

Policy
Brief

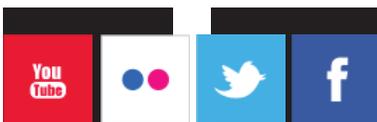
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We did criminalize it – now what?

Western Balkans response to the foreign fighters threat

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■ Summary

The civil war in Syria has attracted plenty of attention due to various reasons, starting from the appalling humanitarian catastrophe, the criticism for inactivity of the big powers and the use of prohibited arms such as chemical weapons. Lately, more and more signs of worry come as a result of the considerable number of foreign fighters present on the Syrian battlefields. The Balkans and the EU are no exception to this and it is believed that few hundred fighters coming from the Western Balkans have joined the anti Assad rebellions.

The main question therefore is what is the risk connected with the foreign fighters when returning home? This policy brief focuses on the actual situation with the foreign fighters and the measures that are put in place by the governments in the Western Balkans with focus on Macedonia. The text borrows from the relevant experiences of Germany, UK and Belgium in addressing this question. Therefore it looks for possible solutions in employing greater resources into prevention and rehabilitation programs through engagement of civil society and local communities. The policy brief ends with set of recommendations directed to the authorities in Macedonia.

Introduction

For months the involvement of Western Balkans nationals in Syria's civil war was kept as a secret up until information of casualties started leaking out. To depict the seriousness of the problem, some of the fighters who fought in Syria are now transferred into riskier environments such as the activities of ISIS in Iraq. Just recently a video footage showed one of the fighters holding Macedonian passport.¹ This signals that joining paramilitaries would not simply vanish with eventual ending of the Syrian war.

Most of the fighters from the region are taking part of Al Nusra, Syrian radical movement which is fighting for establishing Islamic State in Syria through destroying the current system. This group is thought to be one of the most efficient and considered as a terrorist organization by the US and is UN blacklisted².

Even though there is no official data on numbers, which is something very difficult to get a grasp on, the information available points that few hundreds of the foreign fighters fighting against Assad's regime are coming from Kosovo, Albania, Bosnia, Serbia and Macedonia.³ According to numerous sources there are around 11000 foreign fighters from 74 countries⁴ taking part in the fighting. Big chunk of these come from Western Europe (UK 500, France 700).⁵

Yet, not all of those who will return from the battlefields in the Middle East would be involved in terrorists attacks back home. The risk however small, still exists. On EU level between 2001 and 2009 from those that were convicted for religiously inspired terrorism offences, 12% had experience with external conflicts.⁶ Thomas Hegghammer one of the leading Norwegian researchers of violent Islamism has concluded that on average 1 out of 9 foreign fighters return home.⁷ Those that are fighting in Syria can become threat to the countries from the region as a result of few factors:

¹ "Muslims Reject Man-made Borders. There Are No Borders between Muslims." YouTube. June 12, 2014. https://www.youtube.com/watch?v=PBKe0_g6tRo. (0:44 sec.)

² "UN Blacklists Syria's Al-Nusra Front." AlJazeera. May 31, 2013. Accessed July 7, 2014. <http://www.aljazeera.com/news/americas/2013/05/201353021594299298.html>.

³ Holman, Timothy. "Foreign Fighters from the Western Balkans in Syria." Combating Terrorism Center at Westpoint. June 30, 2014. Accessed July 3, 2014. <https://www.ctc.usma.edu/posts/foreign-fighters-from-the-western-balkans-in-syria>.

⁴ "ICSR Insight: Up to 11,000 Foreign Fighters in Syria; Steep Rise among Western Europeans." ICSR. December 17, 2013. Accessed July 3, 2014. <http://icsr.info/2013/12/icsr-insight-11000-foreign-fighters-syria-steep-rise-among-western-europeans/>.

⁵ Winning, Nicholas. "U.K.'s Cameron Outlines New Anti terror Measures." The Wall Street Journal. September 1, 2014. Accessed September 1, 2014

⁶ Bakke, Edwin, Christophe Paulussen, and Eva Entenmann. "Dealing with European Foreign Fighters in Syria: Governance Challenges & Legal Implications." ICCT Research Paper, 2013, 4.

