

Presentation during IOM/USAID FORSATY Roundtable
Fostering Dialogue between P/CVE Policymakers and CSOs: From Policy to Practice

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Returning Fighters, Repatriation and Rehabilitation Efforts:
Challenges, limitations and Opportunities¹

30 June 2021

INTRODUCTION

The Foreign Fighters (FFs) or Foreign Terrorist Fighters (FTFs²) have existed long within human history. What's different about it today is the scope of the risk of the returnees. We are talking about people have been molded in violent ideologies, who are trained in making bombs, build networks, plan and execute terrorist attacks, and, most importantly, have raised their tolerance to violence significantly³.

We have long been guided to apply the saying “think globally, act locally”. 20 years later after the September 11th attacks, and referring to Jane Goodall⁴ a British primatologist and anthropologist, the expression needs to be rather the other way around: to be effective we essentially need to “think locally and act globally”. Thinking globally, especially in the field of counterterrorism and countering violent extremism at the global levels could lead to despair and pessimism at times, while initiatives at the local and community levels showed key successes that diffused a sense of hope and optimism in the field. This what I have learned from my work with youth, civil society organizations, elected officials, local authorities and others at the community level within the FORSATY program. My suggestion in this presentation regarding the threat of returning foreign fighters is exactly that. There is a need for thinking on best local approaches to deal with the issue

¹ This presentation have used information and analysis included in my published article: The Threat of ISIS: Returning Fighters and Repatriation Efforts - The Bottom Line (18 May 2021), available at: https://thenordiccenter.org/wp-content/uploads/2021/06/The-Threat-of-ISIS-NORDIC_compressed.pdf

² I suggest that the world “terrorist” here be used only when a definite legal decision has been pronounced against the suspect and within a due legal process.

³ There is a need for risk assessment of all returnees. The variation of the risks could be significant.

⁴ Dr. Jane Goodall Masterclass.

and share globally what work and what doesn't not, and not the other way around. I hope that with the establishment of the UNOCT in Morocco, key local programs could reach the international community.

My suggestion in this presentation makes three main points:

1. The threat of ISIS and returning foreign fighters questions the efficiency and the effectiveness of the field of counterterrorism, especially in the establishment of evidence and the delivery of justice.
2. The issue of returning fighters puts also question marks on some already-established toolkits and toolbox in peacebuilding with the sole focus on crisis. Programs on rehabilitation and reintegration of returning foreign fighters need more rigorous, collective and honest evaluations. Perhaps key readjustments of the in-prison programs are now needed with the idea that the effectiveness of programs is measured essentially in post-prison stage and at the community levels.
3. The local experience can be the good wind of change and hope on the issue of rehabilitation and reintegration of returning fighters, FORSATY could consider the key roles of mothers of children in the verge of violent extremism as example ... because not only of the mandatory gender approach, but chiefly that most of those who left where in fact raised by their mothers in vulnerable communities, in spite of the existence of a father.

I. Foreign terrorist fighters and the limitation of the provision of evidence

It is difficult to collect evidence against, I am afraid to say, most of those foreign fighters because:

- a) Most countries are not present in Syria and much less in Iraq.
- b) Most countries do not cooperate with Assad's regime and therefore there is an issue of sharing the data and intelligence needed for the establishment of solid evidence.
- c) Countries indicted people when they post a photo on social media, such as posing with the ISIS flag in the background or when they like a post on social media or react to it. But this kind of evidence is not enough for judicial prosecution.

The question remains: how can we prove their involvement in terrorist organizations? With the lack of enough evidence, eventually, fewer cases would go to court, and if they go, the delivery of justice

will be questioned. Perhaps their emotional connection to the narrative of grievances of Al Qaeda and that of search of alternative state of ISIS will be even more relevant to them.

With these limitations related to the provision of evidence, we have one image of the FFs: a returnee that brings with him/or her a baggage of destructive ideology based on high tolerance to violence. In fact, we observed that there at least 5 categories of violent extremists and terrorists:

- The initiators: those influencers at the high command of terrorist organizations.
- The mercenaries/conflict investors who infiltrate groups with the claim of Jihadism but in fact are seeking monetary remunerations and profits.
- Those who were influenced by the jihadist ideologies and seeking an alternative State and change within a constructed conception.
- *Muhajirun* who relocate to other conflict zones and won't go back to the home country.
- Those who went to Syria with the intent to support Syrian movement calling for democratic change during the Arab Uprisings.

