyaz*, or temporary retreat into the desert.[12] This strategic shift brings ISIL/*Daesh* full circle, as it was from the desert that the group began its decisive push into Iraq and Syria in 2014. The border area between the two is intended to again play an important role in ISIL/*Daesh*'s post-caliphate strategy of hit-and-run operations, and will provide hide-outs for the most determined remaining fighters.[13]

Experts believe that what remains of ISIL/*Daesh* could eventually merge with an al-Qaeda-linked insurgent coalition known as the Levant Liberation Committee, which has already consolidated its control over Idlib province in Syria. US sources describe this area as "the largest al-Qaeda haven since bin Laden's days in Afghanistan." It is thought that these groups, both of which sprang forth from al-Qaeda in Iraq, will overcome their ideological differences to join forces, regionally and globally.[14] Some ISIL/*Daesh* fighters may also try to reach

other territories controlled by like-minded militant groups in parts of Afghanistan, Libya, Yemen, and the Sinai Peninsula in Egypt, but also in Nigeria, Somalia, Mali, or the Philippines.

Still, many Western, and particularly European, governments are primarily concerned about the future of another group of foreign fighters – those who, for a variety of reasons, wish to end their engagement in Syria and Iraq and return to their respective places of origin. The fear is that returning foreign fighters, who are battle-hardened, skilled in handling arms and explosives, and ideologically radicalized, pose a clear and present threat to national and international security. Raising further alarm is that fact that ISIL/*Daesh* is now explicitly "re-directing" its followers away from Syria, and back to their homes, following the collapse of the "caliphate."

Europol and US sources estimate that roughly 30% of European foreign fighters for the Islamic State have thus far returned to the continent.[15] A recent report suggests that this includes at least 5,600 citizens or residents of 33 countries.[16] Indeed, hundreds of foreign fighters are known to have returned already to Belgium, France, Germany, and the United Kingdom – the EU countries most affected by the phenomenon – but also to Austria, Denmark, Sweden, and the Netherlands. This has prompted Europol Director Rob Wainwright to warn of "a generation-long struggle…to absorb the return of thousands of foreign fighters, particularly to Western Europe."[17] Former FBI Director James Comey has also cautioned that "a terrorist diaspora" will be streaming out of Syria and Iraq over the next two to five years, noting that, "not all of the Islamic State killers are going to die on the battlefield."[18]

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[2] Samuel Oakford, "Intensity of Coalition's Raqqa bombardment greater than for all of Afghanistan, official data shows," *Airwars,* 20 September 2017.

[3] Margaret Coker, Eric Schmitt, and Rukmini Callimachi, "With Loss of its Caliphate, ISIS May Return to Guerilla Roots," *New York Times*, 18 October 2017. Also see: Jeremy Berke, "ISIS' loss of its caliphate signals the end of one type of ISIS – and the beginning of a new one," *Business Insider*, 18 October 2017; and Anne Barnard and Hwaida Saad, "As ISIS' Role in Syria Wanes, Other Conflicts Take the Stage," *New York Times,* 19 October 2017.

[4] Scott Jasper and Scott Moreland, "ISIS: An Adaptive Hybrid Threat in Transition," *Small War Journal*, 29 October 2016.

[5] As quoted in: Richard Barrett, *Beyond The Caliphate: Foreign Fighters And The Threat Of Returnees,* The Soufan Center, 2017, p. 16.

[6] *Protecting America From The Threat Of ISIS*, United States Senate Committee On Homeland Security & Governmental Affairs One Hundred Fourteenth Congress, Second Session, 26 May 2016.

[7] Lori Hinnant and Sarah El Deeb, "Foreigners who joined IS faced almost certain death in Raqqa," *Associated Press*, 21 October 2017.

[8] **"Istanbul police detain 36 suspected Islamic State militants,"** *Associated Press, 23 September 2017; Rod Nordland, "ISIS Fighters, Having Pledged to Fight or Die, Surrender en Masse," New York Times, 8 October 2017; "Nearly a thousand ISIS fighters choose surrender, not martyrdom, in Iraq," Public Radio International, 12 October 2017.*

[9] **Gareth Browne, "Piety and Porn: In Raqqa, the Laptop Secrets of an ISIS Wife,"** *Daily Beast, 15 October 2017.*

[10] **Robin Wright, "Are We Nearing the Endgame with ISIS?"** *New Yorker, 27 July 2017.*

[11] **Scott Atran, Hoshang Waziri, and Richard Davis, "ISIS After the Caliphate,"** *New York Review of Books, 5 October 2017.*

[12] For more on this, see: Hassan Hassan, "The Islamic State After Mosul," *New York Times,* 24 October 2017.

[13] **Hassan Hassan, "Isis may be on its knees but it will rise again if we don't break the cycle,"** *The Guardian, 15 July 2017.*

[14] **Bassem Mroue and Qassim Abdul-Zahra, "Al-Qaida set to gain as Islamic State disintegrates,"** *Associated Press, 18 October 2017.*

[15] *Country Reports on Terrorism 2016, United States Department of State, Bureau of Counterterrorism, July 2017. Also see: Julian E. Barnes, Valentina Pop, and Jenny Gross, "Europe Doesn't Expect Fresh Influx of Returning ISIS Fighters," Wall Street Journal, 17 October 2017.*

[16] **Barrett,** *Beyond The Caliphate.*

[17] Julian E. Barnes, "Europe Concerned About Return of Islamic State Militants," *Wall Street Journal*, 28 September 2016. Also see: John Stevens, "Isis 'could use women and children returning from Iraq and Syria to carry out suicide attacks in Britain,'" *Daily Mail,* 18 November 2016.

[18] **"Will defeating Islamic State unleash a 'terrorist diaspora' in the West?"** *Chicago Tribune, 29 July 2016.*

The importance of rightsizing the threat of returning foreign fighters

Notwithstanding these seemingly credible warnings and recent developments, uncertainties remain as to the impact of the presumed return of more European foreign fighters. The routes they may use to reach their homelands are unclear, as well as how they plan to finance their travel or what documents they will use given that their original passports and IDs were confiscated by ISIL/*Daesh* upon their arrival to Syria and Iraq. And, importantly, how many foreign fighters really aspire to return to their respective places of origin is unknown. Some left behind what they consider apostate communities to perform *hijra* (migration to the caliphate), and likely have no intention of returning. Some who remain in Syria and Iraq may be deterred from returning home because they know they can be arrested and prosecuted.[19] What's more, considering developments in the theatre of military operations in Syria and Iraq, along with increased border security and intense international cooperation that includes instant access to foreign fighter databases (often with DNA samples), it seems that, short of being teleported to their respective places of origin, traveling back home is an increasingly elusive goal for many aspiring returnees.[20]

And so, in the absence of yet another major migrant crisis in Europe that brings floods of people from the Middle East or North Africa, a massive and uncontrolled influx of returning Western foreign fighters is rather unlikely. Instead, occasional returns by individuals are expected to "be ad hoc and random. In some cases, family and friend con-

nections will be critical, while other fighters will likely travel via human smuggling routes controlled by organized crime."[21]

Concerns expressed by many governments over the possible threat returning foreign fighters may represent once they come back to their respective places of origin are typically based on the presumption that territorial losses in Iraq and Syria will push ISIL/*Daesh* to try and maintain its global relevance by increasing its terrorist attacks in the West. This notion is reinforced by some experts who assert that ISIL/*Daesh* is transitioning "from an insurgent organization with a fixed headquarters to a clandestine terrorist network dispersed throughout the region and the globe."[22]

This forced transition could lead ISIL/*Daesh* to alter its strategy and tactics by directing more resources to affiliated and like-minded militants in the region, as well as by inserting people and money into other failing states and ungoverned territories sympathetic to its Salafi-jihadist ideology, from the Balkans and North Caucasus to Southeast Asia. Most significantly, this strategic shift could also include "a rejuvenated focus on planning and conducting spectacular attacks in the West."[23] In the words of one French foreign fighter "We believe that even a small attack in *dar ul-kufr* [the land of the infidels] is better than a big attack in Syria. As the door of *hijra* closes, the door of jihad opens."[24]

In the spring of 2017, Interpol and US intelligence agencies circulated a list of 173 Islamic State fighters they believe may have been trained to carry out suicide attacks in Europe, in revenge for the

group's military defeats in the Middle East.[25] This has added to fears that returning fighters could pose a grave threat to their home countries; and a recent increase in terrorist attacks in the West that were either inspired or organized by ISIL/*Daesh* underscores the possible role of returnees. However, a cursory look at the statistics doesn't seem to support the view that these returned fighters are the threat some are making them out to be.

A study by the Center for the Analysis of Terrorism, which examined terrorist activities occurring between 2013 and 2016 in the West related to the Syrian and Iraqi context, identified a total of 139 such attempts (38 attacks, 9 failed attacks, and 92 plots) to target Western Europe, the US, Canada, and Australia. Of the 282 individuals involved in these attempts, just 50 were returnees (18%). The study concluded that "the proportion of foreign fighters who return and plot attacks against their home country or region is in the order of one in 142," and noted that only "3 out of 100 returnees have been involved in [actual] terrorist attacks in the West."[26] An earlier study also indicated this low rate of returnee involvement in terrorism on the home front, showing that the so-called blowback rate – "the proportion of outgoing fighters who return and plot attacks against their home country or region – from Syria is thus far very low indeed: 11 plotting returnees from an outgoing contingent of around 4,000 makes for a blowback rate in the order of 1 in 360."[27] Moreover, it appears that no former fighters from Syria or Iraq were involved in any of the five terrorist attacks carried out in the UK this year.[28]

With all this in mind, the more salient question is: Who *has* been plotting and carrying out terrorist attacks in the West? Or more precisely, who constitutes the other 82% identified by the Center for the Analysis of Terrorism as involved in terrorism-related incidents over the last few years? An examination of the profiles of these individuals undoubtedly points to individuals best described as *failed, unaccomplished or frustrated foreign fighters – those who desired to travel to Syria and Iraq but who were unable or failed to do so.*[29] These unfulfilled fighters, who were deprived of the opportunity to fight abroad, appear far more likely to engage in terrorist attacks, and may act on their own or be inspired, directed, or led by ISIL/*Daesh*. Indeed, these individuals may actually be viewed as more "devoted actors" and far outnumber former foreign fighters as perpetrators of terrorism in the West.[30]

When individuals who have been foreign fighters return to their respective places of origin, they may, in theory, assume any number of roles; not all of which are violent or threatening to their communities. But because returned foreign fighters are almost always seen as hardened war veterans skilled in the use of military-grade weapons and explosives, the expectation is often that they will be likely to plot and/or carry out terrorist attacks at home. Yet, most ISIL/*Daesh*-related (enabled or inspired) terrorist attacks in the West over the last few years have been rather unsophisticated, low-tech, and low-cost assaults. Attackers have used rented trucks and vans, prompting some experts to introduce a new term – *vehicular terrorism* – while others have used knives, machetes, hatchets, and liquid acid.[31] These were attacks perpetrated mostly by amateurs who received very little if any training (if they did, it was typically online) before carrying them out. Thus, the *new normal*

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[19] The fear of prosecution, shared by many foreign fighters, was recently reflected in a bizzare communication between two Dutch fighters who are still in Syria and Iraq, and two Dutch TV stations, in the fighters' bid to improve their image before they return and face trial. See: "ISIS in Europe: Dutch Jihadis Are Calling TV Stations To Announce Their Return," *Newsweek*, 24 July 2017.

[20] **Brett McGurk, Special US Presidential Envoy for the Global Coalition to Counter ISIS, recently revealed the existence of this database, which is said to include 19,000 names of known foreign fighters who have tried to join or are affiliated with ISIL/***Daesh or** *its sympathizers, and is shared with host nations and Interpol. Most of these fighters are still alive.*

[21] **Colin P. Clarke, "Round-Trip Tickets: How Will Authorities Know When Foreign Fighters Have Returned?"** *Lawfare, 24 September 2017.*

[22] Colin P. Clarke, "How ISIS Is Transforming," *Foreign Affairs*, 25 September 2017.

[23] **Ibid.**

[24] As quoted in Daniel Byman: "Frustrated Foreign Fighters," *Lawfare*, 12 July 2017.

[25] The list, sent out by the general secretariat of Interpol in late May, describes these fighters as individuals that "may have been trained to build and position improvised explosive devices in order to cause serious deaths and injuries. It is believed that they can travel internationally, to participate in terrorist activities."