⁷ "Hegghammer Explains Variation in Western Jihadists." National Consortium for the Study of Terrorism and Responses to Terrorism. March 28, 2013. Accessed July 25, 2014. <http://www.start.umd.edu/news/hegghammer-explains-variation-western-jihadists>.

- After their return it is very likely that they would have survived psychological trauma connected with the war which requires rehabilitation as well as reintegration.
- They can act as a medium for recruitment of others that would like to get involved in armed conflicts abroad.
- They have received fighting and terrorism skills.
- Small percent of those who return have adopted different extremist ideologies
- Can act as lone actors independently from large networks. ⁸

Challenges

All of the countries from the Western Balkans are to some extent tackling the issue of foreign fighters. Almost all have chosen to focus primarily on criminalization of the recruitment and participation in wars/armed conflicts abroad. Even though addressing the same issue, the legislative framework in terms of sentencing varies by country. For example Macedonian criminal code prescribes 4 and 5 years jail sentence as a minimum, while in the case of Bosnia this varies from 1-10 years. In the case of Albania those participating in external wars are facing sentence up to 10 years. For Kosovo this is somewhat higher and reaches up to 15 years.

On a regional level, very little attention has been put on preventive measures from the state

Countries	Criminalized recruitment	Criminalized participation	Arrests	Rehabilitation measures
Macedonia	Yes	Yes	No	No
Albania	Yes	Yes	Yes	No
Kosovo	No Expected this fall	No Expected this fall	Yes	No
BiH	Yes	Yes	Yes	No
Serbia	No Expected this fall	No Expected this fall	Yes	No

institutions as well as the civil society, where NGOs do not offer programs for reintegration and rehabilitation of former combatants. Another interesting observation can be made by the level of intensity and commitment in tackling this question across the Western Balkans. Albania and Kosovo can be seen as “champions” in

⁸ Radicalisation Awareness Network. “The RAN Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration”. October 2011. Accessed July 25 2014. Available at: <http://www.icct.nl/download/file/RAN-Declaration-Good-Practices-for-Engagement-with-Foreign-Fighters.pdf> 1

this case where the police, the public prosecutor's office in coordination with their intelligence services initiated number of cases against groups that have recruited Albanians and Kosovars to fight in Syria.⁹

At the same time there are few challenges with putting the whole focus on changes in legislation and criminalization. One of the questions that arises is the specialization of the courts from the region in conducting trials connected with events in Syria. Another issue is the evidence gathering and using it afterwards in the courts. What evidence would be at the disposal of the prosecution for example; will there be some difference put between those fighting for Al Nusra and those fighting with the Free Syrian Army (which is directly supported by the West)?

■ Experiences from Western Europe

The UK has been actively engaged in analysing the possible blowbacks of the foreign fighters when they return including the impact they might have on national security. The British Parliament has adopted number of measures with which the British citizenship is stripped to those with double nationality for combating in Syria. Moreover the Government has also given green light for stripping citizenship of naturalised Britons.¹⁰ Until May 2014 The British authorities have stripped 20 people of their citizenships while between January-March the same year 40 people connected with the fighting in Syria have been arrested compared to only 25 arrests in total for entire 2013.¹¹

Germany on the other hand does not have special legislative solutions that criminalize traveling for fighting purposes abroad. German Criminal Code however prohibits "...acts which can be deemed as the formation of, participation in and support for a terrorist organization." which can be seen as workaround. Still, there have not been cases of arresting German citizens for their participation in the Syrian war.¹² Country's latest attempt in responding to the foreign fighters phenomenon was banning any propaganda related to recruitment for ISIS including symbols, flags and other materials linked to this radical group.¹³ German authorities also have other types

⁹ "Albania Arrests Seven Alleged Recruiters for Syria Volunteers." Naharnet. March 11, 2014. Accessed July 4, 2014. <http://www.naharnet.com/stories/en/122132>. and "Kosovo Police Arrest 40 Suspected ISIS Fighters." CBN News. August 11, 2014. Accessed August 12, 2014. <http://www.cbn.com/cbnnews/world/2014/August/Kosovo-Police-Arrest-40-Suspected-ISIS-Fighters/>.