Between these categories, there are other sub or cross-cutting groups, including women and children for instance that have nothing to do with all of that and are present in the conflicts zones for other reasons.

II. Returning foreign fighters and States' responsibility to repatriate

Under international human rights law, the State's obligation to admit its nationals reflects the individual's right to enter and reside free from expulsion in his/her country of nationality.

Article 13(2) of the Universal Declaration of Human Rights (UDHR), states that "*everyone has the right to leave any country, including his own, and to return to his country*"⁵, and Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR) includes further that "*no one shall be arbitrarily deprived of the right to enter his own country*"⁶.

- Revoking nationality as a measure to prevent the return of FFs is a violation of international law, often combined with the breach of the duty to avoid statelessness and the principle of non-discrimination.
- The use of the deprivation of nationality was exhibited in Shamima Begum's case.

⁵ Universal Declaration of Human Rights: https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

⁶ International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

The case: Born in Britain, Shemima is a British-born citizen (who also has a Bangladeshi citizenship because of her parents). She travelled to Syria at the age of 15 (now she is 21).

On 19 February 2019, the United Kingdom Secretary of State decided to deprive her of her British citizenship on the basis that her return would represent a risk to national security. A decision was overturned by the Court of Appeals but the supreme court backed and ruling that Ms. Begum is not allowed to enter the UK to appeal against the decision of deprivation of citizenship. The European Court of Human Rights confirmed that Ms Begum, a 21 years old of age represents a threat for Great Britain's national security and therefore the decision of the UK to deprive her of the British citizenship is in line with the international human rights law.

I don't know how much and how we can agree!

This reality comes in contract to the UN Secretary-General, Antonio Guterres, who signed the *Key Principles for the Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women and Children*⁷, It also comes in contradiction to The UN Security Council Resolution 2396⁸ (2017) that States must not derogate from the obligation of the repatriation of their citizens FFs and not allow the risk of them to be detained outside the country of origin.

Morocco is fully taking the responsibility of repatriating its citizens from conflict zones and a slight possibility of depriving any Moroccan from its Moroccan citizenship is not even at the table of discussion. Not even one case of depriving a Moroccan citizen from its citizenship has ever been considered by the Morocco authorities.

III. Toolkits and toolboxes? We're not there yet

When we contextualize the events. People from the MENA region started to join Iraq and Syria in times of the Arab Uprisings against authoritarianism and the crackdown of Assad's regime against the people in Syria. Images from several international media, triggered a wave of anger. An anger that promoted many women and men, to go to Syria with the intent, I think, to support the people's movement against the regime. Then, they were received by *Jabhat al Nusrat* that the majority of people did not know and ought to think of it as a terrorist group. It was not Al Qaeda or ISIS (*Daesh*). So the idea of proving the intent of joining a terrorist organization would at times be very nuanced.

⁷ Key Principles for the Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women and Children with Links to United Nations Listed Terrorist Groups (April 2019), https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/key_principles-april_2019.pdf

⁸ UN Security Council Resolution (21 December 2017), [https://undocs.org/en/S/RES/2396\(2017\)](https://undocs.org/en/S/RES/2396(2017))

Morocco has deployed solid efforts in the program *Mousalaha* as a ground breaking in-prison program. I had the privilege to work with the main institutions leading this initiative, namely, DGAPR, the Foundation Mohammed VI for the Reintegration of detainees, the Rabita Mohammadia Ulemas and the National Council of Human Rights (CNDH), as well as key civil society organizations.

4 years has passed since the start of the program in 2017, and thorough and collective evaluation of what works and what doesn't is essential. What we know today is that there is a need for more efforts, collaborations and a laser-focus approach that take into consideration the specific and the degree of deviation towards violent extremism and terrorism.