[26] **The study also concluded that "francophone returnees appear as the most active contingent in external plotting, with 13.5% of the Belgian returnees and 10.6% of the French [returnees]" involved in such planning. The research showed that** attacks in the West are getting deadlier, as "at least 336 people have been killed in 2015-2016, versus 8 people over the period 2013-2014." So-called lone wolves have carried out or attempted 59% of these attacks or plots. See: *Terrorist Attacks, Failed Attacks and Plots in the West linked to the Syrian- Iraqi Context (2013-2016), Center for the Analysis of Terrorism, March 2017.*

[27] **Thomas Hegghammer and Petter Nesser, "Assessing the Islamic State's Commitment to Attacking the West,"** *Perspectives on Terrorism 9, no. 4 (2015). A reasonable explanation for this low blowback is offered by Daniel Byman, who attributes it to a number of possible diversions for foreign fighters, including: 1) death, 2) moving to another conflict, 3) disillusionment, 4) disinterest in attacking the West, 5) lack of attack instructions, and 6) incompetence. For more on this, see: Daniel Byman, "The Homecomings: What Happens When Arab Foreign Fighters in Iraq and Syria Return?" Studies in Conflict & Terrorism 38, no. 8 (2015): 581-602.*

[28] Barnes, Pop, and Gross, "Europe Doesn't Expect Fresh Influx of Returning ISIS Fighters."

[29] According to data from the US-based National Consortium for the Study of Terrorism and Responses to Terrorism (START), some 60% of individuals involved in terrorist plots in the United States were frustrated foreign fighters. See: Byman, "Frustrated Foreign Fighters."

[30] **The idea of a "devoted actor" was introduced by a group of psychologists, including Scott Atran, as a means of understanding why people engage in costly sacrifice accompanied by extreme actions when motivated to defend certain non-negotiable, sacred values; which might be religious in nature (for example, guided by a holy law) or secular (for example, democracy). A key element in the devoted actor framework is a feeling of collective invulnerability that is dependent on being "viscerally connected" to a group. For more on this, see: Ángel Gómez, et al., "The devoted actor's will to fight and the spiritual dimension of human conflict,"** *Nature Human Behavior 1, no. 9 (2017). Also see: Johan G. Horgan, "Willingness to fight and die," Nature Human Behavior 1, no. 8 (2017).*

[31] **For more on this, see: Colin P. Clarke, "When the Car Is a Terror Weapon, Can We Prepare for Attacks?"** *The RAND Blog, 18 August 2017. Also see: Brian Michael Jenkins, "Vehicular Terrorism: Weighing the Benefits, and Worth, of Prevention," The RAND Blog, 5 September 2017.*

in terms of the modus operandi of terrorism does not require perpetrators to be particularly knowledgeable or battle-hardened to engage in violence. In other words, it doesn't take a returned foreign fighter to carry out a terrorist act.

With the benefit of hindsight, it now seems safe to conclude that the hype created by political elites, pundits, and media about the imminent threat of an uncontrolled influx of "terrorist diaspora" from Syria and Iraq in the West was somewhat farfetched, and as such, misleading. This has been acknowledged by key European security officials, who declared in mid-October 2017 that they no longer expect "a mass return of fighters to Europe."[32] Still, the alarmist way in which this potential threat was initially framed played a role in introducing a sense of urgency among many law enforcement and intelligence actors, and subsequently prompted more intensified efforts to improve border control, as well as national and international coordination and cooperation. In turn, these efforts made it more difficult for foreign fighters to return home without being intercepted or monitored by governments. Strategic discussions about returning foreign fighters also prompted some countries to undertake preparatory measures aimed at de-radicalization, reintegration, and rehabilitation of returnees – both in custodial and non-custodial environments – based on the belief that success in this process could significantly reduce the risks that returning foreign fighters pose to their respective communities back home.

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[32] **Barnes, Pop, and Gross, "Europe Doesn't Expect Fresh Influx of Returning ISIS Fighters."**

International Instruments in the Fight against Terrorism and Violent Extremism

The international counterterrorism framework is very complex, primarily due to a lack of consensus on a definition of terrorism, as well as the constantly evolving nature of terrorism. Global and regional counterterrorism instruments and standards can be divided into two general categories: so-called binding instruments, such as the conventions and additional protocols of the United Nations and the Council of Europe, and UN Security Council resolutions; and non-binding instruments that include various national and international standards, guidelines, and recommendations. For the states in this study, the European agenda and EU counterterrorism instruments play a substantial role in the development of national frameworks. Also relevant is the international legal framework on the treatment of persons deprived of liberty. It is extensive and has been created over a long period of time, and stems from the fundamental instruments of the United Nations and the Council of Europe.

THE UNITED NATIONS

The UN Counterterrorism Framework

The UN counterterrorism framework consists of 19 international legal instruments that address everything from aircraft safety to the deterrence of terrorist bombings to the financing of terrorism to the protection of nuclear material. Binding instruments include counterterrorism resolutions adopted by the UN Security Council in accordance with Chapter VII of the United Nations Charter, of which the following have particular significance for this study: 1373 (2001), 1540 (2004), 1624 (2005), 2133 (2014), 2170 (2014), 2178 (2014), 2322 (2016), and 2354 (2017). These resolutions call on member states to take decisive and comprehensive action in countering terrorism and to criminalize terrorist acts as per global international conventions, including the preparation of terrorist acts and incitement to terrorism.

Additionally, in relation to tackling the challenge of foreign fighting, Resolution 2178 (2014) requires, inter alia, that member states ensure that "any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice," and calls on them to "ensure that their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and to penalize" those who commit these crimes "in a manner duly reflecting the seriousness of the offense." The Resolution thus calls on states to develop legislation that criminalizes travel or attempts to travel to foreign countries "for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training;" as well as the financing, organization, or facilitation of such travel.

The UN also adopted a Global Counter-Terrorism Strategy in September 2006, consisting of four pillars: addressing the conditions conducive to the spread of terrorism, preventing and combating terrorism, building states' capacity and strengthening the role of the United Nations, and ensuring human rights and the rule of law.

The UN has established a number of institutions tasked with preventing and combating terrorism. These include the Counter-Terrorism Implementation Task Force (CTITF), the United Nations Counter-Terrorism Centre (UNCCT), and the United Nations Office on Drugs and Crime (UNODC), as well as several UN Security Council committees: the Counter-Terrorism Committee (CTC), the ISIL/ Daesh (Da'esh) and Al-Qaida Sanctions Committee, and the 1540 Committee, which was established pursuant to UNSCR 1540 on the non-proliferation of nuclear, chemical, and biological weapons.

UN Instruments related to the Treatment of Prisoners

The international legal framework for the treatment of prisoners is codified in various UN instruments, including: the Universal Declaration of Human Rights, Basic Principles for the Treatment of Prisoners, the International Convention on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These instruments are intended to protect the human rights and freedoms of persons who have been arrested or detained in any manner and for any reason, and instruct member states on how to perform certain activities and fulfil their obligations pursuant to international law.

THE COUNCIL OF EUROPE

Except for Kosovo*, all the Western Balkans five in this study are party to a number of Council of Europe instruments relevant to counterterrorism. In fact, all five have signed and ratified both the European Convention on the Suppression of Terrorism (ETS 90) and the Convention on the Prevention of Terrorism (ETS 196). Of the 18 key conventions and protocols in this area, Albania has signed and ratified every one, and no other jurisdiction has failed to sign more than two.

Council of Europe Counterterrorism Instruments

The Council of Europe Convention on the Prevention of Terrorism and its Additional Protocol have particular significance in the context of this study because they criminalize acts that do not alone constitute terrorism but may trigger or create the conditions for a criminal terrorist act. Thereby, public incitement to terrorism, providing terrorist training, and recruitment for terrorism are all addressed in the Convention; and association with a group for the purpose of terrorism, participating in terrorist training, traveling and financing travel for the purpose of terrorism, and organizing or facilitating travel for such purposes all constitute crimes under the Additional Protocol. It is worth noting that the Additional Protocol was developed by the Council of Europe in 2015 as a signal to the UN Security Council that rapid and decisive implementation of Resolution 2178 (2014) – aimed at preventing and suppressing the travel of foreign fighters to conflict zones – was a necessity. With this goal in mind, the Additional Protocol provided for the establishment of an operational network to facilitate efficient information exchange between member states on persons suspected of traveling for terrorist purposes.

In May 2015, the Council of Europe adopted an Action Plan for Combating Violent Extremism and Radicalisation Leading to Terrorism, which has two goals: 1) to strengthen the legal framework for combating terrorism and violent extremism, and 2) to prevent and suppress violent radicalism through specific measures in the public sector, schools, prisons, and on the Internet. Regarding this second aim, the Action Plan particularly emphasizes that schools, prisons, and places of worship "all require tailored measures, mostly at [the] local level." It also specifically refers to prisons as potential sites of radicalization and recruitment.

The Council of Europe issued guidelines for prison and probation services regarding radicalization and violent extremism in March 2016, offering practical advice to help prevent, detect, and counter radicalization in prisons that can lead to terrorism. It highlights the need for good prison management, mentoring, and preparation of inmates for release, as well as post-release supervision. The guidelines also outline basic principles and safeguards regarding the cooperation and exchange of information between prison and probation services and police and intelligence services.

Council of Europe Instruments for the Treatment of Prisoners

The conditions of prisons and detention units, and the treatment of detained persons, are intimately linked to the three pillars of the Council of Europe Statute – human rights, democracy, and the rule of law. The primary instrument of the Council of Europe in this area is the European Convention on Human Rights and Fundamental Freedoms, Article 3 of which regulates the protection of human rights of prisoners and states that no one shall be subjected to torture or to inhuman and degrading treatment or punishment. The Council of Europe is committed to promoting humane and socially integrative concepts within the context of prisons and has adopted a series of instruments and resolutions to this end, including one in October 2017 (2015/2062(INI)) which, among other things, reminds member states that "deprivation of liberty does not equate to deprivation of dignity."

The resolution also addresses a number of issues directly related to the rehabilitation and reintegration of prisoners, and discusses the risks of radicalization specifically. It calls on member states to "ensure that, in addition to the punitive aspect of imprisonment, attention is also devot-

ed to the development of practical skills and the rehabilitation of prisoners, in order to…make a success of social reintegration;" and to "introduce stronger measures for monitoring prisoners after their release." Additionally, it argues that radicalization can be "effectively tackled through, inter alia, improving the detection of early signs of the phenomenon…improving mechanisms for dealing with extremist behaviour, developing educational measures, and supporting inter-faith dialogue and communication." It notes that differentiated detention rules for radicalized prisoners or those associated with terrorist organizations may be a way to limit prison-based radicalization, but stresses that such measures must be assessed on a case-by-case basis.

THE EUROPEAN UNION

As of this writing, Albania, The Former Yugoslav Republic of Macedonia, Montenegro, and Serbia – are candidates for EU membership; while Bosnia and Herzegovina and Kosovo* both have potential candidate status. Candidates are obliged to harmonize their legislation with EU standards. In Bosnia and Herzegovina and Kosovo*, harmonization remains a political obligation that will become a legal obligation upon acquiring candidate status.

EU Counterterrorism Framework

Among the most important legislative acts of the European Union that address counterterrorism are the EU Council Framework Decision of 13 June 2002 and its Complementary Decision of 28 November 2008. These decisions standardized the criminalization and definition of terrorist acts, improved and facilitated police and judicial cooperation, and harmonized criminal legislation in member states. The Framework Decision also facilitates cooperation with non-EU countries and the implementation of global and regional counterterrorism instruments related to preventing and combating terrorism.

In November 2005, the Council of the European Union adopted the EU Counter-Terrorism Strategy, whereby counterterrorism is based on four pillars: prevention, protection, investigation, and response. In June 2016, the European Commission took further steps to strengthen EU activities aimed at countering violent extremism that leads to terrorism and to increase assistance to member states for these efforts, outlining seven specific areas for cooperation. These include addressing radicalization in prisons through the exchange of member states' experiences and developing guidelines on de-radicalization and reintegration programs.

The EU institutions that are key to countering terrorism are the European Commission, Europol, and Eurojust. While the Commission plays a major role in the area of legislation, the other two institutions are active at the operational level. Other relevant structures include the EU Counter-terrorism Coordinator, FRONTEX, and the EU Intelligence and Situation Centre (INTCEN). In addition, the EU Radicalization Awareness Network (RAN) serves as a platform for the exchange of experiences and best practices among practitioners working to prevent radicalization. Among several working groups operating within the RAN is a Prison and Probation Working Group (RAN P&P), which has held seven meetings to date, from which so-called ex-post documents have been published, outlining best practices, experiences, recommendations, and follow-up initiatives.