¹⁰ Sparrow, Andrew. "British Jihadists 'should Be Stripped of Citizenship', Says David Davis." The Guardian. August 24, 2014. Accessed August 26, 2014. <http://www.theguardian.com/world/2014/aug/24/david-davis-isis-british-jihadists-traitors>.

¹¹ De Freytas-Tamura, Kimiko. "Foreign Jihadis Fighting in Syria Pose Risk in West." The New York Times. May 29, 2014. Accessed July 6, 2014. http://www.nytimes.com/2014/05/30/world/middleeast/foreign-jihadis-fighting-in-syria-pose-risk-in-west.html?_r=0.

¹² Vidino, Lorenzo. Snetkov, Aglaya, and Pigoni Livio "Foreign Fighters: An Overview of Responses in Eleven Countries." Center for Security Studies (CSS). March 2014. Accessed July 3, 2014 http://www.css.ethz.ch/publications/pdfs/Foreign_Fighters_2014.pdf 11

¹³ Eddy, Melissa. "Germany Bans Support for ISIS" New York Times. September 12, 2014. Accessed September 12, 2014 <http://www.nytimes.com/2014/09/13/world/europe/germany-bans-support-of-isis.html>

of tools at their disposal. Country's counterintelligence service Bundesamt für Verfassungsschutz (BfV) in cooperation with the police once it receives indication for persons wanting or getting ready for leaving for Syria approaches them directly and warns them for the possible consequences in the troubled regions.¹⁴ Also German legislation enables seizure of travel documents and banning for leaving the country if this person is considered a threat to the internal and external security or other interests of Germany. According to BfV's 2012 Annual Report 7 German citizens have been banned from leaving Germany on that basis.¹⁵

In Belgium there was also a debate whether there should be legal sanctioning for participation of Belgian citizens in the war in Syria but those opposing it were seen as having stronger arguments. Part of the discussion raised concerns such as those that:

- The interest of those wanting to report radicalisation among friends and family would decrease.
- Possible criminalization contradicts Belgium and EU's foreign policy position regarding Assad not being considered as the legitimate representative of the Syrian people.¹⁶

From the examples above, it can be seen that there is a gradation in the response among different countries on this question, from heavy measures in the UK to a more flexible interpretation of the threat and not criminalizing it at this stage in Belgium.

How to move forward?

The countries from the Western Balkans have experience on disarmament, demobilization and reintegration (DDR) of former combatants mainly as a result of their own armed conflicts. At the same time when it comes to implementing preventive and DDR measures directed at the foreign fighters these hardly exist. This is hardly surprising knowing that some of Macedonia's lawmakers for example do not recognise the need for reintegration and rehabilitation of those returning home.

The trend for legal sanctioning only, would not address the array of challenges

...[I]t cannot be expected that those persons who were part of such crimes after their return back to Macedonia to be suitable for this society. – Roza Topuzovska Karevska (former member of the Liberal Democratic Party, now independent MP)¹⁷

...[T]hose who have committed these crimes should not be let to return to Macedonia because they can not be resocialized. Silvana Boneva (VMRO-DPMNE)¹⁸

¹⁴ Bakke, Edwin, Christophe Paulussen, and Eva Entenmann. "Dealing with European Foreign Fighters in Syria: Governance Challenges & Legal Implications." ICCT Research Paper, 2013, 16

¹⁵ *ibid.* 16

¹⁶ *ibid.* 13

¹⁷ "Report from the Parliamentary Committee on Political System and Inter-Ethnic relations." Assembly of the Republic of Macedonia. September 02, 2014.