Accordingly,

- Until now, 84,990 detainees among which some highly dangerous detainees, the number of those who benefited from the program is 186, from which 13 women (10 of them were pardoned), and this since 2017 with an average of 46.5 former VE per year (the program was suspended since March 2019 because of COVID-19).
- A strategic question in rehabilitation and reintegration de detainees has been whether to work with the majority of detainees and build a solid in-prison resilience among the majority of detainees so they can positively influence the detainees of violent extremism and terrorism (through the peer-to-peer approach) or the other way around, meaning that the approach will focus on the short minority of detainees of VE and terrorism. The program Mousalaha is a voluntary program that focuses on the detainees of VE and terrorism only.
- We need to be careful of the message that the program is sending to violent extremism foreign fighters who are currently still in conflict zones and to other detainees. The message could be: "it's better to be a prisoner of violent extremism and terrorism and benefit from Mousalaha and perhaps be pardoned than being a prisoner of petty crimes".
- Can a real reconciliation (Mousalaha) happen within the prison walls? Or, we rather need to speak about a Mourajaa (a review) program instead. A review of the self, a review in understanding the sacred text, and a review of the relationship with the society... If yes, why the program does not believe in Mourajaat? Meaning does not believe on the possibility of including former VE in the efforts of rehabilitation and reintegration and as stated in Rome Memorandum.

- There is a possibility that women returnees could be considered as victims and at least be out of prisons. Again here, what message will then be given to violent extremists? A possibility that the message will be understood by violent extremists as the need of recruiting more women since they will be in communities even if they are arrested.

These are some questions that need to be carefully considered and through multidisciplinary approach so that the true intent of the efforts on rehabilitation and reintegration of prisoners of violent extremism and returning foreign fighters can be reached and the strategies do not backfire.

CONCLUSION

We have heard more and more the word of “immunization” of violent extremists, being inspired from the field of medicine. We are taught that medicine is the art of solving several human mysteries. We expect doctors, as a being scientists, to uphold the principles of evidence and objectivity. We want our doctors to listen to us and care for us as people free from any prejudice about who we are.

We feel comforted by the almost parental-like authority of doctors and experts who tell us what we must do or not. And if this this world our doctors fail to accurately diagnose 4 out of 10 cases, in the field of violent extremism, the margin of error is much higher. More than ever, it is time to face this challenging phenomenon of returnees FFs and become further comfortable with nuances, doubt, and uncertainty. It starts by acknowledging that we don't have toolkit/toolboxes, or indeed effective and tested ones, but rather scattered experiences, yet rich to learn from to design effective programs that work not only in a crisis, but most importantly in everyday life. It starts by making sure that our community are taking part of this not only as beneficiaries of programs, but mainly as contributors to strategies, to share what works but also what does not. We are still not there, not only me who says it, but also the vulnerable mothers of children in verge of violet extremism at the community members who never knew how to understand or deal with this phenomenon and with who we work with. It is precisely with them we need to engage the most; the reason why we need to start thinking locally and acting globally; not the other way around.

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About the Author:

Mr. Abboud is the Executive Director of the Nordic Center for Conflict Transformation, with the main office in Stockholm, Sweden. Noufal has over 15 years of high level supervisory and managerial work experience in peacebuilding, conflict transformation, democracy processes and human rights. He is specialist in transforming violent extremism, transitional justice and security processes. His work is anchored on achieving a more global understanding of the drivers of violent extremism and terrorism. He directed work in conflict transformation in communities and in prisons in Morocco, Mali and Niger. He led teams on the design, monitoring, and evaluation of capacity building programs in CVE in Burkina Faso, Mauritania, as well as researches in Yemen, Jordan, Egypt and Lebanon on the nexus of conflict and democratization, and on decreasing violence and increasing women's empowerment and community resilience. As Director, Mr. Abboud also led the successful implementation of social media campaigns - which articulate alternatives to violent extremist group narratives of violence - that reached millions of Moroccans and MENA citizens.

Mr. Abboud holds a Master of Laws (LLM) in international law from the School of Oriental and African Studies (SOAS) in London, and an International Master of Arts (MA) in Human Rights from Mahidol University in Thailand. He is also a commentator on and analyst of conflicts for international media outlets.

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