CONCLUSION

As this partial review indicates, the international instruments that tackle the issue of counter-terrorism and the treatment of prisoners are relatively numerous. These instruments play a role in supporting global security and stability, human rights, the rule of law, and other democratic values. Nevertheless, only a small number deal specifically with the treatment of persons detained or convicted for terrorism (including returned foreign fighters). The development of documents that explicitly address this phenomenon has just begun, and in the form of non-binding instruments, such as guidelines and resolutions.

Still, UNSC Resolution 2718 (2014) and the Additional Protocol of the Council of Europe Convention on the Prevention of Terrorism do refer to the need to develop and implement rehabilitation and reintegration strategies for returning foreign terrorist fighters. This need has become particularly important, as several recent studies have indicated that some returnees have been involved in terrorism-related offenses in their respective places of origin. This highlights the importance of information sharing among states across the globe. UNSC Resolution 2178 (2014) calls on member states to share the whereabouts of returnees and the possible security risks they may pose, in cooperation with each other and with INTERPOL. This is essential not only for the purposes of collecting data that may be useful in possible investigations or legal proceedings, but also for de-radicalization and re-socialization programs. And, the

possibility that foreign fighters may depart from conflict zones not only to their home countries but to other countries cannot be excluded, which makes the exchange of intelligence among international partners even more crucial.

Building Capacities for Preventing and Countering Violent Extremism in the Western Balkans, 2012-2017: Trends and Institutional Responses

THE DATA

Contrary to widespread expectations and a number of alarming predictions advanced by some political elites and media outlets, Western Balkans is unlikely to experience a massive influx of returning foreign fighters from Syria and Iraq. The flow of citizens from this region to these countries slowed in 2015, and almost completely stopped by early 2016. But, returns to the Western Balkans also ceased almost completely in 2015, beyond several extraditions from Turkey. This decline in both departures and returns was probably linked to intensified regional and international efforts to prosecute aspiring fighters and returnees. This may also be related to developments in the conflict zone that make it more difficult to cross into and out of. Additionally, the pool of individuals willing to travel from the Western Balkans to Syria and Iraq appears to have been gradually exhausted.

Overall, it is believed that up to 1,070 individuals from the region traveled to Syria and Iraq from the end of 2012 until 2017. This number includes individuals who are thought to remain in those countries, those who are known to have returned home, and those who are believed to have died; and the data includes women, children, and the elderly – all of whom are likely noncombatants and account for one-third of the entire Western Balkans contingent in Syria and Iraq. Citizens from Kosovo*, Bosnia and Herzegovina, Albania, and

The Former Yugoslav Republic of Macedonia comprise the bulk of this contingent (for a detailed breakdown, see Tables 1-3).

It is important to note that the figures used in this study were provided to the authors by official regional and international law enforcement, judiciary, and intelligence sources in the fall of 2017. Some discrepancies in the data can be attributed largely to the fact that many individuals who traveled to Syria and Iraq from diasporas in the West hold citizenship in more than one country, and there is a lack of uniformity regarding how to identify their formal national belonging. There are also cases in which individuals are missing and their movements cannot be tracked. Many of these individuals are presumed dead, but their deaths cannot be confirmed. In other cases, no data was available, or only assessments could be produced; this particularly applies to the number of children in Syria and Iraq – both those who traveled there with their parents (many of whom have become adults since their departure) and those who were born there. For this reason, the following figures should be viewed as indicators, rather that absolute values.

Table 1. Number of MEN from the Western Balkans in Syria/Iraq, 2012-2017

Western Balkans jurisdiction	Men in Syria/Iraq, 2012-2017
Albania	79
Bosnia and Herzegovina	172
The Former Yugoslav Republic of Macedonia	140
Kosovo*	255
Montenegro	18
Serbia	37
Total	701

Table 2. Number of WOMEN from the Western Balkans in Syria/Iraq, 2012-2017

Western Balkans jurisdiction	Women in Syria/Iraq, 2012-2017
Albania	27
Bosnia and Herzegovina	58
The Former Yugoslav Republic of Macedonia	14
Kosovo*	48
Montenegro	5
Serbia	12
Total	164

Table 3. Approximate number of CHILDREN from the Western Balkans in Syria/Iraq, 2012-2017*

Western Balkans jurisdiction	Children in Syria/Iraq, 2012-2017
Albania	38
Bosnia and Herzegovina	57
The Former Yugoslav Republic of Macedonia	no data
Kosovo*	96[34]
Montenegro	4
Serbia	10
Total	205

The most recent estimates of the numbers of foreign fighters in ISIL/Daesh territory from the Western Balkans were made in early summer 2017, well before the fall of Mosul, Raqqa and Deir ez-Zor, considered the last remaining areas under ISIL/Daesh control. Since 2012, over 200 men, women, and children from the region – or 1 in 5 – have died in theatre of military operations (see Table 4). Given the extent of fighting and the heavy bombardment that preceded the capture of these cities by the US-led coalition and the Russian-backed Syrian Army respectively, it seems reasonable to assume that the ranks of remaining Western Balkans contingents there have been severely decimated[33].

Table 4. Number of adults from the Western Balkans deceased in Syria/Iraq, 2012-2017[35]

Western Balkans jurisdiction	Adults deceased in Syria/Iraq, 2012-2017
Albania	26
Bosnia and Herzegovina	66
The Former Yugoslav Republic of Macedonia	33
Kosovo*	74
Montenegro	6
Serbia	11
Total	216

Individuals who have survived and may wish to return to their respective homes now face a number of obstacles, not the least of which is managing to escape the conflict zone and desert their military units at the risk of execution. In addition, some no longer possess personal or travel documents, making travel even more of a challenge. And notably, an unknown number of individuals who remain are thought to reject the idea of returning to the "apostate" countries from which they originally migrated (whereby they performed the religious rite of *hijra*). Therefore, short of another massive wave of migrants and refugees overwhelming the so-called Balkan route with a flood of thousands of people, projections of any return of foreign fighters to the region *en masse* seem rather farfetched.

[33] Intelligence reports suggest that Western Balkans contingents suffered heavy losses during the siege of Raqqa and the Mayadin offensive. However, in late October 2017, there were still no reliable assessments of the extent of these casualties.

[34] This includes 37 children believed to have been born in the conflict zone.

[35] In addition, at least 5 children, 4 from BA and one from Kosovo*, have also died in Syria and Iraq.

Governments in the region report that only up to 300 adults have returned to the Western Balkans from Syria and Iraq so far (see Table 5).

Table 5. Number of adults from the Western Balkans who have returned from Syria/Iraq[36]

Western Balkans jurisdiction	Adults returned from Syria/Iraq
Albania	40
Bosnia and Herzegovina	49
The Former Yugoslav Republic of Macedonia	80
Kosovo*	122
Montenegro	9
Serbia	10
Total	310

The total number of individuals from the region who still remain in the conflict zone is believed to be around 460, of whom more than one half are noncombatants – comprising women, children, and elderly family members who accompanied male fighters to ISIL/Daesh territory (see Table 6).

Table 6. Approximate size of the Western Balkans contingent in Syria/Iraq in 2017

Western Balkans jurisdiction	Combatants	Non-combatants	Total
Albania	23	50	73
Bosnia and Herzegovina	62	50	112
The Former Yugoslav Republic of Macedonia	37	4	41
Kosovo*	59	132 (41 women /91 children)	191
Montenegro	3	6 (4 women /2 child)	9
Serbia	17	21 (11 women /10 children)	38
Total	201	263	464

[36] Given the share of diaspora in some Western Balkan contingents, a few dozen individuals officially counted as returnees have actually returned to their new countries of domicile, typically in the EU.

AN OVERVIEW OF INSTITUTIONAL RESPONSES

Since 2012, when the first foreign fighters from the region departed to Syria and Iraq, the approach to fighting radicalization into violent extremism in the Western Balkans has improved. Governments in the region initially responded to challenges posed by the foreign fighter phenomenon by making amendments to their respective national legislation and criminalizing the participation of their citizens in foreign armed formations. These changes to criminal codes made various related activities illegal, including the participation in, recruitment for, or incitement, financing, or organization of military action in a foreign country.

Subsequently, countries in the region also adopted national strategies to counter violent extremism, along with action plans for their implementation. These strategies all align to some extent with the 'prevent, pursue and respond' model set in 2010 by the EU, which is a predominantly security-based approach; and they focus on policing, community outreach, education that counters extremist propaganda and hate speech, and monitoring the use of the Internet for terrorist purposes. The strategies of Western Balkan countries also argue for a multi-sector approach, emphasizing the critical role of local stakeholders and civil society[37]. To that end, Albania, Bosnia and Herzegovina, Kosovo*, and The Former Yugoslav Republic of Macedonia have all appointed national coordinators to oversee these countries' interdisciplinary responses to countering terrorism (CT) or preventing and countering violent extremism (P/CVE). Every Western Balkans country is also participating in the US-led Global Coalition to Counter the Islamic State of Iraq and the Levant (ISIL/*Daesh*).

Over the last four years, law enforcement agencies in the region have thwarted plots aimed at carrying out major terrorist attacks against critical infrastructure and international targets, and dozens of aspiring foreign fighters have been blocked from traveling to the Middle East. Hundreds of suspected terrorists and militants have also been detained and questioned, with dozens charged and sentenced for their involvement in radicalizing, recruiting, and financing for, or participating in, terrorist groups such as ISIL/Daesh or Jabhat Fateh al-Sham (formerly known as al-Nusra Front). Since 2016 alone, courts in Albania, Bosnia and Herzegovina, Kosovo*, and The Former Yugoslav Repub-

lic of Macedonia have issued guilty verdicts against tens of individuals for offenses related to foreign fighting and terrorism, with sentences totaling more than 380 years of imprisonment (see Table 7).

Table 7. Total years imprisonment issued by courts in the Western Balkans for crimes related to foreign fighting in Syria/Iraq, 2015-2017

Western Balkans jurisdiction	Total years imprisonment
Albania	126
Bosnia and Herzegovina	40
The Former Yugoslav Republic of Macedonia	33
Kosovo*	187
Montenegro	-
Serbia	-
Total	388

As a result, more than 70 individuals are now incarcerated in prisons throughout the Western Balkans (see Table 8). In both Montenegro and Serbia, prosecutions against individuals for activities related to foreign fighting in Syria and Iraq are currently ongoing – with one person charged in Montenegro and seven (including three in absentia) in Serbia. They have also convicted one individual each for fighting alongside pro-Russian separatist forces in Eastern Ukraine (these convictions are not recorded here).

Table 8. Number of individuals currently incarcerated in Western Balkans for criminal offenses related to foreign fighting in Syria/Iraq

Western Balkans jurisdiction	Individuals currently incarcerated
Albania	9
Bosnia and Herzegovina	12
The Former Yugoslav Republic of Macedonia	11
Kosovo*	40
Montenegro	-
Serbia	-
Total	72

The entire region has participated in capacity-building programs to strengthen criminal justice institutions and promote the rule of law, and all are actively involved in international and regional police and judicial cooperation efforts. Upon the request of officials from the region , Interpol has published a total of 140 notices – both red, seeking a person for whom an arrest warrant has been issued; and blue, seeking information in a criminal investigation – for citizens suspected of terrorism-related activities in Syria and Iraq (see Table 9)[38]. Law enforcement agencies in the region tasked with combating terrorism have gradually enhanced their investigative capacities, increasing personnel and developing cyber-counterterrorism capabilities. However, some national institutions – including investigative and prosecutorial bodies – still suffer from limitations in capacity, resources, and experience that prevent the most effective handling of terrorism cases.

Table 9. Interpol notices for suspects from the Western Balkans linked to terrorism-related activities or foreign fighting in Syria/Iraq

Western Balkans jurisdiction	Interpol notices
Albania	4
Bosnia and Herzegovina	90 (42 red notices & 48 blue notices)
The Former Yugoslav Republic of Macedonia	3 (all suspects apprehended)[39]
Kosovo*	40
Montenegro	-
Serbia	3[40]
Total	140

Many security professionals and experts point to a lack of uniformity in regional criminal codes and criminal procedure codes as problematic. Plea bargains are sometimes offered, resulting in lesser prison sentences (typically reduced by up to one year); yet this practice is considered harmful, because minimal sentencing is believed to undermine the deterrent effect of verdicts in such cases. It also seems that some courts are more open to accepting *soft evidence* (photos, postings on social media and the Internet, etc.) in processing accused foreign fighters, while others reject these types of proof. This lack of standardization is probably why prominent ISIL/*Daesh* recruiters found guilty of essentially the same crimes in Bosnia and Herzegovina and Albania were imprisoned for very different sentences, of 7 and 18 years respectively.