¹⁸ *ibid.*

with foreign fighters. More active engagement with local communities in parallel with the criminalization of the foreign fighters could potentially bring better long term outcomes. Engaging communities could be done through direct communication of state authorities and the community or through civil society groups. Examples for direct communication between the state institutions and local communities can be seen in the work of the German Counterintelligence Service BfV. Throughout the years it has developed drop out programs separately for right wing extremism, left wing extremism as well as Islamic fanaticism. The latter was launched with the aim of helping young people dissociate with this kind of extremism. Some of the features of the program are:

- Counselling
- Legal assistance
- Providing support for further education
- Material support when needed etc.¹⁹

Example of cooperation between the community and civil society could be found in the work of the German civil society organisation EXIT working on right wing extremism issues. One of its activities was aimed towards increasing public awareness about right wing extremism through various activities such as the so called Trojan T-Shirt which from first sight looks very attractive for the followers of right wing extremism. Among the other symbols the t-shirt has a logo on it saying “hardcore rebels” and a skull. Once the t-shirt is put in the laundry the logo previously mentioned vanishes and a new logo emerges "What your T-shirt can do, so can you – we'll help you break with right-wing extremism.”²⁰

One of the most successful German projects for deterring youth from Islamic radicalization is the so called HAYAT project which includes number of NGOs working on this topic. The project as such focuses at giving advices to parents, relatives and is providing emotional support to those in need. One of the features of the project is that for the purpose of deterrence they are using the support of religious leaders as mentors who are in regular contact with those that are likely to get radicalized.²¹ In February 2013, this organization worked with 30 cases and many of them have a background as foreign fighters.²²

¹⁹ "Get out of Terrorism and Islamist Fanaticism - HATIF!" Bundesamt Für Verfassungsschutz. Accessed June 7, 2014. <http://www.verfassungsschutz.de/en/fields-of-work/islamism-and-islamist-terrorism/dropout-programme-islamism/hatif-en.html>.

²⁰ "EXIT-Germany, We Provide the Way Out-de-radicalisation and Disengagement." 2014, 16.

²¹ Ranstorp, Magnus Ranstorp Peder Hyllengren, and Peder Hyllengren. "Prevention of Violent Extremism in Third Countries." Center for Asymmetric Threat Studies, 2013, 16.

²² Ibid.

Conclusion

In number of countries from Western Europe, the police and the civil society organizations have developed partnership relations with the communities from where the foreign fighters usually come. This could be of a big importance for identifying potential persons who are planning to go for a combat in Syria and those who have returned so that accurate security estimates could be made. Moreover the question of foreign fighters is important not to be tackled only through the changes of legislation but preventive and reintegration measures should also be introduced. However, any further big steps into this direction should be carefully assessed making sure that this question is not getting pollicised among the political elites because of its complexity.

There are number of examples of preventive activities and programs for reintegration that could be borrowed from different EU countries but unfortunately none in our immediate region. Reason for this can be found in the traditionally closed state security apparatus especially towards the civil society, lack of funds but also the low capacity of the civil society when it comes to this issue.

There is a need for programs which would further increase the trust in the police. Here, Macedonia could potentially employ the experience it has through the community policing model having a multicultural character. International partners could help in transferring experiences and initial financial support needed for development and implementation of these programs.

Recommendations:

1. Macedonian Ministry of Interior including the Intelligence Services should be more transparent in sharing unclassified information with the public regarding the efforts they are making in deterring Macedonian citizens fighting in Syria. The public should also be familiar with the possible threats that emerge from the foreign fighters once they return.
2. Chiefs of the Intelligence Services and Police across the Western Balkans should organize joint meetings where the possibility for enhancing intelligence sharing on foreign fighters can be discussed. Representatives from Turkey, United States and United Kingdom should be present at the meeting due to their roles in the conflicts in Syria and Iraq.
3. Local municipalities where foreign fighters mostly come from should utilise the Local Prevention Councils and together with the local Police and other stakeholders such as civil society and religious groups discuss the issue on recruitment, participation and rehabilitation of returnees.
4. The Ministry of Labour and Social Affairs in conjunction with the Ministry of Education and Science, the Ministry of Interior and local municipalities should develop programs for reintegration and rehabilitation of foreign fighters. International donors can provide support through initial financial aid and knowledge.
5. Because in Macedonia there are no NGOs specifically trained on dealing with foreign fighters, expertise can be looked elsewhere for example NGOs or other groups and organisations dealing with vocational trainings, education, entrepreneurship etc.
6. Political leaders together with religious leaders should publically and on regular basis voice their concerns and condemn participation of Macedonian citizens in the wars in Syria and Iraq as well as elsewhere.