Given the classified nature of activities carried out by intelligence services, little is known publicly about their practical involvement in P/CVE and in terrorism-related cases. However, a series of interviews with intelligence officials in the region suggests that inter-agency cooperation has been improved, and is increasingly productive. This kind of regional intelligence cooperation, with assistance from international partner services, has played an important role in preventing many aspiring foreign fighters from traveling to conflict zones.

Most intelligence agencies in the region have evolved from an earlier *need-to-know* approach to intelligence sharing toward a more proactive *need-to-share* principle. And recently, almost all of these agencies have embraced a so-called *dare-to-share* approach, according to which they often share intelligence that could be useful for other partner services in the region, but also internationally. An ongoing international initiative seeks to establish a unified regional database for the biometric authentication of foreign fighters, meant to account both for those still engaged on foreign battlefields and those who have returned home. The database will be integrated into already existing similar international biometric databases and will enable more effective monitoring of the movements of these individuals.

Most jurisdictions of the Western Balkans are already issuing biometric travel and identity documents. Major border crossing points in the region are outfitted with equipment that can identify fraudulent or altered documents, and a database with information from other countries is regularly updated. Border authorities also regularly update Stop/Watch lists of individuals suspected of hav-

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[37] Although, some civil society organizations criticized strategies in certain countries for failing to address the dangers posed by right-wing extremism.

[38] Interpol Notices, published by Interpol's General Secretariat at the request of authorized national entities, are international requests for cooperation or alerts allowing police in member countries to share critical information. Red Notices are issued for persons wanted for prosecution or to serve a sentence based on an arrest warrant or court decision. Interpol's role is to assist national police forces in identifying and locating these individuals. Blue Notices are issued to collect information about a person's identity, location, or activities in relation to a crime.

[39] Authorities in The Former Yugoslav Republic of Macedonia sought these individuals for alleged organization and participation in terrorist activities in Syria. Two suspects were arrested in 2015, in Skopje and Kosovo* respectively, while the third was arrested in Tirana in 2016.

[40] Serbian authorities are seeking three suspects on trial in absentia before a court in Belgrade for participation in and recruitment for a terrorist group.

ing connections to terrorism or criminal activities, and some have access to the US-installed PISCES (Personal Identification Secure Comparison and Evaluation System) border control database. Further, some border police units have been trained to apply profiling techniques to specifically identify persons attempting to travel to or from Syria and Iraq. Border police from the region have also participated in a series of trainings aimed at addressing the cross-border travel of foreign fighters more generally. However, while regional cooperation has undoubtedly improved, border security remains least developed between Serbia and Kosovo*, due to the sensitive issue of Kosovo's* status, the independence of which Serbia does not recognize.

With an increasing number of convictions for terrorism-related offences, prisons in the region have faced new challenges related to an influx of ideologically radicalized detainees, some of whom have exhibited a particular propensity for violence. Almost all in the region report occasional instances of prison-based radicalization, even of inmates convicted of crimes unrelated to terrorism or violent extremism. In some cases, correctional officials have responded to this challenge by reducing opportunities for radicalized individuals to socialize with the general prison population and by limiting their access to extremist literature. A closer look at the situation in many prisons in the region reveals a number of common challenges, some of which are significant in terms of successfully implementing rehabilitation and reintegration programmes[41]. This is especially true in the case of detainees who hold radicalized views and have a history of violent extremism.

Understaffing of prisons and of prison medical staff is a problem in most regional prison systems, and a lack of adequate psychosocial services particularly presents obstacles to the implementation of rehabilitation programs; from the initial assessment of inmates during which their individual rehabilitation needs are to be determined, to the provision of appropriate ongoing psychological evaluation and support, to the administration of pre-release reintegration counseling and aftercare. Further, the inconsistency or, in some cases, altogether lack of educational and vocational services in regional prisons limits the capacity of inmates to build skills that can help them avoid falling back into the economic and social situa-

tions that may have attracted them to radical ideologies in the first place.

Further, the approaches employed in many prison systems in the Western Balkans to address inmate management, discipline, and order do not engender a sense of trust between inmates and prison officials, which not only limits the ability of prison staff to accurately track the progress or regression of inmates, but also fails to foster an environment or culture in which the rights of prisoners are respected. According to recent Council of Europe reports, many prison staff in the region carry truncheons at all times, openly displaying their power to control inmates by force. And, the tendency in some regional states for prison and judicial officials to deny the treatment requests of doctors made on the basis of medical necessity (for example, facilitating transfers to psychiatric facilities), as well as pressure put on medical staff in prisons to underreport or not report ill-treatment of inmates by prison staff, undermines the trust of inmates in both medical professionals and prison officials.

Throughout the region, there is an obvious deficiency of rehabilitation and reintegration efforts aimed specifically at returned foreign fighters, which is routinely attributed to a lack of capacity and funding and to limited awareness among key stakeholders. Many sources also cited inadequacies in education systems, poor economies, and a lack of coordination between government agencies and civil society as continued challenges to these efforts. There is also a notable and worrying absence of programs focused on the family members of returning fighters – both those who traveled with them and those who remained in their homes. While the number of returned noncombatants remains rather low throughout the region, families are considered a key factor in the successful reintegration of individuals in the midst of post-penal transition. If the needs of these families are being addressed at all, it is by informal or individualized efforts. This could be exploited by some of the same groups that originally played a role in recruiting and inciting individuals to travel to Syria and Iraq, which have in the meantime engaged in less confrontational activities such as missionary and charity work.

In the absence of well-structured and context-specific reintegration and rehabilitation programs aimed at returned fighters and their families, they could again fall prey to the ideology and ideologues that initially led them to depart for the "caliphate." There are only a few existing rehabilitation and education efforts in non-custodial environ-

ments, and they are largely focused on developing positive narratives of harmony at the community level. But creating community-specific programs that avoid a one-size-fits-all approach requires extensive local participation, which is hindered by a lack of local-level knowledge, distrust among citizens in government, and fears among returnees about engaging in and with their communities.

More training for religious leaders, civil society representatives, and local authorities, and capacity building among psychologists and social workers, must therefore underpin government efforts, and must be matched by political will at the government level if true rehabilitation and reintegration of foreign fighters and their families is to succeed and be sustainable. Authorities throughout the region are increasingly cognizant of the necessity for a cross-sector approach to countering radicalization and extremism; for instance, appreciating the importance not only of improving educational services but also of increasing employment opportunities for youth.

Governments continue to favor hard response measures such as arrests and criminal prosecutions over soft measures such as de-radicalization, rehabilitation, and reintegration programs. And a number of sources reported that rehabilitation and reintegration processes are poorly understood in the region, and are therefore disregarded by some authorities. Consequently, support for post-conflict and post-penal transitions to "civilian life" remains insufficient. Training and capacity building among security sector professionals, as well as educators, psychologists, and social workers throughout the region, seems vital. International actors, such as the Council of Europe and the OSCE, have thus been working with prison officials in the Western Balkans on capacity-building initiatives that include efforts to improve the training of prison staff in areas such as cognitive-behavioral therapy.

[41] All information on conditions in regional prisons was drawn from the most recent monitoring reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, available by country, at: https://www.coe.int/en/web/cpt/states.

ALBANIA

I. NATIONAL STRATEGY/ACTION PLAN

Albania adopted a National Strategy on CVE in November 2015, and an Action Plan for its implementation in October of 2017 (for 2017-2019). With a mix of hard and soft measures, the Plan focuses particularly on prevention and foresees religious education and social programs –directed toward marginalized communities, including the families of returned foreign fighters – as key to building local capacities for rehabilitation and reintegration. The Plan envisions incorporating socioeconomic support for vulnerable groups through grassroots efforts aimed at facilitating vocational and entrepreneurial opportunities. Beyond this, programs are also being developed to provide psychological services for victims of violence as well as to strengthen community resilience through the promotion of cultural and religious tolerance, greater engagement by civil society, and a community policing model. Still, officials admit that a lack of funding will pose a challenge to fully bringing some of these efforts to fruition.

II. LEGISLATION

Albanian legislation criminalizes various terrorism-related offenses, including promoting religious divides. Updated in 2014, these laws encompass three main areas – Terrorist acts, Acts against State Authority, and Acts against public order and safety – and specifically address the participation, organization, or promotion of military action in a foreign country. However, even though these laws allow for up to 8 years imprisonment for participation (and more for organizing), and are handled by the Court for Serious Crimes, so far, only key recruiters and ideological leaders have been prosecuted or convicted. Returning foreign fighters have been subject only to observation by security agencies.

III. INSTITUTIONAL FRAMEWORK

The investigation and prosecution of terrorism-related cases in Albania falls under the mandate of the Anti-Terrorism Directorate of the State Police, the Prosecution Office for Serious Crimes, and the Court for Serious Crimes. Albanian State Intelligence Services (SHISH), the National Coordinator for CVE in the Prime Minister's office, and municipal-level police agencies also work to prevent and counter terrorism. The National Coordinator for CVE is tasked with coordinating CVE efforts between and among state (ministries and agencies) and non-state actors (civil society and religious officials). The Albanian prison system, overseen by the Ministry of Justice, is administered by the General Directorate of Prisons, and includes 23 establishments comprising high-security, medium-security, and pre-trial detention facilities. Women and minors are detained in separate facilities.

IV. RISK ASSESSMENT, REHABILITATION, AND EDUCATION PROGRAMS

The recent fall of ISIL/Daesh's "capital" Raqqa is viewed as a potential trigger for returns of Albanian women and children who accompanied fighters to Syria and Iraq. Returns of fighters themselves have dropped to nearly zero, and whether any more will return is unclear given the government's declaration that prison terms await any returnees from the battlefield. This makes the security risk Albania faces from returned foreign fighters difficult to predict, and officials – who rate this risk as only low to medium – contend that it is best assessed on a per-person basis. They argue that fighters who became disillusioned while in Syria and Iraq may not pose a significant threat, while also stressing the importance that concerted efforts to facilitate the reintegration of former fighters are implemented. Some fighters displayed criminality even prior to their departure to the battle zone, and may be linked to the nexus between organized crime and terrorism upon their return, which demands further exploration. Still, in general, careful monitoring, along with rehabilitation and reintegration programs, are viewed as the best defense against this unknown risk.

While some assessment and education programs exist in Albanian prisons, there are no de-radicalization or rehabilitation efforts aimed specifically at returned foreign fighters. This is not entirely surprising given the fact that no foreign fighters have faced prosecution and conviction, and are instead subject to a risk analysis by SHISH and then, when deemed necessary, placed under surveillance. These former fighters are rarely funneled into de-radicalization or rehabilitation programs, largely due to a lack of capacity and funding for such efforts.

Nonetheless, intelligence and police officials assert that the threat of terrorism and violent extremism is low in Albania. Yet, there are instances of prison-based radicalization in Albania; a phenomenon that has not been systematically exam-

ined. Officials have responded to such incidents by isolating radicalized prisoners and by limiting access to prisons for imams found to be propagating radical ideology. In addition, the Albanian Ministry of Justice, the Albanian National Coordinator for CVE, and the OSCE signed a November 2017 Memorandum of Understanding regarding implementation of a project titled "Preventing and Countering Violent Extremism and Radicalization that Leads to Terrorism (VERLT) in prisons and within probation services (Phase I).[42]"

Outside of prisons, the few existing rehabilitation and education efforts – directed by the National Coordinator for CVE – are largely focused on the community level and on developing positive narratives of religious and social harmony. For example, the Ministry of Education introduced a new curriculum in January 2017 in 10 select schools that aims to increase religious tolerance and marginalize extremist rhetoric through religious education. But funding limitations and a lack of authentic buy-in by other government officials remain challenges to such efforts.

V. FIGURES, TRENDS, BEST PRACTICES

Authorities in Albania report that 144 Albanian citizens have traveled to Syria and Iraq; 79 of whom were men, along with 27 women and 38 children. It is believed that 26 Albanians have died in the conflict zone, and that 73 remain there; however, only 23 of those still in Syria and Iraq are thought to be combatants (meaning the rest are women and children). So far, approximately 40 individuals have returned, but none have faced prosecution, as noted above. Still, while returned foreign fighters have escaped prosecution, 9 people in Albania have been charged with recruitment, and have been met with steep prison sentences, totaling 126 years.

Returnees to Albania have been monitored by intelligence actors, and though there is no legislation to facilitate the prosecution of accompanying family members, they are often also surveilled. While programs directed at these fighters remain few, the OSCE has financed a community policing initiative and is helping to establish Local Security Councils in certain areas where people are viewed as particularly prone to radicalization. However, no programs focused specifically on noncombatant returnees currently exist, and officials say more

needs to be done to stabilize the communities to which foreign fighters and their families are returning, and must include active efforts to reintegrate all these citizens.

Most important, they say, is a truly harmonized approach across sectors, that addresses the push and pull factors of radicalization through direct engagement. Such an approach would incorporate programs aimed at social cohesion, education, and employment, and would work to counter the stigma faced by returnees in their home communities. These efforts must build local capacity and strengthen existing institutions, and must be rooted in local innovation as opposed to relying on international community models.

Still, obstacles remain and are significant – particularly a lack of dedicated funding. Currently, the National Coordinator for CVE is supported by the OSCE, but the Albanian government must find a way to become less dependent on international support. Further, the need to create community-specific programs and avoid a one-size-fits-all approach requires extensive local participation in the development of such programs, which is hindered by a lack of knowledge among local-level authorities, the distrust many citizens have in State structures, and a fear among returnees to speak out about their experiences. More training for religious leaders, civil society representatives, and local authorities, and capacity building among psychologists and social workers, must therefore underpin government efforts, and must be matched by political will at the State level if true rehabilitation and reintegration of foreign fighters is to succeed and be sustainable.

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[42] Funded by the OSCE Austrian Chairmanship, the Swedish Government, and the German Government, the project aims to support Albania in establishing a solid basis for effective and human rights-based interventions to prevent and counter radicalization into violent extremism in prisons and probation services.

BOSNIA AND HERZEGOVINA

I. NATIONAL STRATEGY/ACTION PLAN

Bosnia and Herzegovina developed a Strategy for Preventing and Combating Terrorism, which amended earlier security and counterterrorism strategies, in 2015. The Strategy addresses violent extremism and radicalization that can lead to terrorism, and foresees a response implemented through both hard and soft approaches. The State, as well as each administrative unit – the entities of the Federation of Bosnia and Herzegovina and Republika Srpska, along with the Brčko District – also have Action Plans in place that include measures aimed at rehabilitating returned foreign fighters, including through the promotion of tolerance and dialogue as well as by strengthening and supporting the capacities of local communities. However, these measures have yet to be further elaborated or operationalized.

II. LEGISLATION

BA legislation criminalizes various terrorism-related offenses, including recruitment, training, financing, and organizing for a terrorist group; and has been updated to include incitement to terror. These laws reflect UN prescriptions for global anti-terrorism instruments. In 2014, legislation was passed that also criminalizes the establishment of, or association with, foreign fighting forces. Further, the sanctions regime of the UN Security Council is applied to individuals found to be linked to Al-Qaeda, ISIL/Daesh and al-Nusra Front, and any persons deemed to pose a potential threat to security are subject to enhanced surveillance. The law allows for imprisonment of a minimum of 5 years for participation in foreign armed formations and between 3 months and 10 years for other activities related to foreign fighting, such as incitement and recruitment; as well as at least 3 years for recruiting, financing, training, or organizing for a terrorist group. At the state level, legislative amendments are currently being considered that would increase these sanctions and would abolish the option that prison sentences issued in cases related to foreign fighting can be commuted to a monetary fine.

III. INSTITUTIONAL FRAMEWORK

A number of agencies and institutions work in concert to investigate and prosecute terrorism-related

cases in BA, led by the Ministry of Security. Most investigations are overseen by the Prosecutor's Office of BA – where a total of eight prosecutors are now assigned to handle these cases – and, so far, all terrorism-related cases have been prosecuted in the state-level Court of BA. However, the entity-level and Brčko District prosecutors' offices are also competent to try these cases. And, the State Investigation and Protection Agency (SIPA), which has nationwide jurisdiction, as well as the Intelligence and Security Agency of BA (OSA) both play key roles in criminal investigations and intelligence gathering on terrorism-related offences. Due to the unique internal structure of the country, the police agencies of the Federation of Bosnia and Herzegovina, the Republika Srpska, and the Brčko District are all involved in the investigatory process as well. Within the BA Ministry of Security, various specialized units and agencies, including the Financial Intelligence Unit and the Border Police, are also vital to terrorism-related investigations.

BA has established two inter-agency bodies tasked with coordinating efforts to prevent and combat terrorism and violent extremism. At the strategic level, there is a Supervisory Body for Monitoring the Implementation of the Strategy and Action Plans, and at the operational level, a Task Force for Combatting Terrorism. These bodies oversee institutional response and agency-level units, such as the SIPA-led Operational Counterterrorism Team.

The prison system in BA comprises 14 total facilities across both entities, including one high-security prison in the Federation of BA and two in the Republika Srpska[43]. A maximum-security prison is currently being constructed, but is not yet operational. Prisons are administered by authorities in each entity, according to entity legislation, and this has contributed to a lack of harmonization of Laws on the Execution of Criminal Sanctions (LECS) at the state and entity levels, as well as a lack of harmonization with EU standards. A Justice Sector Reform Strategy for 2014-2018 envisions harmonizing these laws, establishing a single training unit for prison staff across the country, and developing a centralized system for the collection of prison data.

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[43] A high-security prison in Zenica (in the Federation of Bosnia and Herzegovina) currently houses 9 inmates convicted of terrorism-related offenses, 5 of whom were charged for their involvement in activities related to the conflict in Syria and Iraq.

The US government has committed to a project meant to improve management and conditions in Bosnia and Herzegovina's prisons through training for prison staff. And, with support from the Council of Europe and the US government, measures are set to be implemented in some prisons to assess the radicalization of prisoners, with the aim of providing them with appropriate rehabilitation. The EU is in the process, for example, of helping develop an initiative at the prison in Zenica to assess prisoner radicalization and risk, but it has not yet been implemented. Successfully standardizing and systematizing these measures across BA will require further support.

IV. RISK ASSESSMENT, REHABILITATION, AND EDUCATION PROGRAMMES

Officials in BA are not uniform in their assessment of the risk posed by returning foreign fighters and their families, but do acknowledge that they represent an unknown but potential threat to security. Some sources feel that fighters who migrated with their families are unlikely to return, and many expect returning fighters to be disillusioned by their experience in Syria and Iraq and therefore disinclined to carry out violence; however, the degree to which this is true in the long run may depend on whether these returnees are successfully reintegrated.

BA has actively monitored the flow of foreign fighters, as well as the situation in the conflict zone in Syria and Iraq, for several years, and the data indicates that returns of these fighters came to a halt almost two years ago. Nonetheless, given recent developments in ISIL/Daesh territory and the fact that a relatively large number of Bosnia and Herzegovina citizens are believed to remain in the conflict zone, the potential for more returns does exist, although sources hesitate to speculate about the number of these returns. These sources note that there have been no acts of terror carried out by the nearly 50 former foreign fighters who have already returned to the country. Of course, this does not rule out such a possibility in the future.

Beyond the risk of terrorism outright, though, is the fact that a number of returnees are thought to remain ideologically radicalized. There is concern that they have a special influence over youth, and that they may encourage others to commit terrorist acts. For this reason, sources rate the security risk posed by returning foreign fighters to as rather high. And yet, they agree that evaluating the threat posed by any individual should rely on case-by-case risk assessments. These assessments are carried out by police agencies at the local

level in BA, and serve as the basis on which further measures or surveillance are initiated. The methodology used to carry out risk assessments is not standardized; nevertheless, for the most part, authorities in BA believe they can effectively manage returns of foreign fighters, and that the chance of someone returning from conflict zones abroad without being noticed by security apparatuses is minimal.

Still, some sources do acknowledge that citizens of other countries may see BA as a safe haven, and attempt to enter the country after leaving foreign conflict zones. They have intervened, for instance, in several attempts by Russian citizens to enter BA; and in early November 2017, Bosnia and Herzegovina authorities revealed they had extradited US permanent resident Mirsad Kandić, a highly-sought recruiter and facilitator for ISIL/Daesh, after a joint investigation with US intelligence actors determined he had been hiding in Sarajevo for nearly a year. Kandić, who was born in Kosovo*, entered BA on a Ukrainian passport under an assumed name. He was exposed after activating a phone card purchased in the United Arab Emirates, which was monitored for months by US intelligence. Kandić has been charged in US federal court with six counts related to his provision of material support to ISIL/Daesh and faces a maximum sentence of life imprisonment.

The fact that Kandić entered Bosnia and Herzegovina demonstrates that, even with tight controls and increased vigilance on the part of security officials, it is possible for former foreign fighters to slip across borders. Kandić would likely have been detected by Bosnia and Herzegovina intelligence actors much sooner had he not chosen to "lay low" and cease his ISIL/Daesh-related activities while in Bosnia and Herzegovina, since any contact with ISIL/Daesh-affiliated groups would have ensnared him in security monitoring. Ultimately, a combination of coincidence and effective collaboration between Bosnia and Herzegovina and US partners brought about the operation that led to his arrest and extradition. His case highlights both the challenges of detecting individuals who seek to obscure their identity and activities, as well as the necessity of joint security operations and intelligence sharing.

On the domestic front, some prosecutions of suspected returned Bosnia and Herzegovina's fighters are constrained because a fighter departed from Bosnia and Herzegovina before the adoption of the 2014 legislation that criminalizes participation in armed conflicts abroad. These individuals are typically charged instead with the organization of or

participation in a terrorist group. However, short of producing a witness who can place a defendant in a foreign war zone and attest to their role as a fighter, proving beyond a reasonable doubt that suspects have indeed fought in Syria or Iraq is often difficult, as they typically deny that they have been in the conflict zone at all or downplay their role there – often claiming they were aid workers, cooks, drivers, or nurses.

Even so, every prosecution of returning foreign fighters thus far tried before the Court of BA has ended with either a guilty verdict or a plea bargain; the Court has rejected just one indictment, and the one case that did result in a first-instance acquittal was ordered to retrial by the Appeals Chamber. The frequent use of plea bargaining, and some sentence commutation, in these cases has been criticized, though. Of the 22 individuals successfully prosecuted so far in BA, 11 have been charged under Article 162b, which criminalizes foreign fighting, and the other 11 under laws criminalizing terrorism and related offenses, with the Court issuing sentences totaling 40 years in prison. In two cases, the Court commuted sentences of imprisonment in exchange for the payment of financial fines – of 23,000 KM (11,500 euro) and 36,000 KM (18,000 euro). One former fighter, who was sentenced to just one-year imprisonment, has already been released and another is supposed to be released in 2018.

There have been some indications of radicalization occurring within prisons in BA. So far, measures taken to suppress this phenomenon have been limited. They include isolating detainees identified as playing a role in radicalizing other inmates, to constrain their social interactions, as well as restrictions on the content of mail received by prisoners, to minimize the extremist materials that make their way into prisons. But, these suppressive responses have not yet been matched by psychosocial measures to actively de-radicalize these detainees.

The development of counter-narratives in BA is the responsibility of government institutions as well as the Interreligious Council, which promotes dialogue and tolerance among religious communities and condemns the abuse of religion in the name of violent extremism. The Islamic Community is also training imams to counter extremist narratives. Some international organizations, such as the IOM and OSCE, have implemented short-term projects with this aim, in which local civil society organizations and some prominent individuals in BA have played a role in promoting tolerance and shaping counter-narratives. The National Strategy envi-

sions incorporating similar messaging into official curricula, but this has not yet come to fruition.

V. FIGURES, TRENDS, BEST PRACTICES

Over 240 Bosnia and Herzegovina's adults are believed to have departed to Syria and Iraq since 2012. Officials report that 112 citizens, both men (62) and women (50), remain there; as well as 2 men and 3 women who were born in BiH but now hold citizenship in other countries. At one point, some 50 BiH children were also believed to be in ISIL/*Daesh*-held territory, but there are no assessments as to how many remain. Of the adults from or born in BA that have been identified as departing for the conflict zone, 71, including 3 women, have been killed; and 4 children are also known to have died there. So far, 53 Bosnian and Herzegovinians – including 4 foreign citizens of BiH origin, as well as 3 women and 4 children – have returned from Syria and Iraq, 10 to countries other than BiH.

Because the BiH Criminal Code outlaws any participation in terrorist organizations or foreign fighting forces, returning fighters are typically subject to investigation and prosecution when they reenter BA. Of the former fighters who have thus far returned from ISIL/*Daesh*-held territory, 22 have already been convicted, and cases remain underway for many others. Still, some cases cannot be moved forward due to a lack of evidence. There are also 2 BiH citizens detained in foreign countries for activities related to foreign fighting in Syria and Iraq; one in Turkey and one in Iraqi Kurdistan. Foreign fighters returning to BA from conflict zones in Ukraine are only just beginning to face investigation and prosecution. Law enforcement agencies and the Prosecutor's Office are investigating 7 cases of BiH citizens who are suspected of fighting in Ukraine; one of whom has been thus far arrested.

While there are no measures in place to assess the women and children who have accompanied these fighters, some efforts are underway – with assistance from the international community – to develop resocialization programs for noncombatant returnees in BA. These are matched by similar efforts, also with the help of various international partners, to enhance the capacities of prison staff to engage detained returned fighters in de-radicalization programs. The OSCE is also working to raise general awareness of the need to prevent and combat terrorism and violent extremism, and to promote respect for human rights.

So far, at the local level, only prison staff and police have any expertise on issues related to radicalization, and sources note that other actors,

such as social workers, have yet to be trained or involved in de-radicalization and resocialization efforts. This is largely due to a deficiency of resources and a lack of coordination and specialized knowledge, which have hindered a systematic approach. Sources also note that standardizing risk assessment mechanisms across all of BA (in each entity and administrative unit), and regularly assessing prisoners to determine the most appropriate security measures for their incarceration, will improve the outcomes of any rehabilitation and resocialization efforts that are implemented. This assessment scheme should be designed to apply not only to returning foreign fighters, but to all violent extremists – for whom special security measures and resocialization programs are also necessary. Moving forward, a more coordinated and multi-sector approach must be taken in order to build capacity and design appropriate and flexible programs; which will require training for relevant actors, cooperation with NGO partners, and a willingness to learn lessons from the experiences of other countries in order to enact policies based on best practices.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

I. NATIONAL STRATEGY/ACTION PLAN

The Former Yugoslav Republic of Macedonia (hereinafter, MK[44] adopted a National Strategy for Countering Terrorism in March 2017; however, the Strategy did little to address radicalization and violent extremism and was criticized by US and EU officials as inadequate. Thus, a National Counterterrorism Working Group, made up of experts from various ministries and agencies, is currently in the process of amending the Strategy. This new Strategy will put more focus on radicalization, violent extremism, and reintegration, and will emphasize the need for bilateral agreements with neighboring countries and joint operations. The Action Plan for implementation that accompanied the March 2017 Strategy was similarly criticized and is also in the process of being amended to include more specific CVE measures.

While the Islamic Community of MK has raised the issue of the need to de-radicalize and reintegrate returning foreign fighters, and proposed a strategy to do so as early as 2014, until now, government officials and other stakeholders have not acknowledged the necessity of such efforts. The Action Plan that is currently being drafted is expected to remedy this by recommending measures for the resocialization and reintegration of foreign fighters, as well as the education and training of civil servants in the education and security sectors. It is also assumed that the new Action Plan will invite civil society organizations and religious institutions to partner with State agencies in rehabilitation and reintegration efforts.

II. LEGISLATION

In 2014, recognizing the need to adapt to changing circumstances, the Parliament updated legislation to criminalize participation in a foreign military, police, or paramilitary formation, along with recruitment, financial or logistical support, and the dissemination of propaganda for these forces. Participation in a foreign fighting force, or publishing propaganda, is punishable by 4 years imprisonment, and organizing, recruiting, or providing financial support is punishable by 5 years. In addition, a sentence of 1-5 years can be levied against someone who has sheltered perpetrators of these offenses. So far, the citizens for whom there is unequivocal evidence of their participation in for-

eign fighting have been met with repressive measures, including arrest and criminal proceedings.

III. INSTITUTIONAL FRAMEWORK

A number of agencies and institutions are responsible for various elements of the investigation and prosecution of terrorism-related cases in MK. The Directorate for Security and Counterintelligence collects internal intelligence and the Intelligence Agency (AR) gathers intelligence from outside the country. The Ministry of Interior is tasked with providing the Public Prosecutor – who cannot use intelligence reports – with criminal reports on the accused, and is responsible for making arrests. There are no special prosecutors or courts for terrorism-related cases, so these cases have fallen to the Prosecutor for Organized Crime; which has meant that prosecutorial teams lack expertise.

However, in August 2017, a new National Coordinator for CVE and Counterterrorism – a position that had been vacant since 2016 – was appointed to better streamline the response of 22 agencies and institutions to these issues. The National Coordinator has two deputies, one dedicated to countering violent extremism and the other to countering terrorism. The Ministry of Interior's financial intelligence department is also involved in counterterrorism efforts, and the OSCE has worked with police to develop capacities in this area.

The prison system in MK separates adult detainees from juveniles, in 14 facilities. The main prison is located in the capital, Skopje, but the most dangerous criminals are usually held in other facilities. Convicted foreign fighters, for instance, are held in Prilep. Prisons in MK have been widely criticized by local CSOs and the media, and even by the national Ombudsman and the EU, leading to a pledge by the government to improve prison conditions and make policy reforms. This was reflected by sources interviewed for this study, who noted that MK would benefit from prison reform generally, and especially from rehabilitation and reintegration programs. Currently, there are no programs in prisons directed at de-radicalizing, rehabilitating, or reintegrating former foreign fighters, and sources claim that these processes are poorly understood and thus disregarded. This remains a challenge that must be addressed by the Ministry of Justice.

IV. RISK ASSESSMENT, REHABILITATION, AND EDUCATION PROGRAMS

Officials in MK are aware of the general threat that returning foreign fighters may pose, and occasionally make public statements to that regard. By and large, the government has addressed this potential risk by tasking intelligence agencies with regularly monitoring returnees and providing assessments and security briefs. These activities support hard response measures such as arrests and criminal prosecutions, but are not matched by soft measures such as de-radicalization or reintegration programs. The lack of such programs in prisons may prove problematic, as there are reports of some prisoner-to-prisoner radicalization. According to sources, prison officials are reluctant to share information about this phenomenon and have resorted to isolation of extremist offenders to prevent the spread of certain ideologies among the larger prison population.

Efforts to develop counter-messaging in MK have not been undertaken in a coordinated or systematic fashion. Religious authorities from the Islamic Community have assumed the bulk of this task, preaching regularly against extremism during Friday prayers. Politicians also sometimes deliver messages of tolerance, but mostly only in the context of religious holidays. So far, few other stakeholders have been engaged in creating counter-narratives to extremism. Still, some interesting initiatives are being discussed, particularly in the business sector, which acknowledge the need for economic stability to underpin de-radicalization and prevention efforts.

While no efforts have been implemented within the education system aimed at preventing extremism, and sources say the issue remains something of a taboo, there have been some positive developments on this front. For example, the upcoming Action Plan is expected to incorporate training measures for education sector employees. And in higher education, the Faculty of Security has invited intelligence experts into the classroom to discuss radicalization and the foreign fighter phenomenon. Still, these subjects are not part of the regular curriculum of the Faculty or of any other educational institution, and training for security officials thus continues to be conducted by international organizations.

Whether MK will see the return of many more – if any more – foreign fighters, remains unclear. Many sources expect potential returnees to be deterred by the likelihood of their arrest upon return. Nonetheless, returned foreign fighters are viewed

as a very real potential threat to the country, whether as recruiters or trainers of others who seek to perpetrate terrorism, as perpetrators of terrorism themselves or as non-violent ideological touchpoints for radical Islam. MK officials remain cautious and are committed to coordinating with other countries to best assess the risk these former fighters pose.

V. FIGURES, TRENDS, BEST PRACTICES

Officials in MK estimate that 154 MK citizens have departed for Syria and Iraq. Intelligence sources believe that up to 10% of these were women, who are presumed to be noncombatants. It is thought that 33 MK citizens have been killed in the conflict zone; and that 41, including 4 women, remain – 33 of whom are affiliated with ISIL/*Daesh* and 8 of whom are members of *Jabhat Fateh al-Sham*[45]. So far, approximately 80 fighters have returned, of which 16 have been charged with foreign fighting-related crimes and successfully prosecuted to conviction, with sentences ranging from 2 to 7 years imprisonment. Three MK citizens have also faced prosecution in other countries – two in Italy, where one has been convicted and one awaits trial; and one in Turkey, where a life sentence was issued. According to a MK source who spoke on the condition of anonymity, suspects in MK "are typically charged for recruitment and support, rarely for participation in a terrorist group…[which] is probably an indication that police and prosecutors cannot secure enough evidence that would enable them to charge and prosecute some of these individuals." This source noted that, in general, the topic of foreign fighting is "almost completely disregarded" in the country.

Some MK foreign fighters that returned before changes were made to the Criminal Code also remain free, as the law is not retroactive, but they are under surveillance by intelligence actors, as are any returnees for whom evidence of their activities abroad is lacking. Sources report that, among returnees who have escaped prosecution, some have managed to keep their foreign fighter status a secret and thereby return to their lives essentially unaffected. Yet, those who are known to be former fighters face marginalization within their communities, which has been an obstacle to their reintegration. Though, the families of returned foreign fighters do not appear to have faced the same challenges.

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[44] According to the RCC Statute, the full name of MK is: The Former Yugoslav Republic of Macedonia

[45] For more on this, see: President Gjorge Ivanov, "Address at the Conference of Chiefs of General Staff of the Adriatic Charter," 9 November 2017. Available at: http://president.mk/en/media-centre/speeches/4618.ht

Thus far, MK has not implemented any programs directed at returnees or their families, and this subject is not discussed, debated, or researched widely. Though the Islamic Community did attempt to initiate such an effort in 2014, it was not supported by governmental and international community representatives, and this is now viewed by some sources as a missed opportunity. What MK has done more successfully is implement repressive measures; but the upcoming National Strategy for CVE is said to include a new emphasis on de-radicalization. The need to engage civil society organizations in these efforts is also increasingly recognized, particularly because they are often locally-focused and more capable of impacting the social factors that can play a role in driving individuals toward extremism.

As MK moves toward a de-radicalization and reintegration approach, it will have to shift away from a relative lack of public acknowledgement of the problem of extremism, so that root causes can be openly addressed, and community awareness raised. Sources note that it is also important to identify achievable goals and design programs that can meet them, so that these efforts are supported at all levels of society and government. Yet, this will be a challenge, given that internal political crises and strained relations with the international community have deprioritized these issues, and have left many officials undereducated about the risks and lacking capacity to respond.

Further, extremism and the foreign fighter phenomenon remain polarizing topics in MK, where some people have called for an outright ban on the re-entry of returning fighters. Training and capacity building among security sector professionals, as well as educators, psychologists, and social workers, is therefore vital. And, MK officials also feel that broad, regional efforts which account for the unique history and ethno-religious features of the Western Balkans are also necessary to implement successful de-radicalization and prevention programs.

KOSOVO*

I. NATIONAL STRATEGY/ACTION PLAN

Kosovo* adopted a National Strategy on the Prevention of Violent Extremism and Radicalization leading to Terrorism in September 2015, as well as an Action Plan for implementation through 2020. The Strategy is designed around four main themes – early detection, prevention, intervention, and de-radicalization and reintegration – and was conceived by a working group that included representatives not only from State agencies and institutions, but also from civil society, religious communities, media, and international organizations. Among other things, the Strategy calls for the training of law enforcement authorities, including in prison management. This dovetails with a national de-radicalization and reintegration plan that is being developed by the ministries of justice and internal affairs, which envisions the implementation of de-radicalization programs within prisons alongside post-incarceration reintegration programs. Kosovo's* National Strategy for Counterterrorism expired in 2017, and a new one is in the process of being drafted.

II. LEGISLATION

The Criminal Code in Kosovo* deals comprehensively with terrorism and terrorism-related offenses, and prohibits participation in foreign wars. Laws criminalize the commission of terrorist acts, assisting or facilitating the commission of terrorism, participating or organizing a terrorist group, concealing or failure to report terrorism, as well as recruitment to, training for, and incitement to commit terrorism. Kosovo's* 2015 Law on the Prohibition of Joining Armed Forces outside State Territory specifically criminalizes participation in a foreign conflict, along with organization, recruitment, financing, incitement, or training related to joining a foreign army or police force. Charges related to foreign fighting can bring sanctions ranging from six months to 15 years in prison.

III. INSTITUTIONAL FRAMEWORK

The investigation of terrorism-related cases in Kosovo* is primarily the task of the State Police and Financial Intelligence Unit of the Ministry of Finance, and prosecution falls to the Serious Crimes Prosecutor and Serious Crimes Department of the Basic Courts. Yet, various other agencies and ministries play significant roles in preventing and countering terrorism, including Kosovo's* Intelligence Agency and other security institutions, as well as ministries responsible for areas such as education, youth, and welfare. Beyond that, religious communities, media, and NGOs all participate in prevention, and all participated in the drafting of the National Strategy for PVE. State and non-state actors are coordinated for this purpose by the National Security Council's Secretariat, which is responsible for assisting the National Coordinator for PVE, per the Strategy for PVE. Likewise, the National Strategy for Counterterrorism establishes the same relationship between the Secretariat and the National Coordinator for CT.

Kosovo's* prison system, comprised of 10 facilities, includes one high-security prison, in Podujeva. After first holding individuals convicted on terrorism-related charges in general population facilities, Kosovo* has moved 95% of these prisoners to Podujeva, on the advice of experts from the International Criminal Investigative Training Assistance Program (ICITAP). This came in response to evidence that radicalized detainees were influencing other prisoners, even those convicted of crimes that were not related to terrorism or violent extremism. Extremist literature had also been observed in Kosovo's* prisons, but there has since been an effort to remove it, as well as to ensure that imams who provide faith-based services in prisons are formally approved by the Islamic Community of Kosovo*. Though it has not yet been implemented, a draft program on rehabilitation and reintegration – shaped in part by the US Department of Justice and ICITAP – is in the final stages of development and is expected to be put into practice in 2018.

IV. RISK ASSESSMENT, REHABILITATION, AND EDUCATION PROGRAMS

Sources in Kosovo* view the risk posed by returnees from ISIL/Daesh territory as rather significant, especially if they have been combatants, and expect that more will return home given recent developments in Syria and Iraq. Nonetheless, the real danger these returnees represent is difficult to assess, and State Police view the threat that these former fighters will commit acts of terrorism as rather low. Of more concern is the risk that returning fighters and their families will promote and spread radical ideologies, and that those who hold tight to these ideologies will

be challenging to successfully de-radicalize and reintegrate.

Authorities in Kosovo* have generally been transparent with the public about the potential risk posed by returning foreign fighters and their families. Among citizens, this is reflected in a sense of worry, fear, or vulnerability among a majority who were surveyed by the UNDP in May 2017. In response, the government has initiated several efforts to better assess the threat of returning foreign fighters and reintegrate them into society, which are to be implemented in 2018. These include the establishment of a Division of Reintegration of Foreign Fighters and their Families within the Department of Reintegration, which has historically focused on illegal migrants, and a Unit on Classification and Assessment within the prison system.

The need to address the concerns of families became more pressing with the recent revelation that a group of 15 potential returnees to Kosovo* (3 men, 4 women, and 8 children) have twice tried and failed to cross the Syria-Turkey border. And according to security sources, some 70 individuals, mainly women and children, are prepared to return to Kosovo* if conditions allow. Still, sources report that there continues to be little practical focus on the family members of returning fighters. Therefore, while current efforts toward de-radicalization and reintegration are directed at returning fighters, they must also be broadened and adapted to address the women and children who have accompanied them.

Primarily, the Ministry of Internal Affairs – specifically the State Police and the Media Department – is tasked with developing counter-narratives to extremism in Kosovo*; and the ministries of education and culture are responsible for promoting these narratives. A number of NGOs are also involved in this effort, but as yet, there is little coordination between State institutions and civil society as to the content of these narratives. There is also work being done to develop manuals for teachers on identifying early warning signs of radicalization – which is particularly important because sources say that radicalization within schools is a problem. This has been coupled with some awareness raising efforts within schools, by the State Police and several NGOs, though these initiatives remain uncoordinated and have not been widely or officially incorporated into the education system. Overall, officials in Kosovo* have acknowledged the necessity of a cross-sector approach to countering radicalization and extremism; for instance, recognizing the importance not only of improving educational services but also of increasing employment opportunities for youth.

V. FIGURES, TRENDS, BEST PRACTICES

Sources from Kosovo* report that a total just over 300 adult citizens (255 men, 48 women and 96 children) have departed for Syria and Iraq, that 191 – 59 men, 41 women, and 91 children – still remain there. It is believed that 55 children traveled to ISIL/Daesh-held territory from Kosovo*; and that 36 have been born there. One child is known to have died in the conflict zone, along with 74 adults, and over 130 individuals have returned.

Returned foreign fighters are generally investigated, arrested, and prosecuted in Kosovo*; and those who are not convicted are monitored. As of 2018, convicted and detained former fighters will be subject to de-radicalization programs in prison, and to reintegration efforts after their release. Imams from the Islamic Community of Kosovo* are engaged as part of this process, offering religious teachings meant to support de-radicalization and reintegration. So far, no similar programs have been developed for the family members of returned foreign fighters, and they are addressed instead by informal or individualized efforts that have not been institutionalized. The newly established Division on Reintegration is said to have begun developing a more systematic approach to family members, but it is in its early stages.

While a number of promising programs are in development in Kosovo*, and are near implementation, it is too early to assess their success. Still, these measures have been designed with input from various international community resources and appear to take a comprehensive approach that reflects the four pillars of the National Strategy on PVE – early detection, prevention, intervention, and de-radicalization and reintegration. Sources say that an even more wide-ranging approach is still necessary, though, and should include efforts tailored specifically to the economic needs of former foreign fighters and should proactively engage these individuals in preventing others from following in their footsteps.

Priorities moving forward include continued work with ICITAP on training correctional staff in assessing and classifying prisoners, as well as developing a post-prison transition plan for former fighters. ICITAP has noted some reluctance by the government to fully support some initiatives, such as post-release monitoring, which will need to be overcome. Beyond this, the inadequacy of Kosovo*'s education system, a poor economy, and a lack of coordination between and among State agencies and civil society continue to represent challenges to de-radicalization and reintegration efforts.

MONTENEGRO

I. NATIONAL STRATEGY/ACTION PLAN

The Montenegrin government adopted a Strategy for Countering Violent Extremism in December 2015, as well as an Action Plan for its implementation. The Strategy includes a number of measures aimed at de-radicalizing and rehabilitating both former foreign fighters and violent extremists generally – including the use of support plans for individuals who disengage from radical/terrorist groups, the provision of psychological services to prisoners, and social programs for family members. It also calls for threat assessments to be carried out on all individuals identified as having been associated with extremist groups and for the design of reintegration plans based on these assessments.

II. LEGISLATION

Montenegrin law criminalizes various activities related to and supporting terrorism – including recruitment for, incitement of, and financing of terrorism – and offenders can face up to 40 years in prison depending on the severity of the offense. While Montenegro took relatively late legislative steps to address the foreign fighter phenomenon specifically, finally amending its Criminal Code in March 2015, it has now criminalized participation in foreign armed formations. The new law is in accordance with the 2014 UNSC Resolution on foreign fighters, and imposes sanctions of 6 months to 8 years. Beyond imprisonment, individuals convicted under these laws may also have their assets confiscated.

III. INSTITUTIONAL FRAMEWORK

The responsibility for investigating and prosecuting terrorism-related offenses in Montenegro falls to the Ministry of Justice, the Ministry of Interior, the Supreme State Prosecutor's Office, and the Supreme Court. A number of other agencies and institutions also play a role in countering terrorism, including the National Security Agency, the Ministry of Foreign Affairs, the Police Directorate, and the Directorate for the Prevention of Money Laundering and Terrorism Financing. The Action Plan for CVE envisions establishing more efficient coordination between law enforcement agencies and the judiciary, as well as better harnessing other existing resources, to suppress violent extremism.

The Montenegrin prison system is the smallest of the countries in this study, with only 4 facilities,

one of which is dedicated to housing detainees awaiting trial. There are no specific protocols in place related to the detention of prisoners who have been convicted for offenses related to violent extremism. And, while no de-radicalization and reintegration programs currently exist, the Strategy for CVE does include initiatives to implement such programs in prisons.

IV. RISK ASSESSMENT, REHABILITATION, AND EDUCATION PROGRAMS

Officials in Montenegro have acknowledged the potential risk posed by returning foreign fighters and any person involved in extremist or terrorist groups, and thus included measures to identify and assess these individuals in the Strategy for CVE. So far, of the 9 adults who have returned to Montenegro from ISIL/*Daesh*-held territory, only one male returnee is facing prosecution; but the others are being monitored by security and police actors, and sources say they have not been deemed a threat. Montenegro also has a number of citizens fighting with pro-Russian forces in Eastern Ukraine, and one returnee from that conflict has also been prosecuted and convicted.

Various measures to address radicalization are envisioned in the Strategy for CVE, including the development of deradicalization and reintegration programs in prisons that rely on psychological and religious professionals. The Strategy also outlines efforts to strengthen cooperation among national agencies, civil society, and the private sector for the purposes of prevention. Officials say they are modeling these efforts on a program being used across Bavaria, which established De-radicalization Competence Centers as part of a wider Network for Prevention and De-radicalization. The families of former fighters are accounted for in the Strategy as well, with plans to implement social support systems for these individuals, who are frequently stigmatized and isolated.

Internet-based radicalization is also specifically addressed in the Strategy, as well as training for media that is intended to help journalists report on extremist violence and its consequences in a way that does not support or encourage radicalization. And, there have been some initiatives implemented within the education system, meant to raise awareness among youth of the effects of extremist violence on society. Still, these have so far been organized as individual events, largely

through the support of international organizations, and have not yet been integrated into the standard national curriculum.

V. FIGURES, TRENDS, BEST PRACTICES

A total of 23 adult Montenegrin citizens – 18 men and 5 women – are known to have traveled to Syria and Iraq, along with 3 children. A fourth child was born there. As of this writing, 6 men have been killed in the conflict zone; 3 men, 4 women, and 2 children remain in ISIL/Daesh-held territory while 1 men is detained in Turkey; and 8 men, 1 woman, and 1 child have returned to Montenegro. Only one of these returned men has faced prosecution. His case is currently ongoing, and he has been charged both with participating in a foreign armed formation and with participating in a terrorist organization.

Security sources in Montenegro also report that 5 Montenegrins fought in Eastern Ukraine on the side of pro-Russian separatists. All five have returned from that conflict and one of them was prosecuted and convicted for his participation in a foreign armed formation. The other four had traveled to Ukraine before the Criminal Code was amended to include prosecution of foreign fighters. Unlike the returnee from ISIL/Daesh-held territory, who is facing terrorism-related charges on top of being charged for foreign fighting, the returnee from Ukraine was charged and convicted only for foreign fighting.

Besides this difference in prosecution of pro-Russian and ISIL/Daesh fighters, Montenegrin security sources say this is linked to the fact that fighters in Ukraine are largely seen as mercenaries who are motivated primarily by money and less by ideology. Yet, some returned fighters from Ukraine claim they accepted no money, and some experts acknowledge that some Montenegrins view fighters in Ukraine as patriots who have come to the aid of ideologically-similar brothers in need; while fighters in Syria and Iraq – places that are not religiously and culturally akin to Montenegro – are viewed as having joined the enemy. Still, officials emphasize that some Serbian Orthodox priests are known to promote a brand of extremism that may make them a radicalizing force on par with Salafi ideologues.

Montenegrin sources admit that many of the de-radicalization and reintegration programs envisioned in the Strategy for CVE have been a challenge to implement. While authorities recognize that returning fighters from any conflict zone may represent a risk of violence, they are most con-

cerned about homegrown "lone wolf" scenarios in which sole actors are radicalized by extremist propaganda. Beyond this, Montenegro has treated the attempted coup that took place in October 2016 at the hands of pan-Slavic radicals as an act of terrorism, and security officials largely view this kind of threat as the most significant challenge they face. This makes sense in the Montenegrin context, which does not have nearly the problem with foreign fighters that other in the region do; and because Montenegro has never experienced an act of terror committed by any of the foreign fighters who have returned home, of any ideology.

In order to best meet all the security threats faced by Montenegro, sources say that inter-agency cooperation must be improved and collaborative efforts with the non-governmental sector must be fully supported. This will facilitate better transitions, for example, from prison-based programs to post-incarceration efforts. Further, governmental officials must throw more weight behind prioritizing rehabilitation programs. Many of the measures laid out in the Action Plan for CVE rely heavily on police actors to both prevent and suppress extremism and terrorism, but this approach is hindered by a lack of police personnel, and requires a more interdisciplinary approach to be successful.

SERBIA

I. NATIONAL STRATEGY/ACTION PLAN

Serbia was the last country in the region to adopt its National Strategy for the Prevention and Countering of Terrorism, along with an Action Plan for implementation; finally doing so in late 2017. The Strategy identifies developments in Syria and Iraq as a potential security risk, as well as the return of "terrorist fighters" to the country, along with citing ethnically motivated violent extremism and the activities of radical religious figures as a threat. De-radicalization and reintegration programs are envisioned in the Strategy, with a special emphasis on prison-based programs. It also recognizes the need to strengthen judicial capacities to ensure that courts can effectively prosecute terrorist cases while maintaining respect for human rights. Further, the Action Plan includes measures to increase employment among groups of people who are chronically unemployed, as well as to promote intercultural and interreligious dialogue. Nonetheless, the Strategy has received some criticism from civil society organizations for failing to specifically address the dangers posed to Serbia by right-wing extremism.

II. LEGISLATION

In October 2014, Serbia amended its legislation to criminalize activities related to foreign fighting, including participation, incitement, recruitment, organization, and training. Conviction for these offenses can bring up to 10 years imprisonment, with the harshest sanctions applied to individuals involved in recruiting, inciting, organizing, or training. Sanctions applied to other terrorist-related activities in Serbia range from 6 months to 40 years, depending on the severity of the crime. Serbia has also passed laws to criminalize the financing of terrorism and to allow officials to freeze assets deemed to support terrorist activities. Authorities can also deny the issuance of a firearms license to any suspected foreign fighter, terrorist, or homegrown extremist.

III. INSTITUTIONAL FRAMEWORK

The Serbian Ministry of Interior and the Security and Intelligence Agency (BIA) are tasked with investigating terrorism-related cases, which are prosecuted by the State Prosecutors' Office for Organized Crime (POOC) and the Special Court in Belgrade. The Ministry of Interior – which features a relatively new Service for Combatting Terror-

ism and Extremism – is also charged with implementing the National Strategy, with the support of various agencies and institutions, including the ministries of finance, foreign affairs, and justice, and the Office for Cooperation with Civil Society. The Strategy foresees these and many other relevant ministries and institutions as playing key roles in preventing and combating terrorism, through a whole-of-government approach. This is supported by the Permanent Mixed Working Group for Counterterrorism, which is coordinated by the Office of the National Security Council.

Serbia has the largest and most populated prison system in the region, with 28 facilities. Among these are one prison each dedicated to women and juveniles, one maximum security facility, and two high-security facilities. Notably, a very high proportion of detainees in Serbian prisons are not serving sentences but are awaiting trial, a fact that monitors have repeatedly recommended be remedied through the increased use of alternative remand measures. The detention of so many remand prisoners contributes to overcrowding and plays a role in inter-prisoner violence, which may complicate de-radicalization efforts.[46]

The Council of Europe and the OSCE have both been working with Serbian prison officials on capacity building initiatives. These include efforts to improve the training of prison staff, such as an OSCE training program in cognitive-behavioral therapy for staff in the 3 highest security facilities. The Serbian Ministry of Justice and the EU also began an 18-month twinning program in September 2017 aimed making the Serbian prison system more efficient through the transfer of experience, expertise, and good practices developed in EU Member States. These efforts will help support the National Strategy for the Prevention and Countering of Terrorism, which envisions the implementation of widespread vocational training for prisoners, meant to ease their post-incarceration reintegration. Currently, only one prison offers such training, but no such programs yet exist for inmates who have committed the most serious crimes.

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[46] The number of inmates in Serbian prisons has steadily increased over the past two decades, which has resulted in an-ever increasing scope of activities on the part of the Prison Administration. By way of comparison, in 2000 Serbia had 82 prisoners per 100,000 citizens, whereas now it has approximately 145 prisoners per 100,000 citizens. Statistics from 2016 showed that the occupancy level had reached over 106%. A new Strategy for Reducing Overcrowding in Institutions for the Enforcement of Penal Sanctions in the Republic of Serbia, for the period through 2020, is to be adopted by the end of 2017.

IV. RISK ASSESSMENT, REHABILITATION, AND EDUCATION PROGRAMS

Serbia's recent adoption of the National Strategy for P/CT reflects an increased awareness and acknowledgment by officials as to the risk posed by terrorism and violent extremism, and the potential threat of returning foreign fighters. Alongside this, officials have publicly condemned ISIL/*Daesh* and have emphasized the importance of Serbia's role in the Global Coalition to defeat ISIL/*Daesh*. This follows intensified efforts to combat the financing of terrorism, which began in earnest in 2014, alongside Europol.

Sources in Serbia report that they have information indicating that some Serbian foreign fighters in ISIL/*Daesh*-held territory have expressed a desire and intention to return home. These sources also cite the risk that Serbia could serve as a transit by which fighters from other countries may make their way back into the EU. Still, they consider the threat posed to Serbia by former foreign fighters as only low to medium.

In December 2015, Serbia adopted its first national serious and organized crime threat assessment (SOCTA), meant to support better intelligence-led policing, which will rely strongly on risk assessment. With the help of international actors, they are in the process of developing better cooperation between intelligence and law enforcement to combat the foreign fighter threat, as well as increasing the role of local authorities and civil society to prevent terrorism more generally. Still, rehabilitation and reintegration initiatives laid out in the Strategy have yet to be implemented.

V. FIGURES, TRENDS, BEST PRACTICES

Serbian authorities report that 49 adult Serbian citizens (37 men and 12 women) have departed for Syria and Iraq – 8 of whom traveled from Europe and North Africa – along with approximately 10 children. Among Serbian adults that have traveled to the conflict zone, one-third are believed to be women. It is thought that 11 Serbian adults have been killed in Syria and Iraq and that 28 remain, the majority of whom are aligned with ISIL/*Daesh*. So far, 10 Serbian fighters have returned from ISIL/*Daesh*-held territory to Europe, but only 4 to Serbia; and all of these individuals have been charged with terrorist-related offenses.[47] On top of this, 3 more suspected fighters are being tried *in absentia*, and efforts to locate them are being

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[47] Out of 10 returnees, one is imprisoned in Greece and one in Austria, and 3 are in detention in Serbia. Another returnee has entered a witness protection program in Serbia.

coordinated with Interpol. All of these criminal proceedings are ongoing and have yet to produce any convictions.

Beyond Syria and Iraq, among the countries in this study, Serbia is thought to have had the most fighters depart for conflict zones in Eastern Ukraine.[48] Yet, returnees who fought in Ukraine have so far faced few suppressive measures and are viewed only as foreign mercenaries, which brings lesser criminal consequences than the terrorism charges levied against returnees from ISIL/*Daesh*-held territory. It is notable, though, that one of the individuals suspected of playing a key organizational role in the failed coup that was attempted in October 2016 in Montenegro is a Serbian returnee from Eastern Ukraine, who did not face prosecution for foreign fighting.[49]

Moving forward, and in order to successfully implement the initiatives envisioned in the National Strategy for P/CT, Serbia will have to standardize its approach to extremists of all kinds. Counter-narratives must be developed to address all extremist elements, and various stakeholders across different sectors must be seen as partners in this effort. Suppressive measures need to be matched by educational and religious programs that counter radicalization and violent extremism, and must harness the support of civil society to effectively reintegrate and re-socialize former extremists and returned foreign fighters.

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[48] See: Jelena Beslin and Marija Ignjatijevic, "Balkan Foreign Fighters: from Syria to Ukraine," EU Institute for Security Studies Brief, No. 20, June 2017. NB: A Serbian security source who spoke on the condition of anonymity revealed that there are currently around 100 ongoing investigations into the role of Serbian citizens in the conflict in Ukraine.

[49] Ibid.

Selected Sources

Atran, Scott. "Extremism is surging. To beat it, we need young hearts and minds," *The Guardian*, 20 August 2017.

Barrett, Richard. *Beyond The Caliphate: Foreign Fighters And The Threat Of Returnees,* The Soufan Center, 2017.

Bogdanović, Milica. "What Happens when Montenegro Citizens Return Home After Fighting in Foreign Wars?" Global Voices, 5 November 2017.

 "Britain is 'home to 35,000 Islamist fanatics,' more than any other country in Europe, top official warns," *The Telegraph*, 31 August 2017.

Byman, Daniel. "Frustrated Foreign Fighters," *Lawfare,* 12 July 2017.

Byman, Daniel. "The Homecomings: What Happens When Arab Foreign Fighters in Iraq and Syria Return?" *Studies in Conflict & Terrorism 38*, no. 8 (2015): 581-602.

Buller, Alicia. "Segregation plan defended after UK prison system dubbed 'Harvard for radicals,' " Arab News, 17 September 2017.

Clark, Peter P. "How ISIS Is Transforming," *Foreign Affairs*, 25 September 2017.

Clarke, Colin P. "Round-Trip Tickets: How Will Authorities Know When Foreign Fighters Have Returned?" *Lawfare, 24 September 2017.*

Clarke, Colin P. "When the Car Is a Terror Weapon, Can We Prepare for Attacks?" *The RAND Blog,* 18 August 2017.

Cottee, Simon. "Can ex-militants, and their redemption stories, stop anyone from joining Islamic State?" *Los Angeles Times*, 5 September 2017.

Enhancing the Understanding of the Foreign Terrorist Fighters Phenomenon in Syria, United Nations Office of Counter-Terrorism, July 2017.

Entenmann, Eva, Liesbeth van der Heide, Daan Weggemans, Jessica Dorsey. *Rehabilitation for Foreign Fighters? Relevance, Challenges and Opportunities for the Criminal Justice Sector,* ICCT Policy Brief, December 2015

Gómez, Ángel, et al. "The devoted actor's will to fight and the spiritual dimension of human conflict," *Nature Human Behavior 1*, no. 9 (2017).

Gurski, Phil. "An Era of Near Unstoppable Terrorism?" ICCT, 29 August 2017.

Harrell, Peter. "The threat of small-dollar terrorism," *Politico*, 29 August 2017.

Hassan, Hassan. "Isis may be on its knees but it will rise again if we don't break the cycle," *The Guardian*, 15 July 2017.

Hassan, Hassan. "The Islamic State After Mosul," *New York Times*, 24 October 2016.

Hegghammer, Thomas and Petter Nesser. "Assessing the Islamic State's Commitment to Attacking the West," *Perspectives on Terrorism* 9, no. 4 (2015)

Hoffman, Bruce. "A Growing Terrorist Threat on Another 9/11," *Wall Street Journal*, 8 September 2017.

Holmer, Georgia and Adrian Shtuni. "Returning Foreign Fighters and the Reintegration Imperative," Special Report 402, USIP, March 2017.

Horgan, Johan G. "Willingness to fight and die," *Nature Human Behavior 1*, no. 8 (2017).

"Istanbul police detain 36 suspected Islamic State militants," *Associated Press*, 23 September 2017.

Jenkins, Brian Michael. "Vehicular Terrorism: Weighing the Benefits, and Worth, of Prevention," *The RAND Blog*, 5 September 2017.

Lamallari, Besfort. *Dealing with Returning Foreign Fighters,* Stability Pact for South East Europe, 2016.

Maher, Shiraz. "Parsons Green, and why more attacks on the West by Islamic State are inevitable," *New Statesman*, 22 September 2017.

"Manche kommen zurück, ,um sich zu erholen'", *Welt*, 28 November 2016.

Moore, Jack. "How Isis Remote-Controls Its European Operatives to Commit An Attack: 'Be Quick,'" *Newsweek*, 25 July 2017.

Responses to returnees: Foreign terrorist fighters and their families, Radicalization Awareness Network, July 2017.

Reed, Dr. Alastair and Johanna Pohl. "Tackling the Surge of Returning Foreign Fighters," ICCT, 14 Jul 2017.

Schuurman, Bart and Liesbeth van der Heide. "Foreign fighter returnees & the reintegration challenge," RAN Issue Paper, November 2016.

Selimi, Kaltrina and Filip Stojkovski. *Assessment of Macedonia's Efforts in Countering Violent Extremism – A View from Civil Society. Analytica, 2016.*

Tondo, Lorenzo, Patrick Wintour, and Piero Messina. "Interpol circulates list of 173 suspected members of Isis suicide brigade," *The Guardian*, 21 July 2017.

van Zuijdewijn, Jeanine de Roy. "Terrorism and Beyond: Exploring the Fallout of the European Foreign Fighter Phenomenon in Syria and Iraq," *Perspectives on Terrorism 10*, no. 6 (2017).

Wright, Robin. "Are We Nearing the Endgame with ISIS?" *New Yorker,* 27 July 2017.